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**Summary prepared by the Office of the High Commissioner
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annex to Human Rights Council resolution 5/1***

Lebanon**

The present report is a summary of 23 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* Late submission.

** The present document was not edited before being sent to the United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. Amnesty International (AI) noted that Lebanon had ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on 22 December 2008 and that the Ministry of Justice had made a proposal for the establishment of an independent national mechanism to visit detention centres with a view to preventing torture and ill-treatment. However, the government had failed to meet the deadline of the Protocol requiring the establishment of such mechanism within one year of ratification.²

2. Alkarama recommended that Lebanon implement a system of independent control over all places of detention, as required by the Optional Protocol to the Convention against Torture, and that it integrate a definition of the crime of torture into domestic law, in line with Article 1 of the Convention against Torture. Alkarama also recommended the imposition of appropriate penalties to punish offenders and ratification of the International Convention for the Protection of All Persons against Enforced Disappearance and the 1951 Convention relating to the Status of Refugees.³

3. Joint Submission 1 (JS1) noted that Lebanon had not yet ratified the UN Convention on the Rights of Persons with Disabilities (CRPD), on the grounds that more time was needed to align local regulations accordingly. In light of the importance of adequate protection of persons with disabilities, JS1 recommended the immediate ratification of the CRPD. JS1 also indicated that, while Lebanon was a State Party to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), Lebanon had not yet signed or ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.⁴

4. Human Rights Watch, the Lebanese Women Democratic Gathering, and the National Committee for the Follow-Up on Women's Issues recommended that Lebanon lift its reservations to CEDAW.⁵ The latter two organizations also recommended that Lebanon become a party to the Optional Protocol to CEDAW.⁶

5. The Beirut Bar Association recommends that Lebanon accede to or ratify all the international human rights conventions and their optional protocols, particularly the two protocols to the International Covenant on Civil and Political Rights, and that it withdraw its reservations to the international conventions it has ratified.⁷

B. Institutional and human rights infrastructure

6. Joint Submission 2 (JS2) observed that several treaty bodies had urged the establishment of a national human rights institution that would ensure effective monitoring and implementation of human rights in Lebanon. In 2004, a law for the creation of an Ombudsman had been elaborated, but approval by the Council of Ministers was still pending.⁸ The Beirut Bar Association recommends the implementation of Act No. 644 of 4 February 2005 on the Ombudsman.⁹

C. Policy measures

7. JS2 indicated that in 2004, the human rights parliamentary committee had launched a process to devise a national human rights action plan. The process had involved various

stakeholders. Nineteen sectoral baseline studies had been published, with four additional studies yet to be released, which would constitute the national human rights action plan to be endorsed by the government in 2011.¹⁰

8. Joint Submission 3 (JS3) highlighted the need to develop clear policies that address the housing standard for Palestinian refugees; and to involve the municipalities around the camps in consolidating the infrastructure of the camps and linking it to that of the municipalities. It recommended that building material for the maintenance and reconstruction of houses as well as furniture and medical equipment be allowed to enter the camps. It demanded compensation for the inhabitants of Nahr El Bared camp for their displacement and the loss of their houses and economic activities, due to the conflict.¹¹

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

9. JS2 noted that twelve national reports to the UN treaty bodies were overdue, with delay periods ranging from three to fourteen years.¹²

B. Implementation of international human rights obligations

1. Equality and non-discrimination

10. Human Rights Watch (HRW) reported that in spite of women's active participation in all aspects of Lebanese society, discriminatory provisions continued to exist in personal status laws, nationality laws, and penal laws relating to violence in the family. In particular, current Lebanese law did not allow Lebanese women to confer nationality on either their spouses or children. As a result, thousands of children born to Lebanese mothers and foreign fathers were denied full access to education, healthcare and residency. In August 2009, following a prolonged campaign by local civil society groups, the Minister of Interior had submitted to the Cabinet a draft law that would allow Lebanese women to pass their nationality to their children. This draft law had yet to be approved by the Cabinet. Certain officials and politicians had suggested that any amendment to the citizenship law should exclude Lebanese women married to Palestinian men, pursuant to the constitutional prohibition on the "nationalization" of Palestinians, ostensibly to avoid undermining their right of return. HRW urged the government to amend the law on citizenship in a way that would ensure that all Lebanese women, regardless of the nationality of their husband, could pass on their citizenship to their children and husbands.¹³

