

# **LEBANON**

**Submission to the UN Universal Periodic Review**

**Twenty-third session of the UPR Working Group of the  
Human Rights Council**

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**This report is submitted by the following NGOs**



**ALEF-act for human rights (ALEF)** is a Lebanese non-governmental human rights organization operational since 1996 and officially registered in 2013. ALEF aims at monitoring, protecting and promoting human rights through education, training, advocacy and lobbying activities. [www.alefliban.org](http://www.alefliban.org)



**PAX** is a Dutch organization that works together with involved civilians and partners in areas of war, to protect human security, to prevent and end armed violence and to build peace with justice. [www.paxforpeace.nl](http://www.paxforpeace.nl)



**Pax Christi International** is a global Catholic peace movement and network that works to help establish Peace, Respect for Human Rights, Justice and Reconciliation in areas of the world that are torn by conflict. It is grounded in the belief that peace is possible and that vicious cycles of violence and injustice can be broken. (ECOSOC Consultative Status). [www.paxchristi.net](http://www.paxchristi.net)

This submission is presented for consideration as part of the Universal Periodic Review Stakeholder Report. It includes a summary of the human rights conditions in Lebanon along with recommendations on how the Lebanese government can improve these conditions and put an end to violations.

## **Executive Summary:**

The following report highlights Lebanon's improvements and setbacks in the most pressing human rights issues throughout the implementation phase of the first cycle following Lebanon's Universal Periodic Review (UPR) in December 2010. The Lebanese government has shown willingness to comply with certain human rights matters, however it clearly lacks capacity and funds to improve legislation, enforce laws, and report to UN mechanisms properly. On other human rights issues (torture/ refugees and asylum seekers/ discrimination and inequality of women); the political will is absent. The Government has shown good cooperation with some NGOs to improve situations in different sectorial matters. The willingness and ability of the Lebanese government remain the strongest obstacles for the protection, promotion and fulfillment of human rights in Lebanon. In addition to lack of public support, and awareness on certain rights.

Lebanon still lacks a comprehensive institutional and legislative framework for the universal protection of human rights. Although for the most part, legislation is in conformity with international law, implementation is lacking while some outstanding treaties such as the UNCAT are yet to be expressed in national legislations. A long period of political stalemate has enforced a suspension of legislative activity, one that only rejuvenated in infrequent and limited intervals. Such intervals saw the self-extension of the parliament inconsistent with constitutional mandates. The current stalemate also impacted the executive power that seldom remains incomplete, as political actors failed to elect the President of the Republic prior to the end of the mandate of President Suleiman.

Civil and political rights were jeopardized in the past four years due to the rise of political violence and armed hostilities. Impunity is still widespread in Lebanon as a result of a weak rule of law that has left crimes (mainly of political nature) committed in the far and more recent past, with no prosecution. Interference of the executive in the judicial system is in violation of the principles of fair trial. Unfair trials such as military tribunals are still ongoing. Meanwhile, reports indicate the increase in the trend of torture and ill treatment in formal and informal places of detention. The latter situation has clearly been described in the "summary of accounts" published in the CAT annual report on the inquiry visit to Lebanon, which describes the situation of torture in Lebanon to be "systematic and widespread".

Refugees, in particular Syrians, Palestinians, Iraqis and Sudanese suffer from poor protection and limited access to rights; they are denied practice of civil and some economic rights. Syrian refugees expose Lebanon to new challenges that with the absence of solutions and solidarity increase the trend of violations mainly expressed by *ad hoc* policies by the government often in violation of human rights and refugee rights principles. Migrant workers (MW) in Lebanon face widespread violations and poor protection identified by the sponsorship system that transforms the status of MW to victims of trafficking. In addition to this, the immigration and security challenges in the region not only threaten the safety of the population, but also raise concerns about the capacity of the state to adequately protect and uphold good human rights practices in this situation.

