



« Coalition of Civil Society Organisations in Lebanon for the UPR - CCSOL »

**Submission to the Office of the High Commissioner for Human Rights on the occasion
of the 9th session of the Universal Periodic Review**

December 2010



This joint report has been launched, consolidated and collated by Friedrich Ebert Stiftung (FES), Arab NGO Network for Development (ANND) and Frontiers Ruwad Association, in preparation for the Universal Periodic Review (UPR) of Lebanon before the United Nations Human Rights Council, with contributions from the following Civil Society members:

- ALEF – Act for Human Rights
- Alkarama
- Al-Nawras Association for Culture and Social
- Arab NGO Network for Development- ANND
- Baldati
- Children and Youth Center – Shatila
- Creadel - Lebanon
- Lebanese Center for Human Rights - CLDH
- Committee of the Parents of Kidnapped or Missing Persons in Lebanon
- Christian Aid
- Ecumenical Disability Advocates Network- EDAN
- Euromed Platform
- Frontiers Ruwad Association
- Helem
- Humanitarian Development Center
- Institute of Progressive Women Union- IPW
- JUSTICIA for Development & Human Rights
- Lebanese Association for Civil Rights - LACR
- Lebanese Association for Democratic Elections - LADE
- Lebanese Association for Self-Advocacy
- Lebanese Center for Civic Education
- Lebanese Development Forum
- Lebanese Foundation for Permanent Civil Peace
- Lebanese Parents Association for Deaf
- Lebanese Physical Handicapped Union - LPHU
- Lebanese Trade Union Training Center
- Maharat Foundation
- Mouvement Social
- Nabaa
- Nahwa al-Muwatiniya
- Najdeh Association
- Norwegian People's Aid - Lebanon
- Palestinian Disability Forum
- Palestinian Human Rights Organization – PHRO
- Partnership Center for Development and Democracy
- Rassemblement Démocratique des Femmes Libanaises -RDFL
- Restart Center for Rehabilitation of Victims of Torture
- Save the Children
- Shahed Association for Human Rights
- S.O.L.I.D.E – Support of Lebanese in Detention and Exile
- Thabet Association for Right of Return
- The Association of Civic Responsibility
- The Center for Refugees Rights – Aidoun
- The Ghassan Kanafani Cultural Foundation
- The National Institution of Social Care and Vocational Training
- Women's Programs Association
- Youth Association of the Blind

Executive Summary:

This report highlights key human rights concerns and violations in Lebanon within the last four years; themes including the Economic, Social and Cultural Rights (A) and the Civil and Political Rights (B).

Social and Economic Rights General Overview

The economic and social policy choices of the Lebanese Government remain inadequate for the respect and progressive realization of social and economic rights of the citizens and those residing in Lebanon. The fulfillment of economic and social rights is further worsened by continuous political instability, violence and frequent wars with Israel. By focusing on rehabilitation and immediate needs, the government is often distracted from long term development policies. Such an approach undermines the citizen's human security and wellbeing, in several cases violating fundamental human rights. Regional disparities, particularly between urban and rural areas, lead to huge differences in the enjoyment of economic and social rights, thus violating the equity principle. New laws on decentralization and local authority reform are needed. The Paris III agenda, constituting the major reform agenda adopted by the Lebanese authorities, fails to reflect local stakeholder's consensual vision of economic and social policies. Several of the economic and fiscal policies associated with this agenda, including the increase of VAT to 12%¹, are foreseen to increase the poverty rate to 32%².

Civil and Political Rights General Overview

Despite the ratification of the International Covenant on Civil and Political Rights, and the embodiment of the Universal Declaration of Human Rights in the preamble of its Constitution, Lebanon is still violating a number of civil and political rights. This includes the presence of thousands of foreigners and refugees who are not recognized before the law, the discriminatory nationality laws, the non-recognition of the right to seek asylum, as well as the non-abolition of the death penalty. In addition, the practice of torture in prisons and police stations continues, along with the arbitrary detention of foreigners, refugees and asylum seekers, together with the lack of respect of standards of detention and fair trial. Furthermore, there exists discrimination in the enjoyment of civil rights between Lebanese and foreigners, and gender discrimination in both Civil and Political Rights.

The "Coalition of Civil Society Organizations in Lebanon – CCSOL" for the Universal Periodic Review makes recommendations in this joint report for legal, policy and institutional reforms to be undertaken by the State within a four year time frame before Lebanon's next review. Our Coalition anticipates that the findings in this report will contribute to an open and honest dialogue towards ensuring greater protection of Human Rights in Lebanon.