11. HRW also urged the government to amend discriminatory provisions in personal status laws in a way that would ensure that women are treated equally in issues related to child custody, inheritance and divorce; and to criminalize domestic violence and implement concrete measures to prosecute perpetrators of domestic violence.¹⁴

12. The Lebanese Women Democratic Gathering and the National Committee for the Follow-Up on Women's Issues reported that provisions contained in articles 625 to 628 of the Law on Land Trade, which relate to the proof of assets of wives whose spouses are declared bankrupt, discriminate between men and women. In particular, the law imposes constraints on the assets of wives whose spouses are declared bankrupt. These constraints are exclusively imposed on the wife. Thus a recommendation concerning the amendment of these articles was made so as to achieve equality between spouses in this area.¹⁵

13. JS1 noted that persons with disabilities, who constituted ten percent of the Lebanese population, lived in a marginalized situation, deprived of their basic rights. Even though

Lebanese legislation provided for legal protection of persons with disabilities, relevant provisions were not being enforced. In this regard, JSI emphasized the importance of compliance with international obligations relating to non-discrimination, and recommended immediate ratification of CRPD as well as the enactment of relevant decrees under law No. 220/2000 on insurance coverage of persons with disabilities.¹⁶

2. Right to life, liberty and security of the person

14. AI indicated that Lebanon had upheld an unofficial moratorium on executions since 1998, with the exception of three simultaneous executions in 2004. A draft law to abolish the death penalty, proposed by the Minister of Justice and submitted to the Council of Ministers in 2008, had not been approved yet.¹⁷

15. The Coalition of Civil Society Organisations in Lebanon (CCSOL) urged Lebanon to officially adopt General Assembly resolution 62/149 on a moratorium on the use of the death penalty, as a step towards abolishing the death penalty.¹⁸

16. AI noted that, while the Penal Code forbade physical violence against detainees and provided for penalties against officials found responsible for such actions, the law did not criminalize all forms of torture and did not provide for penalties appropriate to the grave nature of the crime. AI also indicated that confessions extracted under torture were sometimes used as evidence in courts. In February 2010, a retired Internal Security Forces official, who claimed that he had been tortured in pre-trial detention and forced to confess by Military Intelligence officials, had been sentenced to death by a military tribunal in Beirut.¹⁹

17. On 15 October 2008, Alkarama submitted to the Special Rapporteur on Torture the case of thirteen persons who had been arrested in connection with the confrontation in 2007 between the Lebanese army and armed groups in the Nahr El Bared refugee camp located in the northern suburbs of Tripoli. Arrests had been made mostly by members of the military intelligence service wearing civilian clothes, without judicial warrants and without notification of the grounds of arrest. According to Alkarama the arrested persons were severely tortured by army intelligence officers. Alkarama also noted that those detainees had not been involved in the conflict at Nahr El Bared camp.²⁰

18. Alkarama alleged that torture was applied systematically by the military intelligence service and the intelligence section of the Directorate-General of the Internal Security Forces, an organization created in 1991 under the authority of the Ministry of the Interior. According to Alkarama, torture is common practice during the interrogation of persons suspected of belonging to armed groups or having committed acts of violence, and persons standing accused of having links with Israel or terrorist groups.²¹

19. Alkarama noted that article 367 of the Penal Code prohibits arbitrary detention and envisages severe sanctions for perpetrators. Nevertheless, arbitrary detention remained a common practice. The last few years had been marked by a considerable number of arbitrary arrests carried out by agents of the Military Intelligence or State Security services. Arrests had been made without prior consent of the prosecution, without a judicial warrant and without informing the arrested person of the reasons for his arrest.²²

20. Alkarama further stated that legal guarantees such as hearings in the presence of legal counsel and medical examinations by a doctor at the request of the accused or their relatives were not respected in practice by the various security services. In some cases the length of detention had been excessive and taking place under deplorable conditions. Four persons accused of the assassination of Prime Minister Rafik Al Hariri had spent three years and eight months in custody before being released. Alkarama noted that the Working Group on Arbitrary Detention had issued an Opinion officially labeling their detention as arbitrary.²³

21. AI reported that thousands of cases of enforced disappearances and abductions carried out during the civil war from 1975 to 1990 remained unresolved. In October/November 2009, the authorities had been required by a court order to provide confidential findings of investigations conducted by the Official Commission of Investigation into the Fate of the Abducted and Disappeared Persons in 2000 and information relating to two mass graves in Beirut: the St Demetrious Cemetery in Ashrafieh and the Martyrs' Cemetery in Horsh Beirut. Generally, the Lebanese authorities had failed to protect mass graves and to conduct exhumations of dead from the civil war period. In this context AI also noted that Lebanon had signed, but not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance.²⁴

