



Universal Periodic Review of Lebanon

Human Rights Watch's Submission to the Human Rights Council

Summary

Lebanese authorities have shown an increased willingness to discuss human rights concerns but have failed to implement many of the reforms needed to improve the country's record. Security forces use force to extract confessions, especially from security suspects. Palestinian refugees live in dire circumstances and remain subject to wide-ranging restrictions on housing and work. Lebanese law discriminates against women by, among other things, denying them the right to pass their nationality to their children or spouses. Migrant domestic workers face exploitation and abuse by their employers with little possibility of redress. The families of the estimated 17,000 persons who "disappeared" during and after Lebanon's civil war (1975-1990) continue to await information on the fate of their loved ones.

Torture and Ill-Treatment

A number of detainees, especially security suspects who are Islamists, told Human Rights Watch that their interrogators tortured them in a number of detention facilities, including the Military Intelligence unit of the Ministry of Defense and the Information Branch of the Internal Security Forces. Documented cases range from security forces beating a janitor suspected of theft to members of the intelligence services subjecting to torture over many days suspected members of Islamist groups or spies for Israel.

While Article 401 of the Lebanese Penal Code criminalizes the use of violence to extract confessions, the Lebanese judiciary rarely, if ever, prosecutes persons alleged to have committed acts of torture. Human Rights Watch is aware of only one judgment since 2004 convicting a police officer on charges related to beating a suspect during interrogation.¹ The Ministry of Interior has not made public the results of an investigation it commissioned in August 2008 into allegations of abuse inside Lebanese prisons.

The few steps Lebanon has taken to counter torture remain ineffective. In February 2007, it granted the International Committee of the Red Cross access to all Lebanese detention facilities. On December 22, 2008, Lebanon ratified the Optional Protocol to the Convention against Torture (OPCAT), which calls for the creation,

¹ However, the police officer received a reduced sentence of 15 days in jail and a \$200 fine. Decision No. 204/2290, issued on March 8, 2007.

within one year of ratification, of a national preventive mechanism (NPM) to visit and monitor places of detention. While the Ministry of Justice began the process of consultation to create the NPM, the deadline to set-up the institution has passed and there are serious concerns that the fate of the OPCAT will be similar to that of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—which Lebanon ratified in 2000, but has yet to comply with its provisions.

The government of Lebanon should be urged to:

- Publish the results of the investigations the Ministry of Interior launched in August 2008 and specify what measures it has taken to combat torture.
- Amend Article 401 of the Penal Code to criminalize all forms of torture and ill-treatment and increase the penalty for the crime of torture from the current maximum of three years, commensurate with the severity of the crime.
- Submit its required initial report to the UN Committee against Torture, which was due in 2001.
- Demand the government to adhere to article 22 of the Convention Against Torture, which would allow individuals in Lebanon to directly submit complaints of human rights violations to the UN's Committee against Torture.
- Urge Lebanon to create an NPM that would have wide powers to visit all detention facilities in Lebanon.

Women's Rights

Despite women's active participation in all aspects of Lebanese society, discriminatory provisions continue to exist in personal status laws, nationality laws, and penal laws relating to violence in the family. In particular, current Lebanese law does 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 are denied full access to education, healthcare, and residency.

Following a multi-year campaign by local civil society groups, in August 2009, the minister of interior submitted to the Cabinet a draft law that would allow Lebanese women to pass their nationality to their children, but the Cabinet has not yet approved it. Certain officials and politicians have suggested that any amendment to the citizenship law should exclude Lebanese women married to Palestinian men, pursuant to the Lebanese constitution's prohibition on the "nationalization" of Palestinians (ostensibly to avoid undermining their "right of return").

A new bill that aims to criminalize domestic violence is also currently under review by the Cabinet. The bill would require anyone who witnesses domestic violence to report it, and obliges perpetrators to provide the plaintiff with alternative living arrangements and an allowance, and to pay medical expenses.

The government of Lebanon should be urged to:

- Amend the law on citizenship in a way that ensures that all Lebanese women, regardless of the nationality of their husband, can pass on their citizenship to their children and husbands.
- Amend discriminatory provisions in personal status laws in a way that ensures that women are not discriminated against in issues related to child custody, inheritance and divorce.
- Criminalize domestic violence and implement concrete measures to prosecute perpetrators of domestic violence.
- Lift its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

Migrant Domestic Workers

An estimated 200,000 domestic workers, primarily from Sri Lanka, the Philippines, and Ethiopia, remain unprotected by labor laws and subject to exploitation and frequent abuse by employers and agencies. The most common complaints made by domestic workers include non-payment or delayed payment of their wages, forced confinement to the workplace, no time off, and verbal, as well as physical, abuse.