A- ECONOMIC, SOCIAL AND CULTURAL RIGHTS

I- The Right to Work & the Right to Freedom of Association

1. Total unemployment level was 9.0% in 2007, increasing from an estimate of around 8% in 2004, and was higher for females (10.1%) than males (8.6%).³ Moreover, youth unemployment is very high (15.3% for groups between 15-19 years, 34.4% for groups between 20-24 according to ILO 2007, around 26% overall⁴) compounded with low contribution by women to the economy. Thus, Lebanese employment and labour policies remain inadequate to respond to the high unemployment rate in the country. Foreign domestic workers⁵ in Lebanon constitute a huge proportion of the work force; however their rights are not properly guaranteed under the Lebanese Labour Law. This allows high labor exploitation, restriction of movement, as well as physical and sexual abuses against foreign domestic workers.

¹ This is one of requirements of Paris III in order to fill the public budgetary deficit.

² Ghassan Diba, Professor of Economy; see also UNDP study *The Poverty and Equity Implications of a Rise in the Value- Added Tax: A Micro Economic Simulation for Lebanon*, May 2009.

³ <http://laborsta.ilo.org/STP/guest>

⁴ <http://www.undp.org.lb/WhatWeDo/MDGs.cfm>

⁵ According to the embassies the number of migrant domestic workers is estimated to be between 130,000 and 200,000 in a population of 4 million according to ILO Issue Brief 1, *Promoting the rights of Women Migrant Domestic Workers in Arab States: The Case of Lebanon*

2. Article 7 of the Lebanese labour law excludes several categories of workers from its protection; Article 15 of Decree 112/1959 forbids public servants from the right to free assembly and the creation of a trade union.⁶ According to Articles 86/87 of the Lebanese Labour Law, establishment of trade unions and syndicates has to be certified by the Ministry of Labor⁷ and the labour law (Article 105) gives the ability to the government to dissociate unions. These provisions are in clear violation of the Right to Association and the Right to Decent Work.

Recommendations: Reform the labour law so it ensures the adequate conditions for decent work and allows freedom of association for all workers, and recognize all fundamental principles and rights under international human rights and labour law and standards, including the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

3. Palestinians: In Lebanon, there are up to 30 syndicated professions. To be member of a syndicate, either Lebanese nationality is required or the principle of reciprocity is to be applied. As Palestinians have no State, the principle of reciprocity is interpreted as to deny them the right to adhere to a syndicate. Moreover, in order to qualify for the new jobs and professions made available, refugees need to obtain a work permit. The work permits constitute a *de facto* restrictive process because of the bureaucratic technicalities and the prohibitive fees charged for a permit which has deterred both the refugee employee and the employer who share the cost of the fees. Also, their rights won't be enhanced with a work permit, seeing that they are still not eligible to receive social services. Legally working Palestinians pay social security taxes, but are ineligible for any benefits as this falls under the reciprocity principle.

Recommendation: The Lebanese Government is invited to exempt Palestinian refugees officially registered at the Lebanese Ministry of Interior from the need to obtain work permits from the ministry of labour⁸; provide them with the benefits afforded in labour law equal to that of Lebanese labourers, including benefits of social security⁹; and exempts Palestinian refugees officially registered at the Lebanese Ministry of Interior from the application of the principle of reciprocity.¹⁰

II- The Right to Social Security

4. The Lebanese government has failed to develop a comprehensive national strategy for social development so far. "The social action plan" adopted under the Paris III agenda was reduced only to social safety nets. There is no coordination between different social safety net providers, which increases inefficient public spending. These later don't assure the well-being of poor households due to inequitable distribution. In addition, the social security system in Lebanon excludes migrants and Palestinians refugees.

Recommendations: Reform the National Fund for Social Security in order to improve qualitatively and quantitatively social and health security, including protecting the unemployed and the elderly.

III- Child Labour & Protection of Vulnerable Children

5. **Child Labour:** Lebanon has taken proactive steps to improve the situation of working children, including legislation that provides free and compulsory education (not implemented). Lebanon has also ratified ILO Conventions 138 and 182, and made amendments to the Lebanese Labour Code. It appears, however, that there are continued problems in monitoring child labour and that there is a lack of government capacity to enforce legislation. Poverty is a major cause of child labour and the remote areas of Lebanon have the highest rate of working children. Many children work in hazardous conditions in the informal sector, including agriculture, metalwork and crafts, fishing, rock-cutting and tobacco cultivation.

⁶ Lebanon 2008-2009, *The National Human Development Report*, UNDP.

⁷ Ghassan Slaybi, Lebanese Trade Union Trading Center, *Moukaraba w Khayarat Min ajal Haykaliya Nakabiya Jadida*, 2006, p.14.

⁸ Article 1 of the draft law.