## **I. Normative and institutional framework for the promotion and protection of human rights**

### **1. Constitutional and Legislative Background:**

The preamble of the Lebanese constitution states that Lebanon abides by UN covenants and pledges to preserve human rights in accordance with the Universal Declaration of Human Rights. It guarantees public liberties and freedom of expression and religion; and clearly states that Lebanese are equal before the law. Additionally international law is paramount to national law and judges can invoke international treaties in their rulings but this rarely happens in practice.

### **2. The institutional framework and foundation of human rights**

The Lebanese government has failed to establish the National Human Rights Institution (NHRI) based on Paris Principles and the National Prevention Mechanism (NPM) as an obligation in the OPCAT. Human Rights monitoring remains as such centered in the efforts of national and international NGOs. Additionally, lack of information and systematic data collection by the government hinders the formation of evidence-based policies for the improvement of the human rights situation in Lebanon.

Following series of discussions with different stakeholders since 2004, the parliamentary commission released the NHRAP in December 2012. The document in shape fails to plan the implementation of its priorities and remains a roadmap. Worth noting, the plan has not yet been endorsed by the government or the general assembly of the parliament to that regard.

The establishment of a human rights division within the Internal Security Forces (ISF) in March 2008 can be described as a positive step. The latter step was followed by the establishment of the ISF Committee against Torture, a complaint mechanism that seeks to receive and investigate complaints on torture practices committed by the ISF. The ISF has also circulated a memo defining the framework within which the UNCAT should be put into effect at the level of their institution.<sup>1</sup> The modus operandi of the committee is highly criticized, and the lack of transparency and the sanctions that are disciplinary in nature creates additional loopholes to such mechanism in need of further amelioration in line with the Istanbul Protocol and aims for the prevention of torture as a crime.

Lebanon has a substantial delay in submitting its reports related to the following treaties: International Covenant on Civil and Political Rights (due since March 2001), the Convention against Torture (due since November 2001), the International Covenant on Economic, Social and Cultural Rights (due since June 1995), the International Convention on the Elimination of All Forms of Racial Discrimination (due since December 2006) and the Convention on the Rights of the Child (due since December 2011). A period of prolonged delay precedes the submission of most of Lebanon's reports, as there is no systematic procedure to prepare state reports.

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<sup>1</sup> Convention against Torture put into effect at the level of the internal security forces, the Directorate General of Internal Security Forces General Staff - Service Division, May 2014

Overall, the Lebanese judiciary failed to meet international standards on a routine basis over the past four years especially in dealing with political crimes. The large jurisdiction of military court<sup>2</sup> on civilians and the proceedings of the Judiciary Council<sup>3</sup> are of particular concern.

The creation of the Special Tribunal for Lebanon (STL) hopes to provide justice in crimes committed in relation to the assassination of former PM Rafic Hariri<sup>4</sup>. However, the Tribunal's mandate is limited to the prosecution of persons responsible for the attack of 14 February 2005 and connected crimes, and consequently it will apply selective justice. Hearings in the tribunal have started, in particular the "Ayash et al" case where hearings take place in absentia, in addition to the Al Akhbar and New TV cases of contempt. The victims' participation is overly restricted by the STL's thresholds.<sup>5</sup> Furthermore, rules require that a pretrial judge authorize their participation, that the Victims Protection Unit (VPU) assign their counsel and that they get represented as a single group, hence marginalizing their participation in the trial.<sup>6</sup>

## **II. Promotion and protection of human rights in practice:**

### ***Civil and political rights***

#### **Rights to Life, Liberty and Security of Persons**

1. Following an escalation in political polarization, Lebanon underwent political hurdles and a clear decrease in security and citizens' safety. Political figures, civilians, army and security officials, and journalists were targets of violent attacks. Investigations into these crimes have rarely been concluded.
2. According to Amnesty International's 2013 country report 50 individuals are on death row, while the Judicial Council sentenced 25 persons to death in February 2015.
3. The latest executions dated back to January 2004. Lebanon has not signed the Second Optional Protocol to the ICCPR (1989). Nevertheless Lebanon has declared a moratorium on public executions as a first step leading up to the abolishment of the death penalty.
4. Over 17000 Lebanese persons are estimated to have disappeared during the civil war (1975-1990) with their fate still unknown. Progress was made on the 4<sup>th</sup> of March 2014 when Lebanon's State Council ruled that relatives of people who have disappeared in Lebanon have the right to the truth, granting relatives access to the dossier on the investigations carried out by the official committee