Lebanese labor laws specifically exclude domestic workers from rights guaranteed to other workers, such as a weekly day of rest, limits on work hours, paid holidays, and workers' compensation. Immigration sponsorship laws tie a domestic workers' residency to a specific employer, making it very hard for a domestic worker to change employers, even in cases of abuse. Disputes between employers and migrant workers regularly take years to be adjudicated by courts. Since migrant workers lose their legal status in Lebanon if their sponsors terminate their contract or they leave their employers, they rarely file complaints because they fear detention on the basis of their illegal status. If detained, migrant domestic workers face difficult conditions and frequently remain for months in illegal detention beyond the terms of their sentence. The migrants' difficult conditions in Lebanon have had deadly consequences. Human Rights Watch documented the death of at least 45 migrant domestic workers in 2008, a majority of whom committed suicide or died while trying to escape. This trend has not improved in 2009.

In January 2009, the Ministry of Labor finally introduced a standard employment contract that clarifies certain terms and conditions of employment for domestic workers, such as the need for a 24-hour rest period each week, but has failed to enforce it.

The government of Lebanon should be urged to:

- Urge the Ministry of Labor to create a labor inspection unit tasked with monitoring working conditions for migrant domestic workers.
- Amend the labor code to extend legal protection to domestic workers equal to that afforded to other workers, including provisions governing payment of wages, rest days, and paid holidays, and introduce additional protections to address the specific nature of domestic work, such as intermittent working hours, living accommodations, and provision of food.
- Reform sponsorship laws that require the consent of the existing employer for a migrant worker to change sponsors. In addition, grant migrant workers temporary visas (or an alternative to detention) while they have pending legal procedures in Lebanon.
- Enact legislation that sets up a quick, fair, and simplified dispute resolution mechanism to settle salary disputes between employers and migrant workers and provides for enforcement of decisions.
- Support efforts to implement judicial oversight of all detention, including that of foreigners, to ensure that no one is detained without legal basis or beyond their sentence.
- Ratify the United Nations Convention on the Protection of the Rights of all Migrant workers and members of their families.

Palestinian Refugees

The estimated 300,000 Palestinian refugees in Lebanon live in appalling social and economic conditions—most of them in crowded camps that lack proper infrastructure. Lebanese law denies Palestinian refugees the right to own property and restricts their ability to work in many areas. A particularly vulnerable group is the approximately 3,000 to 5,000 “non-ID” Palestinians, who live in Lebanon without any form of valid identification documents. The already-precarious situation of Palestinians was made worse by the destruction of Nahr al-Bared camp in the 2007 battle between the Lebanese army and the armed Fatah al-Islam group, which left around 30,000 refugees homeless.

While the current government has pledged to improve the situation of Palestinians, it has not yet adopted measures with tangible impact. One of the more concrete achievements of the government has been the issuance after August 2008 of approximately 750 temporary identity cards to Palestinian non-IDs. However, the process of issuing identification cards has stalled without any explanation. In October 2009 the minister of interior announced that the process would soon resume, but at this writing no new cards have been issued.

The government of Lebanon should be urged to:

- Amend legislation that restricts the ability of Palestinian refugees to own property, specifically Presidential Decree 11614 of 4 January 1969, as modified by law 296 of April 3, 2001.
- Remove restrictions on employment for Palestinians. Palestinian refugees should be given the same access to the labor market as Lebanese nationals.
- Resume issuing identity cards to non-ID Palestinians.

Detention of Foreigners after the End of their Sentence

The continued detention of foreigners in Lebanon following the end of their sentences is a long-standing problem. According to a report by the Internal Security Forces, as of August 24, 2009, 13 percent of detainees in Lebanese prisons were foreigners who had finished serving their sentence and yet remained in jail. The group included asylum seekers and refugees who cannot safely return to their countries. Their ongoing detention is rarely based on proper legal grounds and since December 2009, Lebanese courts have issued rulings in four separate cases that the continued detention of Iraqis who had finished serving their sentences was illegal under Lebanese law and Lebanon's international obligations.

The government of Lebanon should be urged to:

- Release all foreigners who finished serving their sentences and are currently detained without legal basis.
- Provide compensation for those detained without legal basis.
- With respect to asylum seekers or refugees who cannot safely return to their country, the Ministry of Interior should grant them temporary renewable residence permits.
- Amend the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country so as to exempt asylum seekers and refugees from penalties for being in the country illegally.

The Disappeared

After years of official neglect, the current Lebanese government pledged in its ministerial declaration of December 4, 2009, to take steps to uncover the fate of the Lebanese and other nationals who "disappeared" during and after Lebanon's 1975-1990 civil war. However, the government has so far taken no tangible steps to shed light on the fate of the disappeared. The current joint Syrian-Lebanese committee, established in May 2005 to investigate cases of disappearances involving Syrian security forces, has yet to publish any of its findings.

The government of Lebanon should be urged to:

- Request that the current Syrian-Lebanese committee immediately make public any information it has obtained since May 2005.
- Support the creation of an independent national commission, with representatives from the victims' families, with broad powers to seek

information about missing individuals from all official sources, including security agencies.

- Ratify the United Nations Convention for the Protection of All Persons from Enforced Disappearances.