⁹ Article 2 of the draft law.

¹⁰ Article 3 of the draft law.

Recommendation: Review the minimum age for child labour. Effectively implement domestic labour laws with particular attention to the poor and remote areas of the country; improve the labour inspection system in order to safeguard that the work performed by children is light and not exploitative; and provide former child workers with appropriate recovery and education.

6. Protection of Vulnerable Children:

- Under Law 422 increased measures have been put in place to protect the child from maltreatment and abuse. In practice, children continue to be vulnerable to high levels of physical and humiliating punishment.
- The Penal Code and Law 422 outline sanctions for perpetrators of all forms of sexual and gender based violence. Two of the more concerning legal provisions, are the reduced sentences for perpetrators of ‘honour’ crimes and the absolution of rapists if they agree to marry their victims.
- According to the “Special Rapporteur” for Trafficked Persons, a significant number of persons are trafficked into and through Lebanon, most notably domestic workers and sex workers, under the age of 18.
- Despite Law 422, there are continued challenges, including the situation of Iraqi and Palestinian children in conflict with the law, prison conditions, frequent detention, and the inadequate implementation and monitoring of law and detention facilities.
- There are concerns about the impact of past and present conflicts on the situation of the child in Lebanon and illustrate the State’s lack of child-focus emergency preparedness¹¹.
- Despite legal amendments enhancing protective measures for children with disabilities, in practice discrimination continues. In particular, disabled children experience discrimination in school, including access to public buildings as well social discrimination.
- Despite improvement, Lebanon is still not fulfilling all its obligations under the Convention on the Rights of Child (CRC). Several vulnerable groups of children including refugee and asylum seeking children, children of migrant workers, children with disabilities, children living on the streets, child workers, and children living in poverty face a *de-facto* discrimination, as noted by the Committee on the Rights of the Child in 2006.
- Lebanon is not party to the 1951 convention on the status of refugees, leaving refugee and asylum seeking children with a particular vulnerability.

Recommendation: Establish a central research center for all information related to vulnerable children in Lebanon to enable the humanitarian community and State actors to have a comprehensive understanding of critical needs. Continue to support and participate in efforts to ensure that laws pertaining to children are in accordance with the CRC, namely holistic, non-discriminatory laws, in the best interest of the child, allowing for participation. Fully ensure that the ‘unifying law’ adequately addresses existing legal failings. Ratify the Convention relating to the status of refugees (1951) and enhance cooperation with UNRWA and UNHCR to improve living conditions for Palestinian, Iraqi, and other refugees.

IV- The Right to an Adequate Standard of Living

7. Lebanon continues to struggle with high and disproportionate levels of poverty. 28.5% of residents live below the upper poverty line, with 8.1% living below the lower poverty line¹². In addition, the geographic distribution of poverty is concentrated in rural areas¹³, in addition to some poverty pockets in urban area.

Recommendations: Adopt the administrative decentralization law which contributes to the reduction of geographic disparities, especially in addressing poverty reduction, including helping the country side to develop the necessary infrastructure and capabilities. Adopt a national strategy for social development including education and health sectors, as well as employment and intervention strategies for the vulnerable and those with special needs. Such a strategy should be rights based and should guarantee equity, equality and justice.

¹¹ The most notable emergencies in Lebanon in the last 4 years are: the July 2006 war, the conflict in Nahr el-Bared camp, and the general insecurity in Lebanon. All of the mentioned emergencies had/have a significant impact on the conditions of the child in Lebanon.

¹² The UNDP report, *Poverty Growth and Income Distribution in Lebanon*, 2008.

¹³ The percentage of households living with low and very low living conditions, 9% in Beirut, and 50% in Nabatieh.

V- The Right to Health

8. Lebanon does not have an adequate health policy; the quantity and quality of public hospitals are inadequate, and the public health insurance system is inefficient.¹⁴ While the health sector constitutes 11.3% of total government expenditure¹⁵, there remain huge disparities with the regional distribution of health services.

Recommendations: Ensure the availability, accessibility and quality of public hospitals and primary health care programs in rural areas and develop a unified health care insurance scheme covering the whole population.

VI- The Right to Education

9. Access and quality remain the main problems facing the Lebanese education system, thus violating the right to universal education and equal access for all citizens, which is guaranteed under the Lebanese constitution. Although public expenditure on education is relatively high- 3% of GDP¹⁶, the absence of an adequate national strategy based on a needs assessments, delays the improvements in public education. The regional disparities in educational attainment are further deteriorated by low-socio economic conditions and high drop-out rates.