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<sup>2</sup> Article I of the decree No. 24/68 of 1968 known as Military Sentences Law details the creation and the jurisdiction of the military court.

<sup>3</sup> A special body that reviews allegations of a political nature, and which seized exclusively and selectively by the government. Recourse to appeal against decisions of this body is not allowed.

<sup>4</sup> Former PM Hariri was assassinated on the 14<sup>th</sup> of February 2005.

<sup>5</sup> Victims participating in proceedings are at a current total of 70, from a list of over 200 court-recognized victims, taking part in the trial.

<sup>6</sup> Karina Hof, Leidschendam, International Justice Tribune, "Hariri's death, ten years and 70 victims later at the Lebanon tribunal" February 11, 2015

set up, to look into the fate of all those kidnapped or missing in Lebanon. The current situation in Syria creates concerns and uncertainty on the situation of the Lebanese allegedly held in arbitrary detention in Syrian prisons.<sup>7</sup>

### **Freedom of association, thought, conscience, and religion**

5. Freedom of association is not granted to foreigners, military personnel and civil servants; all groups are not allowed to form unions, as was made clear when Lebanon's Labor Ministry completely disallowed a proposal calling for the formation of a union for domestic workers in January 2015. Restrictions are also placed on organizations considered by the religious authorities as "outlawed".<sup>8</sup>
6. Censorship in Lebanon is assigned to the General Security Office (GSO), while religious and 'moral' censorship is delegated to official religious bodies<sup>9</sup>.
7. Physical assaults on journalists resurfaced, such as in August 2014 when policemen affiliated with the Council of Ministers guards physically assaulted journalist and photographers in Dar Al-Fatwa, during the election of Lebanon's new Grand Mufti.<sup>10</sup>

### **Freedom of Movement**

8. Freedom of movement of refugees was greatly jeopardized. Lebanese authorities and security services have been increasingly adopting *ad hoc* policies such as curfews and forced evictions targeted specifically at Syrian refugees and other vulnerable groups such as MW and asylum seekers.
9. Foreign domestic workers were severely curtailed by households in exercising their right to freedom of movement in the absence of a provision in the unified contract guaranteeing this right. Of particular concern is the customary and normalized practice of confiscating the passports of MW upon arrival at the airport by the GSO and handing it to the employer of the migrant domestic worker.
10. Restrictive border policies have systematically been adopted on border crossings by the Lebanese government in a discriminatory fashion, with intent to curb down the flow of refugees in violation of the principle of *non-refoulement*.
11. Movement restrictions sometimes target human rights defenders, as in the case of the GSO confiscating the passport of playwright and human rights activist *Lucien Bourjeily* in May 2014.<sup>11</sup>

### **Arbitrary Detention and Rights of Detainees**

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<sup>7</sup> Ali Abou Dehn, Association of Former Lebanese Detained in Syrian Prisons. <http://www.alkalimaonline.com/article.php?id=297382>

<sup>8</sup> Jehovah witnesses, Islamic groups of particular affiliation, Buddhist groups, Zoroastrian..

<sup>9</sup> SKeyes (Samir Kassir Eyes) center for media and cultural freedoms.

<sup>10</sup> Press and Cultural Freedom Violations LEBANON, SYRIA, JORDAN, PALESTINE July - August 2014, SKeyes media, September 15, 2014

<sup>11</sup> SKeyes (Samir Kassir Eyes) center for media and cultural freedoms.