22. JS2 stated that there was no evidence that Lebanese children had taken part in combat as soldiers. However, it was widely believed that children had assumed different roles in combat operations, ranging from logistical support to effective participation. Most armed factions attached to political parties had practiced political indoctrination and provided training on arms to a number of persons under the age of eighteen.²⁵

23. On the subject of sexual violence, Nasawiya and The Sexual Rights Initiative urged the Lebanese parliament to pass a bill that would protect women from family violence and to issue legislation that would ensure that cases of sexual violence and rape are vigorously investigated. Both organizations stressed that, where evidence was found, those responsible should be prosecuted, tried and duly punished through a speedy procedure. It was important to ensure that victims of sexual violence and marital rape would be provided with appropriate remedies and redress, including compensation, shelter, secure alternate accommodation and free legal services, and to raise public awareness of the urgency of the situation concerning sexual violence.²⁶

24. The Lebanese Women Democratic Gathering and the National Committee for the Follow-Up also recommended that Lebanon enact a law to criminalize domestic violence against women and girls.²⁷

3. Administration of justice, including impunity

25. The Beirut Bar Association reports that the judiciary is in need of a number of general reforms, including reforms to reinforce its independence and bring it into line with the Lebanese Constitution and the relevant international standards, particularly with regard to:

- Independence of the judiciary: rejection of all forms of interference in the justice system and in the work of judges. Confirmation of the principle of the independence of the judiciary as the constitutional power guaranteeing the separation of powers, and reorganization of the judiciary to promote its unity, universality and independence.
- Upgrading the financial and moral status of judges, and the adoption of sound criteria for their selection, training and reassignment. Also the adoption of an objective system to monitor the work of judges.
- Application of the principle of responsibility to all public authorities through the work of the judicial inspectorate and the Disciplinary Board, in accordance with Act No. 95 on the organization of the courts.²⁸

26. JS2 stated that the Lebanese judiciary failed to meet international standards, especially when dealing with political crimes. The broad jurisdiction of military courts and the proceedings of the Judiciary Council were a particular cause for concern. Certain laws had granted impunity to officials in security agencies with regards to human rights violations which they had committed.²⁹

27. JS2 stated that the Government allowed the Military Court to continue performing non-military tasks and try civilians who were not related to the military sector. Reported cases revealed frequent violations of internationally recognized principles of fair, expeditious and public trials. JS2 also stated that the Military Court, as a judicial organ governed by the executive, violated the preamble of the Constitution. Interference by the executive, improper administration of justice and impunity for violations, including torture, arbitrary detention and absence of contact with family members or appropriate legal representation, violated the right of due process.³⁰

28. Alkarama indicated that a large number of foreigners were sentenced to prison terms after hasty and unfair trials on charges of unlawful entry into Lebanon, based on article 32 of the Law on the Entry and Stay of Foreigners in Lebanon. At the end of their prison terms, many of these detainees were not released and were instead transferred to detention centers run by internal security forces.³¹

29. The Beirut Bar Association demands access to the right of appeal to the Constitutional Council, and a change in the way the Council is constituted, so that members are appointed on the basis of merit rather than quotas. It wishes to get the courts moving by strictly following procedure and not stretching the proceedings out, which has become a way of denying justice. It wants to see the establishment of a free justice system and a reduction in legal fees and costs, together with an improved system of legal aid and limits on the jurisdiction of special courts – limiting the jurisdiction of the military court exclusively to disciplinary cases within the army.³²

30. The Institute on Religion and Public Policy stated that a necessary step towards equality for all citizens would be the creation of a civil court for personal matters. A civil court would allow those citizens who are not members of one of the eighteen recognized religious groups in Lebanon to marry, divorce, and inherit property. In addition, it would allow members of religious groups to file claims in a court that would strive for equality and civil justice rather than moral justice.³³