10. Despite the existence of a law for free and compulsory education for all children below 12 years of age, the implementation of this law is lacking, as education is still not entirely free. School drop-out rates are high, estimated at 22% while repetition rates are at 48%¹⁷. Among Palestinian refugees, the problem is exacerbated for several reasons, often because children are the only source of income for families that are economically disadvantaged. It is reported that in the past four years, drop-out rates amongst Palestinian children has increased from 4% to 24%¹⁸.

Recommendations: Enhance the quality of education by assessing the new curricula and developing it accordingly, introducing a drop-out prevention program, establishing and implementing quality-oriented strategies especially for public schools in rural areas, and adapting the school environment to the basic needs of children. Expedite efforts to issue implementation decrees for Law No. 686 for free and compulsory education and raise the minimum school-leaving age to 15 years.

VII- The Rights to Adequate Housing & to Own Property (affecting Palestinian refugees)

11. Restrictions have been placed on the entry of building material to most camps in Lebanon. Such procedures prevent Palestinian refugees from repairing or fixing their houses as well as from improving the camps' infrastructure. This has led to increasing deterioration of houses and infrastructure, and worsening the already overcrowded, unsanitary and squalid camps. The destruction of Nahr al Bared Camp in Tripoli, in 2007, left the camp leveled and devastated.

Recommendation: To develop clear policies that tackle the adequate housing standard for Palestinian refugees (population versus areas); to involve the municipalities around the camps in consolidating the infrastructure of the camps; to allow building material into the camps for the maintenance and reconstruction of houses, to equally allow for furniture and medical equipment to enter; to compensate Nahr El Bared camp inhabitants for their displacement and the loss of their houses and economic activities, due to the war; and take all measures for accelerating the rebuilding of Nahr El Bared camp and facilitating the return of its inhabitants.

12. In 2001, the Lebanese legislator amended the 1969 legislative decree concerning the obtainment of real estate property by non-Lebanese (decree no. 11614 of 14 January 1969). The 2001 law deliberately excluded all stateless persons. This automatically affects Palestinian refugees from owning real estate property, as they are the only foreigners without the "nationality of a recognized state". Property owned by Palestinians before 2001 is no longer inheritable. Property bought and paid

¹⁴ 53.3% of the population remains uninsured in Lebanon.

¹⁵ WHO 2009 Report, Health expenditures section available at http://www.who.int/whosis/whostat/EN_WHS09_Table7.pdf

¹⁶ Education and Citizenship: Concepts, Attitudes, Skills and Actions, 2008, UNDP

¹⁷ UNDP 2008.

¹⁸ Lala Demirdjian, *The Case of Palestinian Refugee Education in Lebanon*, Dissertation submitted to the University of Oxford in partial fulfilment of the requirements for the Degree of Master of Science in Educational Studies, (Comparative and International Education), St. Edmund Hall Trinity Term 2007.

for, before the 2001 legislative amendment, was no longer eligible for registration at the national registrar or Cadastre Office.¹⁹

Recommendation: For the Lebanese Government to end discrimination in realty ownership by amending the 2001 law and giving Palestinian refugees the right to own real estate property.

B- CIVIL AND POLITICAL RIGHTS

VIII- The Right to Life –Death Penalty

13. The Lebanese law still allows for the passing of death sentences for various types of crimes, by hanging and firing squad. Lebanon is still behind the 139 countries which have abolished the death penalty. In 2009, 43 persons were sentenced to death.
14. Lebanon is committed to Articles 3 and 5 of the Universal Declaration of Human Rights. This Declaration has become an integral part of the preamble of the new Lebanese Constitution, and therefore is binding upon Lebanon. However, Lebanon is not committed to Article 6 of the “International Covenant on Civil and Political Rights-ICCPR” which underscores the importance of promoting the Right to Life, Articles 1 and 2 of the Optional Protocol on the Death Penalty – United Nations (1991), Resolution No 62/149-2007, which Lebanon abstained from voting on.
15. **Actions taken:** A Draft bill has been submitted by Dr. Ibrahim NAJJAR, Minister of Justice, on October 7, 2008, to the Presidency of the Council of Ministers, to abolish death penalty and replace it by life imprisonment with hard labour. To date, it was not placed on the Council’s agenda.
- Recommendation:** Urge Lebanon to officially adopt the UN resolution 62/149: moratorium on the use of death penalty, as a step forward towards abolishing the death penalty.