12. The 2013 security incidents in *Abra* posed a clear setback in the rights of detainees; some individuals arrested in the aftermath of the conflict were reportedly tortured, in a relevant case Amnesty International reported the death in custody of Nader al-Bayoumi<sup>12</sup>.
13. Detainees do not have easy access to medical doctors and lawyers, especially detainees belonging to vulnerable groups including but not limited to illegal migrants, drug addicts, sex workers, and homosexuals. Individuals are often detained in prisons for days without access to a lawyer or permission to contact a family member, thus amounting to *incommunicado* detention.<sup>13</sup>
14. The total capacity of Lebanese prisons is 3,653<sup>14</sup>. By 2014 this number was exceeded by almost 175%<sup>15</sup>. In 2014, 3/10 of them were convicted and imprisoned, while 7/10 were still awaiting trials<sup>16</sup>.
15. As reported by a study by ALEF at least 30% of minor offenders are recidivist; the figures represent weak rehabilitative interventions by the Lebanese criminal justice system.<sup>17</sup>
16. Minor offenders are often detained with adult detainees in pre-trial detention facilities.
17. Law 422 on the protection of children in conflict with law appoints child interest representation to UPEL, a local NGO. UPEL's resources are overstretched and many UPEL interventions are inefficient

### **Torture and people deprived of their liberty**

18. National legislation generally defines arbitrary detention as an unlawful detention but fails to directly define its elements. This implies that an act of detention will be considered as arbitrary only when not prescribed by the law, regardless, for example, of the fairness and impartiality of a provision.
19. Detainees are deprived of their rights, *in primis*, the right to be presumed innocent. Authorities do not distinguish between a suspect and an accused and often resort to torture and ill treatment to inculcate an individual. Detention thus becomes a punitive measure rather than a rehabilitative one that is further perverted by the high levels of corruption and impunity.
20. The Lebanese Armed Forces (LAF) have since the early 1990s refurbished basements at the Ministry of Defense (MoD) to accommodate prisons and places of detention. Conditions of detention at the MoD are inhuman and degrading particularly due to the lack of natural light and limited living space.<sup>18</sup> The CAT also reported the inconformity of the prison registry with the Istanbul Protocol

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<sup>12</sup> Amnesty International, *Lebanon: Torture Allegations in Wake of Sidon Armed Clashes*, 09July 2013 pp2-4

<sup>13</sup> On the 23rd of January 2015, a taxi driver's wife had filed a missing persons report at the Abdeh police station in Tripoli after her husband went missing. Security sources later revealed that the missing driver was being detained at the Beddawi police station in Tripoli, which had failed to notify the family of his whereabouts.

<sup>14</sup> Office of the Minister of Interior & Municipalities, *Report on Prison Conditions*, 2011, p. 122.

<sup>15</sup> According to figures shared by the Prison Department at the Ministry of Justice, the current prison occupancy is 6,400.

<sup>16</sup> According to figures shared by the Prison Department at the Ministry of Justice, detainees awaiting trial constitute 67% of the overall prison occupancy.

<sup>17</sup> ALEF, *Guilty Until Proven Innocent: Report on the root causes of arbitrary detention, long delays in trial, and lengthy pre-trial detention*, January 2013.

while an official of the LAF acknowledged the allegations of torture being practiced at the MoD detention facilities.<sup>19</sup>

