

**Universal Periodic Review Submission  
Lebanon  
March 2015**

**Summary**

Lebanon accepted many recommendations following its first UPR review in 2010 but has failed to make progress on a number of them. Regarding torture, Lebanon has not taken significant steps to meet its previous commitments to: amend the definition of torture in its legislation to bring it in line with the Convention against Torture; investigate, appropriately prosecute and punish those responsible for torture; compensate torture victims; and establish a national mechanism for the prevention of torture, to which it committed itself by ratifying the Optional Protocol of the Convention against Torture in 2008. Regarding women's rights, Lebanon enacted a law against domestic violence in 2014 but still needs to develop a comprehensive national strategy to combat gender-based violence, and take steps to achieve gender equality and eliminate discrimination against women including in personal status laws. Lebanon failed to make progress on extending labor law protection to domestic workers consistent with international standards. Lebanon also failed to make previously pledged promises to facilitate access of Palestinian refugees to the workforce, with dynamics in the country for Palestinian and Syrian refugees deteriorating further.

**Arbitrary Arrest, Lengthy Pretrial Detention, Ill-Treatment and Prison Conditions**

A number of detainees, including members of vulnerable communities such as drug users, sex workers, and lesbian, gay, bisexual, and transgender (LGBT) individuals, refugees and migrants as well as security suspects told Human Rights Watch that they were subjected to ill-treatment and torture and at times arbitrary arrest and lengthy pretrial detention by a range of security forces.

A number of drug users, LGBT persons, and sex workers who were detained by the Lebanese Internal Security Forces (the local police) told Human Rights Watch that security force members ill-treated them during arrest or while they were in detention facilities, including beatings on different parts of the body with fists, boots, or implements such as sticks, canes, and rulers. Twenty-one women reported that police had subjected them to some form of sexual violence or coercion, ranging from sexual assault to offering them "favors" (such as cigarettes, food, more comfortable conditions in their cells, or even a more lenient police report) in exchange for sex.

Refugees and migrants detained by Lebanese General Security, the agency in charge of foreigners' entry and residency, also reported mistreatment in detention and being held for long periods of time after the end of their sentence while awaiting deportation.

Amid increased security threats, the Lebanese Armed Forces, Military Police, and Military Intelligence increasingly arrested suspects in relation to car bombings and other attacks on civilians in Lebanon. Some of these suspects have suffered from lengthy pre-trial detention and have reported to Human Rights Watch being beaten and tortured by these security forces. Their mistreatment included severe whippings, beatings, including with sticks,

cigarettes, batons and the butt of rifles. In the context of conducting security operations, forces also targeted Syrian refugee settlements, sometimes arbitrarily detaining all adult males and later ill-treating or torturing some of them.

While Article 401 of the Lebanese Penal Code criminalizes the use of violence to extract confessions (but not all forms of torture), and despite repeated pledges by the Lebanese government to prevent torture and ill-treatment, the Lebanese judiciary rarely, if ever, prosecute persons alleged to have committed acts of torture. While some judges set aside confessions extracted under torture, others continue to accept such confessions despite a prohibition in Lebanese law to use forced confessions to convict people of crimes.

On December 22, 2008, Lebanon ratified the Optional Protocol to the Convention against Torture (OPCAT), which requires the creation, within one year of ratification, of a national preventive mechanism (NPM) to visit and monitor places of detention, but has not yet done so. In 2012, a draft law that defined torture and included prevention mechanisms was presented to Parliament, but has not yet been adopted.

The government of Lebanon should be urged to:

- Establish a national preventive mechanism to carry out visits to places of detention, to monitor the treatment of and conditions for detainees, and to make recommendations regarding the prevention of ill-treatment, as required by the Optional Protocol to the Convention against Torture (OPCAT).
- Amend article 401 of the Penal Code to criminalize all forms of torture and ill-treatment and make Lebanon's definition of the offenses consistent with the definition in CAT.

### **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 the Criminal Code.

In an achievement for women's rights, on April 1 2014, parliament passed the Law on the Protection of Women and Family from Domestic Violence. The new law establishes important protection measures and related policing and court reforms, but leaves women at risk of marital rape and other abuse not captured by the law's definition of domestic violence. It also still fails to criminalize marital rape.

Under the 15 various Lebanese personal status laws, which are determined by an individual's religious affiliation, women across religions continue to suffer from discrimination including unequal access to divorce, child custody and property rights. Lebanese women, unlike Lebanese men, cannot pass on their nationality to foreign husbands and children, and continue to be subject to discriminatory inheritance laws.