4. Freedom of movement

31. JS3 noted that Palestinian camps in southern Lebanon were besieged and fenced, with a limited number of very narrow entrances and exits. For instance, the Rashidieh camp population exceeded 27,500 registered refugees, all of whom had to pass through a single entrance-exit check point. Restrictions were imposed on these camps at night, starting from 9.00 p.m. Beyond this time, every entrance to and exit from the southern camps was subjected to registration through the Lebanese Army. In 2009, the Lebanese Army had worked on building a wall around the eastern side of Ain Al Hilweh camp, which had increased the isolation of the camp from its surroundings. Palestinian refugees in Lebanon who had travelled abroad and succeeded in obtaining foreign nationality had lost the privileges of residency in Lebanon and were treated as foreigners. They were obliged to obtain military permits for visiting family in the South Lebanon camps, significantly hampering their freedom of movement. Restrictions on the freedom of movement had put psychological pressure on the people living inside the camps. In times of tension and local feuds in the camps, such restrictions endangered the life of the camp inhabitants. JS3 recommended that the entrance and exit of Palestinian refugees be facilitated in all camps, in line with the fundamental right to freedom of movement, including by ending restrictions imposed by the military and removing fences around camps; and by ending the military permit system for entrance to Nahr El Bared camp.³⁴

5. Right to work and to just and favourable conditions of work

32. JS2 reported that child labor in Lebanon was on the rise due to severe economic conditions, poverty and illiteracy. There were over 100,000 victims of child labor and trafficking, vulnerable to exploitation and working in hazardous conditions.³⁵

33. The Coalition of Civil Society Groups Active in Lebanon (CCSGAL) informed that the number of migrant domestic workers in Lebanon was estimated to be between 130,000 and 200,000 in a population of 4 million. Lebanese legislation did not provide sufficient protection for migrant domestic workers. The system of sponsorship or ‘kafala’ created total dependence of the migrant workers on their employers, and de facto denied them the right to take their employer to court. Furthermore, there were no governmental mechanisms for monitoring the employment process, employment agencies and abuses by employers. This had led to slavery-like conditions, labour exploitation, restriction of movement, physical and sexual abuses, and an alarming rate of suicide and deaths.³⁶

6. Right to social security and to an adequate standard of living

34. CCSOL noted that the health insurance system was not efficient, and that over half of the Lebanese population remained uninsured. The financial imbalance of the National Social Security Fund (NSSF) was another crucial factor in depriving even those under its coverage from certain benefits and timely reimbursement of their expenses. Moreover, the Lebanese government had failed to ensure the entry into force of law No. 220/2000 on the complete coverage of persons with disabilities through a disability card issued by the Ministry of Social Affairs. Pharmaceutical drugs were also a problematic issue, as rising prices continued to inflate health expenses while counterfeit and spoiled drugs were inadequately monitored.³⁷

7. Right to education

35. AI noted that, according to Law No. 686 of 1998: “*Public education is free and compulsory in the primary phase, and is a right of every Lebanese in the primary education age.*” By specifying that only Lebanese children had a right to free primary education, children born to Lebanese mothers and foreign national fathers and non-Lebanese long-term residents, including Palestinian refugee children, were denied free access to education.³⁸

36. In light of the violations of the right to education in Lebanon and the presence of various forms of discrimination in schools, the Istituto Internazionale Maria Ausiliatrice recommends that the Government pay particular attention, within the framework of the universal periodic review, to discrimination in the exercise of the right to education, as well as to absenteeism and dropout, child labour and street children. According to the International Volunteer Organization for Women, Education, Development (VIDES), it is always the children from the most vulnerable groups — usually those from a difficult family background, or those whose family is not around — who end up on the street. These children generally have no documents and so cannot benefit from any State-run services. Moreover, many of the street children in Lebanon (about 18 per cent) are Palestinians. Street children are often exploited, working as beggars or recruited by organized gangs and introduced to a world of crime. These children are also jailed by the police.³⁹

37. The Global Initiative to end all corporal of children (GI) noted that corporal punishment was lawful in Lebanon under article 186 of the Penal Code in schools, alternative care settings and at home. In this regard it referred to recommendations for law reform made by the Committee on the Rights of the Child (CRC) in 1996, 2002 and 2006.⁴⁰

8. Migrants, refugees and asylum-seekers

38. Alkarama reported that Palestinians were subjected to discrimination and harsh economic conditions in their camps. Their situation had further deteriorated in the Tripoli region following the destruction of the Nahr El Bared refugee camp in 2007. This had left over thirty thousand people homeless. Another category of people, comprising some forty thousand Palestinians, were not officially recognized as refugees under the criteria of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) because their families had fled to Lebanon after 1948. They continued to live without any official identity documents. Lebanon had refused to recognize the fundamental rights of all refugees in the country, as it had not ratified the 1951 Convention Relating to the Status of Refugees.⁴¹