21. Victims of arbitrary detention are prevented from resorting to a complaint mechanism because of financial restraints, lack of motivation and the complexity in identifying who is responsible for the abuse.
22. On December 13, 2012, MP Ghassan Mkheiber presented a draft law to criminalize and define torture in compliance with the UNCAT. The draft law was revised by the Justice and Administrative Reform Committee but not yet presented to the parliament's general assembly. However the law contains gaps, mainly the lack of prevention mechanisms for torture or redress for victims. The draft does not consider *refoulement* as an act of torture as per article 3 of the UNCAT.
23. The revised version of the draft law redefines torture in manner which may increase impunity. It adds a conditionality to the UNCAT definition so as to limit it to cases "During the initial investigation, judicial investigation and trials " which strictly narrows down the acts of torture to investigations and court hearings, excluding as such forms of torture that take place in different contexts.
24. There is very limited information on torture cases because these abuses are generally committed in secrecy and the victims are discouraged to report or disclose facts. Additionally victims are sometimes held for extended period in *incommunicado* awaiting traces of torture to disappear.
25. Marginalized individuals are at particular risk of torture as a consequence of cultural, political and social exclusion and discrimination. These include, among others, migrants, refugees, asylum seekers, members of the LGBT community, journalists, and suspects of terrorist acts.
26. In application of the decree issued in late 1960's, the transfer of the prison's administration from the MoI to the MoJ is moderately taking shape as the MoJ established a directorate general for prison administration. Further steps are awaiting the promulgations of laws essential for the full transfer.

### ***Child rights***

27. Although progress has been made in the implementation of the CRC, not all children on the Lebanese territory enjoy their rights on equal basis. Problems of quality and access to education, health, and other social services exist in light of regional disparities. Several vulnerable groups of children including refugees, street children, children with disabilities, child workers, and children living in poverty face a *de-facto* discrimination, as noted by CRC in 2006.
28. Despite the existence of a law for free and compulsory education for all children less than 12 years of age, the law implementation is non-existent.
29. Children of refugees are of special concern due to their extremely harsh living conditions and restricted access to education and health care.
30. Institutional care in Lebanon includes orphans, children with severe social problems within the family, and families unable to provide children with basic

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<sup>19</sup> United Nations, General Assembly, " Summary account of the results of the proceedings concerning the inquiry on Lebanon", in *Report of the Committee Against Torture*, Sixty Ninth Session of the General Assembly, 2014. (hereinafter referred to as CAT Report)



needs. Despite previous efforts, the Lebanese government has not yet provided a comprehensive solution for care of children within the family.

31. Child labor in Lebanon is on the rise due to severe economic conditions, poverty and illiteracy. There are over 100,000<sup>20</sup> children who are victims of child labor and illicit trade, vulnerable to exploitation and working in hazardous conditions
32. Most Lebanese political parties' armed factions practice political indoctrination and train number of children on arms.<sup>21</sup> Hezbollah recruits children in political rallies running a group for under-15s called the al-Mahdi Brigades dressed in military outfit and carrying toy rifles. The nearly 20 Palestinian factions in the 12 refugee camps practice military training and indoctrination of children though actual recruits of soldiers under 18 years are not evident.
33. Although the Ministry of Education and Higher Education (MEHE) issued an internal memo condemning the use of corporal punishment and providing complaint systems for reporting, such systems are inefficient and inaccessible to children. The media has reported several cases of punishment exercised on children in schools during the last cycle.

### ***Women rights & Gender Equality***

34. Women in Lebanon are subject to violence or abuse 35% of women have been exposed to some form of abuse<sup>22</sup>; they lack protection and poor state interference on the basis of private family matters.<sup>23</sup>
35. Lebanese parliament ratified the Law on the Protection of Women and Family Members Against Domestic Violence (LADV) in April 2014.<sup>24</sup> Although the new law establishes important protection measures, it defines domestic violence narrowly, and thus does not provide adequate protection from all forms of abuse, most notably non- physical violence and marital rape.
36. Lebanese women still face discrimination in providing their children with the Lebanese nationality. Discrimination also exists in the provisions of the Lebanese labor law and the social security benefits entitled to women as well as wages. However, working women now have the right to 10 weeks of fully paid maternity leave on presenting their medical documentation, in addition to their annual paid holidays.<sup>25</sup>

### ***Economic, social and cultural rights***

37. Prior to the refugee crisis, 28.5% or 1.14 million Lebanese lived below \$4 per day, with 66% or 180,000 Palestinian refugees in Lebanon also living under the poverty line. A projected additional 170,000 Lebanese are estimated to have

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<sup>20</sup> <http://www.menassat.com/?q=en/news-articles/6781-child-labor-lebanon>

<sup>21</sup> Child soldiers global report 2008

<sup>22</sup> IRIN, *LEBANON: Government, NGOs cooperate on issue of gender violence*, 05 December, 2005

<sup>23</sup> In a statement made on the occasion of the tenth international day for the elimination of violence against women by the Lebanese Council to Resist Violence Against Women it was reported that "At least 90% of women in Lebanon are, or have been in the past, victim of physical or psychological abuse."