IX- Torture

16. There have been reports of tens of deaths from 2007 to 2010 that raise concerns about torture and/or inadequate medical care in Lebanese prisons and detention centers. The factors, that facilitate the occurrence of torture and ill-treatment during interrogations in detention centers and prisons, include the gaps in criminalizing torture and ill treatment under Lebanese law, resulting in the practice of torture and ill-treatment, with state officials operating with impunity. The Lebanese criminal law (particularly Article 401) is expressed vaguely and is left open to interpretation, resulting in a lack of implementation. Additionally, it is important to note that Article 401 fails to include mental or psychological torture.
- Recommendations:** Adopt the principles in the code of conduct for law enforcement officials, UNGA resolution 34/169 of 17 December 1979, and reflect them in National Law, as well as defining torture by including all its elements (e.g. mental, physical etc.) and consider it a criminal offence rather than a petty crime as it is currently considered.

X- Arbitrary, Arrest and Detention and Conditions of Detention

17. The Lebanese General Security practices arbitrary arrest and detention when migrants (including refugees and asylum seekers) are arrested and detained by the immigration authorities without being referred before a judge as well as after they serve their prison terms and transferred under the custody of the General Security. They are kept in detention for months, sometimes exceeding one year, without any legal grounds. The law allows for pre-trial detention up to 48 hours only, renewable once with the approval of the Public Prosecutor.
18. Detainees, particularly those belonging to vulnerable groups²⁰, do not have easy access to medical doctors or lawyers. Individuals are often detained in some prisons for days without access to a doctor or a lawyer or permission to contact a member of the family, thus amounting to

¹⁹ Registration at the Cadastre Office – not the contract – generates real estate rights in the Lebanese legal system.

²⁰ Including but not limited to: illegal migrants, drug addicts, sex workers, and homosexuals.

incommunicado detention.

19. Deportation of foreigners has been a widespread phenomenon in recent years regardless of whether the deportees were holding UNHCR documentation and regardless of whether the deportee was sentenced to deportation, sometimes placing the deportee's life at risk. Deportations are officially covered by "voluntary return" where refugees are requested to sign their deportation orders. This signature cannot in any case be considered voluntary and free, according to the criteria set by the UNHCR. The policy of endless arbitrary detention is therefore leading to a *de facto* refoulement. **Recommendations: The 1962 Lebanese law regulating the Entry, Residence and Exit of Foreigners, should be amended to exonerate asylum-seekers and refugees from the crimes of illegal entry and presence. A legal mechanism should be established to ensure the protection of refugees and asylum seekers, particularly against arbitrary detention and refoulement. Expedite efforts to legislate the establishment of the national prevention mechanism in line with the OPCAT²¹, in order to ensure an appropriate monitoring system for places of detention. An open and public investigation in the practices of prolonged arbitrary detention and refoulement should be carried out. All those responsible for these practices should be brought to justice, in order to put an end to the pattern of impunity for human rights violations and provide remedies to victims.**

XI-Enforced Disappearance

20. In Lebanon, the systematic practice of "enforced disappearance" by the militias and the Syrian and Israeli armies during the civil war led to the disappearance of thousands²² of people. Since the end of the conflict, and despite the fact that the Israeli and Syrian armies have withdrawn from Lebanon, not one serious investigation has been conducted to shed light on the fate of these thousands of people. The fact that there is no official census of the missing, demonstrates the complete lack of political will to deal with the scope and gravity of the situation. While several commissions were created by Lebanese governments²³ with the mandate of uncovering the fate of the missing, none have yielded any tangible results. Lebanon has not ratified the international texts that would be binding to it in this area. The Lebanese State has also not taken any concrete steps to uphold the right of victims to reparations.

Recommendation: The State should officially recognize the magnitude of the issue of enforced disappearance and contribute to establishing a process of accounting for and the identification of the missing. It should also create a DNA database for all the families of the missing and exhume all mass graves in Lebanon, and this according to internationally-approved protocols for exhumations. Lebanon should ratify the Convention for the Protection of all Persons from Enforced Disappearance and these texts should be included under Lebanese law. Lebanon should also set up a national commission on the missing as stated in Articles 15 and 16 of the Ministerial Statement of the newly established national unity government.

XII- Freedom and Liberty of Movement – Palestinian Camps

21. Since the end of the war between the Lebanese Army and the "Fateh Al Islam" Group in September 4th, 2007, in Nahr Al Bared camp in Northern Lebanon, the Lebanese Army strictly controls the entrance and exit of Palestinians to the camp, including to the *new camp* (the area adjacent to the old camp), where some refugees still live, and to which other refugees were displaced, from the *old camp* area. Palestinian refugee inhabitants of the camp, or previous displaced inhabitants of Nahr El Bared, as well as any other Palestinian refugee including staff of humanitarian NGOs, need military permits to enter to the camp's adjacent area.

Recommendation: We urge the Lebanese Government to facilitate and allow the entrance and exit of Palestinian refugees residing in Lebanon to all camps, as to respect the fundamental right to movement.