39. AI expressed concern about discriminatory laws and regulations relating to property, social security and education which continued to be in effect, affecting nearly 422,000 Palestinian refugees registered in Lebanon. Much of the discriminatory treatment of Palestinians was rooted in their statelessness, which had far-reaching consequences and deprived them of the enjoyment of rights on an equal footing with not only Lebanese nationals, but also other foreign residents in Lebanon.⁴²

40. AI noted that in some laws the principle of reciprocity was applied, whereby for instance the right to work was granted to nationals of States which grant Lebanese citizens the right to work in their countries. This had led to Palestinians not having the right to work, because they were stateless.⁴³

41. AI also noted that at least 3,000 Palestinian refugees had no official identification documentations because they had arrived in Lebanon after the Palestine Liberation Organization was expelled from Jordan in 1971. AI indicated that such documentation was required for proving residence in Lebanon, for registering births, marriages and deaths, and for other essential purposes. In 2008, temporary ID cards valid for one year had been issued to some 800 Palestinians as a step towards legalizing their status and to enable them to move freely in the country. In 2009, however, no further ID cards had been issued, leaving Palestinian refugees to continue facing severe obstacles in accessing their basic rights. In 2010, the issuance of ID cards had been resumed. However, the scope of rights granted to individuals holding these temporary cards remained unclear.⁴⁴

42. CCSOL invited the Lebanese Government to exempt Palestinian refugees registered at the Ministry of Interior from the need to obtain work permits from the Ministry of Labour; provide them with the benefits afforded in labour law equal to that of Lebanese workers, including benefits of social security, and exempt them from the application of the principle of reciprocity.⁴⁵

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council).

² AI, page 4.

³ Alkarama, page 5.

⁴ JS1, page 2.

⁵ HRW, page 3. Lebanese Women Democratic Gathering and National Committee for the Follow-Up on Women's Issues, para. 8.

⁶ Lebanese Women Democratic Gathering and National Committee for the Follow-Up on Women's Issues, para. 8.

⁷ Soumission de l'Ordre des avocats de Beyrouth, page 6.

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- ⁸ JS2, page 2.
⁹ Soumission de l'Ordre des avocats de Beyrouth, page 6.
¹⁰ JS2, page 2.
¹¹ JS3, para 39.
¹² JS2, page 1.
¹³ HRW, pages 2–3, see also NCFWI, pages 1–2, WVI, page 3, and YAP, page 11.
¹⁴ HRW, page 3.
¹⁵ Report by the Lebanese Women Democratic Gathering and the National Committee for the Follow-Up on Women's Issues, para. 18.
¹⁶ JS1, page 2.
¹⁷ AI, page 4.
¹⁸ CCSOL, page 7.
¹⁹ AI, page 4.
²⁰ Alkarama, pages 2–3.
²¹ Alkarama, page 4, see also KRC, pages 4–5.
²² Alkarama, page 3.
²³ Alkarama, page 3.
²⁴ AI, pages 3–4, see also KRC, page 4, and CLDH, page 4.
²⁵ JS2, para. 37.
²⁶ Joint submission by Nasawiya and The Sexual Rights Initiative, page 1.
²⁷ Report by the Lebanese Women Democratic Gathering and the National Committee for the Follow-Up on Women's Issues, para. 21.
²⁸ L'Ordre des avocats de Beyrouth, pages 4–5, see also CLDH, page 5.
²⁹ JS2, page 3.
³⁰ JS2, page 6, para. 22.
³¹ Alkarama, page 3, see also CLDH, pages 2–3, and FRA, pages 1–2.
³² Soumission de l'Ordre des avocats de Beyrouth, pages 4–5.
³³ Institute on Religion and Public Policy, page 3.
³⁴ JS3, pages 5–6.
³⁵ JS2, para 36, see also WVI, pages 1–2.
³⁶ CCSGAL, para. 33.
³⁷ CCSGAL, paras. 59–60, see also ANND, page 9.
³⁸ AI, page 2, see also ANND, page 8.
³⁹ Joint Submission by Istituto Internazionale Maria Ausiliatrice and Volontariat International Femme Education Développement, pages 5–6, see also WVI, pages 1–2.
⁴⁰ GI, page 2.
⁴¹ Alkarama, page 5, see also ANND, page 3, and YAP, page 10.
⁴² AI, pages 1–2, see also FRA, pages 3–4.
⁴³ AI, pages 1–2.
⁴⁴ AI, page 3, see also FRA, pages 3–4.
⁴⁵ CCSOL, page 4.
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