<sup>24</sup> Law no. 293 dated 15 May 2014 on the Protection of Women and Family Members Against Domestic Violence

<sup>25</sup> Law no. 267 dated 15 April 2014 amending Articles 28 and 29 of Labor Law dated 23 September 1946 and its amendments.

been pushed below the poverty line post-crisis. Overall, the crisis has added 809,000 people to the number of poor living inside Lebanon since 2011, a 61% rise.<sup>26</sup>

38. Among Lebanese households 25% of Lebanese are not connected to public water networks and the rest receive water less than 4 days a week an average of 2 hours a day<sup>27</sup>. Mineral bottled water remains the main source of drinkable water for over a third of the population. Those who cannot afford it face a serious challenge in accessing safe drinkable water. However, with the huge refugee inflow, water demand is definitely expected to surge by an average of 25%,<sup>28</sup>
39. The Ministry of Health issued a memo forcing hospitals to provide at least first aid care to everyone in need even if they cannot provide sufficient financial compensation.<sup>29</sup> However, this is not being applied as hospitals such as Al- Hayat Hospital had their contracts with the Ministry of Health canceled for preventing patients from obtaining medicines for lower prices. Hotel Dieu de France Hospital also had its contract with the Ministry of Health terminated after it refused to admit a disabled patient in need of surgery. Two other hospitals denied admittance to two newborn babies in February and early March 2015, leading to their demise.
40. Palestinian refugees are still barred from working in certain professions, as doctors, lawyers, engineers, and so forth. A law passed in 2005 only granted them the right to work in clerical and administrative positions<sup>30</sup>.
41. Palestinians in Lebanon are discriminated against as compared with other non-citizens with regards to the rights to own and inherit property. The Ownership Law bars the right of Palestinian refugees to own property in the country. Palestinians may no longer purchase property and those who owned property prior to 2001 are prohibited from passing it on to their children<sup>31</sup>.

### ***Human Trafficking***

42. Lebanon is a destination country for internationally trafficked persons, primarily women. Women from different countries of origin travel to Lebanon, in the belief that they will work as domestic workers and have reportedly been forced into domestic servitude and sexual exploitation.
43. Although the government demonstrated limited anti-trafficking law enforcement efforts, parliament had passed the August 2011 anti-trafficking law, Number 164<sup>32</sup>, which broadens the definition of individuals that are considered victims of human trafficking and imposes penalties on perpetrators of the crime. In addition to the discrepancies between the existing anti- trafficking laws in Lebanese Penal Code and Law 164, implementation decrees for the relevant law are still pending cabinet approval. The law focuses on the prosecution of

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<sup>26</sup> Lebanon Crisis Response Plan 2015-16

<sup>27</sup> Lebanon Crisis Response Plan 2015-16

<sup>28</sup> Blominvest Bank Research Department, *The Lebanese Water Sector: Substantial Challenges to Come*, 05 April 2014

<sup>29</sup> Memorandum issued by Minister *Khalife* on 30 October 2006

<sup>30</sup> United Nations Relief and Work Agency for Palestine Refugees, "Lebanon", 2012, <http://www.unrwa.org/etemplate.php?id=65>.

<sup>31</sup> Law No. 296, Passed by the Lebanese Parliament 3 April 2001

<sup>32</sup> Law no. 164 dated 24 August 2011 on the Punishment for the Crime of Trafficking in Persons

criminal acts related to human trafficking without a strong preventive mechanism, yet law enforcement, immigration, and social services officials currently lack mechanisms and systematic procedures to ensure trafficking victims receive access to protective services.