The government of Lebanon should be urged to:

- Adopt an optional civil code that would ensure equal rights for all Lebanese who wish to marry under it and ensure that it complies with Lebanon's international human rights obligations;
- Require that religious confessions submit their laws to parliament for review. Those that have yet to codify their laws should do so before submitting them to

parliament. Religious personal status laws that do not comply with human rights standards should be amended before they receive approval;

- Establish minimum education and training requirements for judges in religious courts, and require a law license and judicial training as a basic condition for their appointment;
- Establish a monitoring mechanism to oversee personal status court proceedings to ensure that judgments are non-discriminatory;
- Reform the Law on Protection of Women and Family Members from Domestic Violence to expand the definition of domestic violence to meet UN guidelines on protection from domestic violence, and develop a national strategy to implement the law;
- 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;
- Lift its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

### **Migrant Workers' Rights**

There are an estimated 250,000 migrant domestic workers in Lebanon, primarily from Sri Lanka, Ethiopia, the Philippines, and Nepal. Migrant domestic workers are excluded from the Labor Code and subject to restrictive immigration rules based on the *kafala* system, the visa sponsorship system that ties workers to their employers making it difficult for them to leave their employers and putting workers at risk of exploitation and abuse. The most common complaints documented by the embassies of labor-sending countries and civil society groups include mistreatment by recruiters, non-payment or delayed payment of wages, forced confinement to the workplace, a refusal to provide any time off for the worker, forced labor, and verbal and physical abuse. Migrant domestic workers suing their employers for abuse face legal obstacles and risk detention and deportation due to the restrictive visa system.

As early as May 2014, Lebanon also began denying residency permit renewals for a number of Lebanon-born foreign national children of low-wage migrants and their parents and expelling them.

Lebanon voted in favor of the [International Labour Organization's \(ILO\) Convention No. 189 on Decent Work for Domestic Workers](#), adopted in June 2011, but has yet to take steps to ratify the treaty or bring its national laws and practices in line with it. On January 2015, the Labor Ministry was reported in the media denouncing the formation of a domestic workers union on the grounds that it was illegal, but according to union members, the application for the union has yet to be decided upon.

The government of Lebanon should be urged to:

- Amend the labor code to extend legal protection to domestic workers equal to that afforded to other workers and in line with the ILO Domestic Workers Convention.
- Reform the visa sponsorship system so that workers' visas are no longer tied to individual sponsors, and they can terminate employment without sponsor consent.
- Recognize the new union for domestic workers, in line with the right to freedom of association.

- Consider the right to private and family life before rejecting the renewal of residency for workers or their children, or considering their expulsion.
- Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention) and the ILO Domestic Workers Convention.

### **Refugees**

By January 1, 2015 there were well over 1.1 million registered Syrian refugees in Lebanon. And while Lebanon maintained an open border policy for civilians fleeing the conflict in Syria for over three years, in 2014 it closed the door to Palestinians fleeing violence in Syria and later began restricting access for Syrian refugees. There are also hurdles for Syrians and Palestinians from Syria to maintain their lawful presence in Lebanon and for those who entered informally to regularize their status. Absent legal status, refugees face the risk of detention for illegal presence in the country. In a few isolated incidents Human Rights Watch has also documented deportations of Syrians and Palestinians back to Syria, putting them at risk of arbitrary detention, torture, or other persecution.

In addition to the approximately 45,000 Palestinians from Syria in Lebanon, there are another 300,000 Palestinian refugees estimated to be living in Lebanon in appalling conditions. Lebanese laws and decrees still bar Palestinians from working in at least 25 professions requiring syndicate membership, including law, medicine, engineering, and from registering property.

The government of Lebanon should be urged to:

- Honor the principle of non-refoulement and not forcibly return or reject at the border any person whose life or freedom would be threatened on account of race, nationality, membership of a particular social group or political opinion, or who would be at real risk of torture or inhuman and degrading treatment on return;
- 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 discriminatory restrictions on access to the labor market for Palestinian refugees;
- Accede to the 1951 Convention Relating to the Status of Refugees and to its additional Protocol.

### **Legacy of Past Conflicts and Wars**

In October 2012, Justice Minister Shakib Qortbawi put forward a draft decree to the cabinet to establish a national commission to investigate the fate of those Lebanese and other nationals who disappeared during and after the 1975-1990 Lebanese civil war, which in turn formed a ministerial committee to examine the draft. The cabinet formed a ministerial committee to examine the draft, but no further action was taken in 2014. The Committee of the Families of the Kidnapped and Disappeared in Lebanon as well as other civil society groups are advocating for a draft law to create a national commission to investigate the fate of the disappeared.

On March 4 2014, Lebanon's State Council ruled that relatives of people who have disappeared in Lebanon have the right to know what happened to their missing family

members. On September 20, the families of the disappeared were provided with a copy of the government's investigation file after the judiciary requested in May to postpone the delivery of the file on the grounds that it might endanger civil peace.

The government of Lebanon should be urged to:

- Create an independent national commission consisting of representatives of the victims' families, civil society groups working on disappearances, members of the judiciary, parliamentarians, government representatives, and international organizations with experience working on the issue of disappearances. The commission's mandate will be to investigate the issue of the missing and the disappeared in Lebanon, and those abducted from Lebanon and suspected of being detained beyond the Lebanese borders.
- Ratify the United Nations Convention for the Protection of All Persons from Enforced Disappearances.
- Accede to and implement the Rome Statute in national legislation, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes before its national courts in accordance with international law.