²¹ Optional Protocol to the Convention Against Torture.

²² The official estimation is 17,415 although the precise number is not known due to the lack of any official mechanism.

²³ The first was established in 2000, then in 2001 and finally the more recent joint Lebanese-Syrian Commission established in 2005 and whose mandate was extended to December 2010.

XIII- The Right to Fair Trial

22. The fair trial standards and the safeguards in investigations for pre trial detention are usually not respected by the authorities. People are usually arrested without arrest warrants. Arresting authorities do not show their official cards, and in most of the cases, arrests are conducted by security agents wearing civilian clothes. The rights stipulated in the new code of penal procedures are not expressly explained to arrestees, as required by this same law.
23. Under Lebanese law, Articles 425 of law no. 90/83, Lebanese citizens who cannot afford a lawyer are provided with one by the State. Also, Article 426 of the same law offers foreign nationals legal aid under the reciprocity principle. The right to defense lawyers is not always guaranteed especially when it comes to migrants, who are mostly tried in mass and in speedy hearings without being given the opportunity to present their cases. Palestinians are excluded from legal aid because they are not citizens of a recognized state.

Recommendations: Amend the code of penal procedures to clearly adopt all fair trial standards at all stages. Sanction the non observance of these standards at all levels, from investigation to court hearings, by nullifying the proceedings and making those responsible of violations accountable. This law should also make State legal aid compulsory, to all defendants, before all courts and for any crime.

XIV- Access to Information

24. The right to access information and the principle of knowledge dissemination are prerequisites of accountability in a democratic system. Successive governments in Lebanon have shown varying degrees of effort towards administrative reform, aimed at promoting the Right to Access Information, through the Ministry of State. Nevertheless, results achieved in this area still fall short of expectations. Many causes have contributed to this reality, namely the resistance to reform shown by the parties in charge of certain public administrations and the absence of clear mechanisms facilitating the access to public information.

Recommendation: Approve the Bill on access to various information and statistics in order to achieve full transparency; publishing the voting tally sheet of the general meetings of Parliament and the minutes of Parliamentary commissions; publishing the annual reports of public administrations and ministries, creating and/or developing mechanisms that facilitate public access to information; fostering transparency in public budgeting; and involving relevant stakeholders in the budgeting process.

XV- Women's protection

25. There are a lack of laws and legal frameworks providing protection to women. Women are also subject to bias and discrimination in the Lebanese Penal Code, including; honour crimes (Article 562), adultery provisions (Articles 478-488-489), rape and abduction provisions (Articles 503-504-522) as well as prostitution provisions.

Recommendation: The Lebanese State should work on creating legal frameworks to protect women; revoke reservations on the Convention of the Elimination of all forms of Discrimination Against Women (CEDAW); ratify its optional protocol and amend Lebanese Penal Code articles that discriminate against women to ensure conformity with CEDAW and international standards and secure gender equality.

XVI- Reforming the Electoral System in Lebanon

26. Elections are a key pillar of democratic structures, and provide for the respect of fundamental liberties such as freedom of choice, the periodicity of elections and fair representation²⁴.

The year 2009 saw great strides in terms of electoral reform through the ratification of the Parliamentary Electoral Law 25/2008, which adopted key reforms including holding elections over a

²⁴ It would be unfortunate to confuse the end with the means and ignore the fact that the term democracy exceeds the mere casting of votes periodically and includes all aspects of involving citizens in the political life of their country.

single day, setting a ceiling for electoral spending, regulating electoral media and advertising and establishing a Supervisory Commission on the Electoral Campaign (SCEC). The law also provided for the voting rights of expatriates. This right however, did not enter into effect during the 2009 elections but is due to be exercised in the coming elections (2013).

27. The Right to Free and Fair Elections reflecting the Will of the Electorate: The electoral process must be impartial through the independence of the organizing authorities from any political influence. Civil society organizations have called for the establishment of the SCEC, to replace the Ministry of Interior in organising elections. Despite the fact that the formation of such a monitoring commission was included in the 25/2008 law, this reformative clause remained inadequate as the commission was not independent since its decisions needed authorization from the Minister of Interior and Municipalities. Its functions were also limited to monitoring electoral expenditure, media and advertising. The above contradicts paragraph 2 of Article 25 of the International Covenant on Civil and Political Rights.

Recommendation: Adopting and establishing an independent commission to run elections in Lebanon. Ensuring the right of all citizens to balloting and to representation without discrimination.