44. Law 164 fall short to meet basic protection standards and the Lebanese government has not yet established a referral system or a trust fund for the rehabilitation and compensation of victims of trafficking.

### **Promotion and protection of the rights of migrants and refugees**

45. In 2013, a code of conduct for the Syndicate of the Owners of Agencies in Lebanon was finally issued resulting from the collaboration of the OHCHR and ILO and dealing with the rights and obligations of migrant workers, agencies and employers.<sup>33</sup>
46. Palestinian refugees' legal status is regulated under Decree N.319 which confers to the Palestinians who sought refuge in Lebanon in 1948 and their descendants, the right to reside in Lebanon. However, Palestinian refugees are conferred a foreign status under which they cannot access to services such as health and education and cannot effectively exercise their right to work<sup>34</sup>. The situation is further aggravated in the case of "non-ID" Palestinian refugees, whom as a consequence of not possessing an identity card, are prevented from fully enjoying their rights<sup>35</sup>.
47. Currently the majority of refugees in Lebanon are Syrian nationals escaping the conflict. According to UNHCR, in 2014 out of 5,779 Syrian refugees born in Lebanon, 72% do not have a birth certificate, making it furthermore difficult for the Syrian authorities to recognize their nationality<sup>36</sup>.
48. Lebanon is the country with the highest concentration of refugees per capita and ranks at the first place in absolute number of Syrian refugees. As of 3 March 2014, 1,168,441 Syrian refugees were registered with the UNHCR, the equivalent to more than a quarter of Lebanon's resident population.<sup>37</sup>
49. Recent statements or decisions and measures adopted by the Lebanese authorities show that in the absence of a comprehensive national policy for coordinated solutions and greater international solidarity, Lebanon is likely to take additional drastic steps, such as closing the border with Syria, that contravene its international obligations, in particular with regard to the principle of *non-refoulement*.

### **The judiciary and access to justice**

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<sup>33</sup> OHCHR, *Lebanon: a Code of Conduct to recruit migrant domestic workers* 29 July 2013

<sup>34</sup> Manara Network for child rights, "Country profile of Lebanon. A review of the implementation of the UN Convention on the rights of the Child", August 2011, p.30-31

<sup>35</sup> Manara Network for child rights, "Country profile of Lebanon. A review of the implementation of the UN Convention on the rights of the Child", August 2011, p.50

<sup>36</sup> UNHCR, The UN Refugee Agency, "2015 UNHCR country operations profile – Lebanon", available at <http://www.unhcr.org/pages/49e486676.html>. [accessed 1 December 2014]

<sup>37</sup> UNHCR, *Syria Regional Refugee Response*, Inter-agency Information Sharing Portal, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122>

50. The justice system in Lebanon is subject to political influence<sup>38</sup>, bribery, slow proceedings, prolonged detention; prolonged hearings in court proceedings and under numbered judges.
51. The Military Court is a judicial form outside the scope of ordinary law. The Lebanese government has exceeded on many instances the principles called upon by the UN Commission on Human Rights<sup>39</sup>, allowing the military Court to continue adopting a non-military task and try civilian individuals who are not related to the military sector. Reported cases reveal frequent violations against the internationally recognized principles of fair, expeditious and public trial.
52. The Military Court is a judicial organ under governance of the Executive, which violates the preamble of the Lebanese constitution<sup>40</sup>. Interference of executive, improper administration of justice and impunity allow all kinds of violations, including torture, protracted and arbitrary detention, and absence of contacts with family members or appropriate legal representation, violation of the right of due process etc.
53. The first chamber of the Military Tribunal is chaired by a military officer, and assisted by four other judges. Three of the judges are military officers appointed by the Ministry of Defence based on the recommendations of the heads of the main security institutions like the ISF, GS, the Customs Bureau and the LAF. The appointment of the military judges does not require legal studies or a law degree.
54. The Judicial Council functions under the orders of the Executive branch and has jurisdiction over matters of external and internal state security. It is criticized of being vulnerable to external pressures from political. Under article 366 of the Code of Criminal Procedure, the judgments of the Judicial Council are not open for review.<sup>41</sup> The lack of an appeal is a blatant breach of international standards for criminal justice.

#### **Recommendations:**

- To ratify the law establishing the **National Human Rights Institution (NHRI)**, and insure the integration of the Paris principles in particular the principle of independence;
- To establish a commission aimed at ensuring that the right to truth, justice and reparation of families of victims of **enforced and involuntary disappearances** are supported;
- To establish a DNA database to collect necessary data essential for the identification of human remains and provide families of the **disappeared** the right to know the fate of missing people;

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<sup>38</sup> both when the political authority assigns the judges or in court proceedings

<sup>39</sup> See the report of the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, Emmanuel Decaux adopted by the Commission on Human Rights in its 62 session, held on 13 January 2006 and related to the administration of justice through military tribunals - E/CN.4/2006/58.

<sup>40</sup> See the preamble of the Lebanese Constitution, (e): *The System is based on the principle of separation of powers.*

<sup>41</sup> Court Decisions taken by the Judicial Council are not open for appeal or review. The process lacks an ordinary review/appeal mechanism. Additionally, the Executive branch and the Cabinet have the authority to refer cases to the Council but don't have the ability to refer a review or appeal the decision.

- To initiate reforms insuring the respect to labor rights of **migrant domestic workers** preventing any form of human trafficking;
- To expedite the establishment of a robust and independent **national prevention mechanism on torture**, which would have access to all places of detention in Lebanon;
- To ratify laws on the **criminalization of torture** in line with the provisions of the UNCAT;
- To ensure that all allegations of **torture are investigated** in an impartial and independent body bringing those responsible to justice with guarantees of a fair trial;
- To create means insuring that the **guarantees of fair trial are respected** throughout the judicial proceedings and sanction any violations of those guarantees;
- To establish a **state lead legal aid system** allowing all people to benefit from its judicial proceedings;
- To reform the system of **nominations of judges** limiting all forms of political influence hampering the independence of the judiciary;
- To **limit the jurisdiction of the Military Court** to try military personnel only, and transfer to national civil courts the jurisdiction of trying civilians for security issues, thus making the military court an integral part of the general judicial system;
- To **provide access of refugees** on the basis of stricter review process in compliance with international refugee law standards, in particular the principle of *non-refoulement* and with human rights principles;
- To amend discriminatory provisions in personal status laws ensuring that **women are not discriminated against** in issues related to child custody, inheritance, divorce and nationality;
- To insure that security measures and the strife in **counter-terrorism** does not come at the expense of human rights obligations;
- To abolish the **death penalty** sentence from all legislations and be replaced with greater humane sentences;
- To promote a wider **incarceration response** that will insure a principled consideration to the deprivation of liberty and create rehabilitative interventions that can limit the rate of recidivism;
- To respect the right to the **freedom of association** by lifting all security considerations hampering the creation of associations that limits the work of human rights defenders;
- To improve conditions of **public health** care facilities and create an insurance plan promoting gender equality, equal access for Lebanese and foreigners, and an effective health system for prisoners;
- To amend provisions of domestic laws that fall short of meeting the Convention on the Rights of the Child in particular **increasing the age of criminal responsibility** and ensure that education is free and compulsory until the age of 15;
- To create a specific mechanism **to prepare state reports to UN treaty bodies** and provide training to parties concerned with preparing these reports in coordination with the office of the High Commissioner for Human Rights.

Implement a comprehensive data collection policy for the purpose of informed policy formation and establish an independent human rights monitoring mechanism;

- To revise the **anti-trafficking law** in order to render it more a protection law rather than a prosecution tool and to build law enforcers capacities on anti-trafficking related concepts and measures;