28. The Participation of Women in Political Decision-Making: Women's participation in political decision-making is still weak despite Lebanon's legal recognition of women political rights in 1953. Women are still unevenly represented, whether in the legislative or executive authority or parties, leading to the absence of party support to women. Indeed, the adopted electoral system is a majority system not based on quotas (which promote the participation of women), while the proportional system encourages and ensures better female representation. Social patterns also hinder and prevent women from participation, not to mention the prevalence of the patriarchal model in political life, the feminization of poverty and unemployment as well as the part played by the media in stereotyping the role of women.

Recommendation: Lebanon should eradicate all forms of gender discrimination and set up programs and mechanism to encourage and insure women's participation in public affairs. In the immediate term, Lebanon should adopt a female quota system of 33% in candidate rosters, provided that they follow a determined arrangement where a woman is featured among every three names listed in order.

29. The “Innocent until Proven Guilty” principle.

Recommendation: Activation of this principle: It is important to provide voting mechanisms for detainees under investigation who have not been convicted yet.

30. Youth Participation in the Political Process: The Lebanese Constitution sets the legal age of participation in elections at 21 years for voters and 25 for candidates, thus violating the rights of the 18-21 age groups, the members of which enjoy the full rights and obligations of citizens but are denied the right to political participation through elections.

Recommendation: Changing the voting age from 21 to 18 years as per the Universal Declaration of Human Rights, particularly the International Covenant on Civil and Political Rights.

31. The Participation of Disabled Persons: The right of disabled persons to run for and vote in elections was enshrined in the 220/2000 law, the 2007 Boutros Commission's Draft Law²⁵, the 25/2008 Electoral Law²⁶, Enforcement Decree 2214/2009 and the 2010 draft law of Minister Ziad Baroud. The Minister of Interior also issued nine binding circulars to the Muhafizin (governors) and Heads of Municipalities, urging them to apply the law in order to facilitate the voting process and calling on municipalities to ensure the best facilities in this regard. Disabled persons however are still marginalized and excluded from the election process and their rights are gravely violated.

²⁵ Draft Law of the National Commission on Parliamentary Electoral Law headed by Justice Fouad Boutros (Beirut: circulated by Assafir daily, 1st edition: 2007)

²⁶ Article 91 and 92 of Law no. 25/2008 amended by virtue of Law no. 59/2008.

32. Obstacles affecting disabled persons:

- The lack of a comprehensive census of disabled voters, making their concentration points on elections day unknown to competent ministries.
- The failure of the relevant ministries to adequately equip polling stations in Lebanon²⁷.
- The Ministry of Interior and Municipalities do not make use of open spaces, such as playgrounds and ground floors, as polling stations. Most were stationed on higher floors with staircases, preventing many disabled persons from voting.
- No use of unified ballots, a lack of the Braille technique, the absence of clarification for mentally challenged individuals as well as no directions for hearing-impaired persons within polling stations.
- Municipalities fail to abide by the circulars of the Ministry of Interior giving instruction to equip the stations according to inclusive standards. Moreover, many municipalities do not provide volunteers to help disabled voters²⁸.
- There are 4667 polling stations in Lebanon: 63% of which are schools, 8% are not fully equipped, 0% are fully equipped and the remaining percentages are disaggregated over stations with one to five of the architectural qualification features²⁹.

Recommendations:

Working on compelling the relevant ministries (Public Works, Interior and Municipalities, Education and Social Affairs) to equip all polling stations, as per the practical studies submitted to them and based on the minimum inclusive standards stated in Section IV of Law no. 220/2000. Developing inclusive standards to include visual, auditory and mental impairment and the requirements they entail. Amending Article 92 of the Parliamentary Elections Law 25/2008 and Article 83 of the Municipal Elections Law, which make disabled persons hardly perceived as voters. This amendment should allow disabled persons to run for elections, vote, as well as participate as members of the polling station commission and be candidate agents.

XVII- The Right to Nationality

33. The right to grant citizenship is mainly *Jus sanguinis*, and is in principle limited to the father. Lebanese women are denied the right to grant their nationality to their foreign husbands and legitimate children, where transfer of the Lebanese nationality is restricted to men alone.

Recommendation: Amend the Lebanese Nationality Law to ensure gender equality in the right to transfer nationality and adopt *jus solis* as the main legal ground to acquire the nationality.

XVIII-Equality in Dignity & Rights

34. Domestic Violence against Women and Girls There are no texts criminalizing domestic violence under Lebanese Law. Addressing domestic violence is limited to the issues of abuse and other forms of violence within the general legal frameworks (Penal Code), which give no consideration to the specificity of the family. A group of civil society organizations has formed the "National Coalition to Criminalize Domestic Violence" and has prepared a draft law in this regard. The Lebanese government agreed on it, in April 2010, and has forwarded it to the Parliament for approval.

Recommendation: We urge the Lebanese Parliament to enact and implement this draft law, which protects women and girls from domestic violence.

35. Sexual Orientation: Article 534 of Lebanon's Penal Code criminalises consensual homosexual relations based on contrariety to nature, which conflicts with the World Health Organisation - WHO's decision of 17 May 1992 to remove homosexuality from the list of psychological disorders. The existence of the Article 534 is in direct violation of Articles 1 and 2 of the UDHR and the Preamble of the Lebanese Constitution (Article c)³⁰.

²⁷ Findings of the comprehensive field survey of polling stations in Lebanon (Beirut: Lebanese Physically Handicapped Union (LPHU), 1st edition: 2009) in five volumes.

²⁸ Exposé on the *political rights of disabled persons in Lebanon*, WAW Magazine, periodical issued by LPHU, issue 19, November 2009.

²⁹ Qualification of Polling Stations for Disabled Voters, Administrative Departments across the Lebanese Territory (Beirut: LPHU, 1st edition: 2009).

³⁰ Lebanese Constitution – Preamble Article (c): "Lebanon is a parliamentary democratic republic based on respect for public liberties, especially the freedom of opinion and belief, and respect for social justice and equality of rights and duties among all citizens without discrimination."

Recommendation: Based on the pioneering legal decision of the District Court of Batroun in North Lebanon³¹, we urge the removal of Article 534 from the Lebanese Penal Code and call for the end of institutionalized discrimination.

XIX- Refugees

36. NON Palestinians: There is no refugee legal framework. Refugees and asylum seekers in Lebanon fall, like all foreigners, under the “Law Regulating the Entry, Stay and Exit from Lebanon” of 1962. This Law has a narrow definition of a refugee, and it includes limited provisions to deal with refugee issues. The 2003 Memorandum of Understanding (MoU) signed between UNHCR and the Lebanese State, continues to fall short of providing adequate protection to refugees and asylum-seekers. Most notably, it stipulates that Lebanon is not an asylum country and that the term “asylum-seeker” is defined as a person seeking asylum to a country other than Lebanon; it does not explicitly recognize the principle of non-refoulement but only grants refugees registered with UNHCR the right to a temporary circulation permit (maximum 12 months) during which UNHCR is expected to resettle them to a third country.

37. Non ID Palestinians: Approximately 5000³² undocumented Palestinian refugees, known as “non-ID”, live illegally in Lebanon. Although they are stateless refugees, they lack both UNRWA and the Lebanese authorities’ registration. Following negotiations between the PLO and the Lebanese authorities, the Lebanese authorities decided in August 2008 to issue an “Identification Card for Undocumented Palestinians” residing in Lebanon. The decision to issue identification cards is administrative and can be overturned anytime; this right is not a legal right. Moreover, the terms and conditions to obtain the “card” are not made public, making it difficult to know who is eligible to obtain the document.

Recommendation: We urge the Lebanese Government to grant identification documents to undocumented Palestinian refugees, in a sustainable and irrevocable process that would ensure the dignity of this population, and their right to legal personality as well as equality with documented Palestinian refugees. The authorities should accept new requests for registration; allow the transfer of individual registration records from UNRWA records in other countries to UNRWA records in Lebanon, and allow the registration of undocumented husbands and children of a registered refugee woman residing in Lebanon on her Directorate of Political and Refugee Affairs (DPRA) records.

XX- Civil Marriage

38. Thousands of Lebanese have to travel abroad to have civil marriages; while these marriages are recognized in Lebanon, there is no framework for non-religious marriages to be carried out in Lebanon.

Recommendation: Adopt and implement an optional Lebanese law for personal status allowing for the choice of civil marriage in Lebanon.

XXI- Judicial Independence and Impartiality

39. The provisions of the Lebanese Constitution, particularly Article 20, reflect on the whole, the stipulations of international instruments, namely the fundamental principles of judicial independence. The Lebanese Constitution however has yet to make guarantees and establish a protection system for the Judicial Authority, which should have been featured in applicable laws. In fact, a wide-scale overlapping has ensued in the functions of the Executive Authority, particularly the Ministry of Justice and the judicial apparatus. Moreover, there is a pressing need for the justice system, as the protector of rights, funds and property, to regain the trust of the public opinion, which still falls short of the desired standard. This can only be achieved through impartiality and transparency.

Recommendation: Fostering judicial independence and passing a new law regulating the judicial system, ensuring the true independence of judicial institutions and consolidating the role of judges in handling their own affairs.

³¹ Online: <http://helem.net/node/232>.

³² Statistics obtained from the Danish Refugee Council and the Palestinian Human Rights Organisation (PHRO).