

JOINT SUBMISSION ON CIVIL AND POLITICAL RIGHTS

UNIVERSAL PERIODIC REVIEW

LEBANON

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- Frontiers Ruwad Association
- ALEF-act for human rights(ALEF)
- Alkarama Foundation
- Lebanese Transparency Association
- Arab NGO Network for Development
- Maharat
- Act for the Disappeared
- Lebanese Association for Democratic Elections
- Lebanese Center for Human Rights
- Badael Alternatives
- The International Center for Transitional Justice
- (ICTJ)- Lebanon
- Legal Agenda

**Joint submission on civil and political rights
Universal Periodic Review
Lebanon
November 2015**

This joint submission is prepared for the second cycle of the Universal Periodic Review of Lebanon, scheduled to take place in November 2015. The submission sheds light on the major issues and violations of civil and political rights that occurred or still occurring in Lebanon throughout the last four or five years. This submission is the outcome of an inclusive process among various civil society groups in Lebanon and was adopted by consensus following a national consultation meeting held in Beirut, Lebanon on March 12th.

The ANNEX at the end includes contact details for 12 Drafting NGOs and 12 supporting organizations.

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I. Background and framework

A. Scope of international obligations

1. During the first round of the Universal Periodical Review for Lebanon, civil and political rights in general and several issues in relation to these rights (asylum seekers, torture, detention, enforced disappearances...) were high priorities tackled. Acceptance of several of these recommendations, reflect the commitment of the Lebanese State to the promotion and protection of human rights; however, following up on their implementation require genuine efforts, political will and enhancing mutual understanding and peaceful interactions between all components of the Lebanese society.

2. It is noted that the first review conducted in 2010 did not mention the Syrian refugee crisis in Lebanon as it was still at its early stages. Today, after four years of State omission from dealing with this crisis, there are 1115988 refugees¹, a number that exceeds the quarter of the Lebanese population. As a result of the poor response to the crisis, harsh and devastating consequences and violations of human rights of the Lebanese and foreigners occurred in Lebanon, especially among refugees. These violations touched all the aspects whether civil, political, economic or social.

3. Current phase of political and constitutional void, resulting from the extension of the mandate of the Parliament, endangers stability in the country, increases societal tensions and is a clear violation of the Lebanese Constitution and international treaties and covenants ratified by Lebanon and of the most basic principles of democracy.

B. Institutional and human rights infrastructure

4. Despite the acceptance of the recommendation on the establishment of a national human rights institution, the project of creating a national commission for human rights is still pending. Therefore, the human rights violations follow up and monitoring efforts remain scattered and ineffective.

5. Human rights infrastructure needs to be further strengthened in Lebanon though some positive developments occurred; as the establishment of the Human Rights Department of Internal Security Forces (ISF) and the formation of an ISF anti-torture committee.

Recommendations

6. Fulfill the commitment to establish an independent, national human rights institution with a clear mandate in accordance with Paris Principles and enabling a mechanism to receive complaints and give citizens the right to an effective remedy.

¹ UNHCR, 2015 UNHCR country operations profile, available on: <http://www.unhcr.org/pages/49e486676.html>.

II. Promotion and protection of human rights on the ground

B. Implementation of human rights obligations

i. Right to Life, Liberty and Security of Persons

7. With increased polarization of political debate in Lebanon, the security situation in Lebanon drastically decreased. This has been set clear with the eruption of series of riots, assassinations and street battles resulting in the death and injury of a number of individuals. Impunity on such act can be identified in either slow progress in investigation.

8. In another limit to the right to life, the death penalty in Lebanon is still legal. While Lebanon is implementing a non-official moratorium on execution since January 2004, and in 2006 through a communiqué to the UN indicated the cessation of public executions, Lebanon did not adopt the Second Optional Protocol to the ICCPR calling for the abolition of the capital punishment.

Recommendation:

9. Urge Lebanon to officially adopt the OP2 to the ICCPR on the abolition of the death penalty;

10. Put an end to impunity, and guarantee an effective and impartial application of the legislation and court rulings, through the formal judicial system

ii. Promotion and protection of the rights of migrants and refugees

11. First cycle review included refugees and migrants as a priority issue for Lebanon, with overall 25 recommendations received on the subject. Yet, the immigration policy in Lebanon still needs to be revised, as the 1962 Law regulating the entry, exit and stay of foreigners is outdated and does not take into consideration the flow of migration in the 21st century.

12. While Lebanon took note of the recommendations on the revision of sponsorship system, the continued practices of the sponsorship system, a form of modern slavery, continues to create additional violations to the right of migrants in Lebanon. In 2013 a code of conduct was developed between the ILO, OHCHR and the union of agencies in relation to migrant worker facilitation. The code of conduct includes guidelines on the rights and obligations of migrant workers, the agencies, and employers; in addition to the other guidelines in relation to the contracts and the language facilitation.

13. Decree No. 319 regulates the status of Palestinian refugees in Lebanon who sought refuge in 1948 and their descendants. Social and economic rights of Palestinian refugees are strictly limited to their inability to access services such as health, education while their right to work and ownership of private property is

strictly forbidden². The situation worsens for Palestinian “Non- ID” whose statelessness increases violations committed against them.

14. The crisis in Syria resulted in a mass influx of refugees into Lebanon. The unprecedented numbers have created pressure on the social cohesion and state infrastructure. As of 2015 1.3 million Syrian refugees are registered with UNHCR.³ The problem in statelessness also reaches the Syrian refugee population in Lebanon; out of 5,779 Syrian refugee new-borns in Lebanon 72% have no birth registration.⁴

Recommendations:

15. Respect the international labor standards at work especially regarding Conventions 87 and 111, and ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the ILO Convention on Domestic Work, 189;

16. Abolish the sponsorship ‘kafala’ system with regards to migrant domestic workers (MDW) and replace it with an employment based visa system to (a) operationalize supervision of the Ministry of Labor on domestic workers’ employment processes and working conditions, as well as on the practice of employment agencies, (b) investigate cases of abuse and provide legal protection for domestic workers And (c) remove the exception of MDW within the Lebanese Labor Law;

17. Establish a legal mechanism to ensure the protection of refugees and asylum seekers, particularly against arbitrary detention and refoulement;

18. Continue to provide access of Syrian 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 law;

19. Initiate the necessary steps for the drafting of a national policy to serve as a comprehensive framework to govern admission, status and reception conditions, in coordination with key relevant actors, notably the UNHCR and taking into account the current discussions on the adoption of a Memorandum of Understanding;

iii. Right to identity

20. There are tens of thousands of stateless persons in Lebanon. The reasons for their statelessness vary. They include inheriting the status from their ancestors who failed to register in the only population census of 1932 following the creation of the State of Lebanon; fleeing from persecution from neighboring countries to Lebanon in the 1930s without a determined nationality etc.

² 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

³ UNHCR, *Syria Regional Refugee Response*, Inter-agency Information Sharing Portal, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122>

⁴ UNHCR, The UN Refugee Agency, “*2015 UNHCR country operations profile – Lebanon*”, available at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486676&submit=GO> [accessed March 2015]

21. There is no special legal framework governing the status of stateless persons and their rights. They lack any legal status or documentation.

22. There are no personal status records for stateless persons. Their marriages could not be registered and children born to unregistered parents are not entitled to have their births registered.

23. As a result, stateless persons are in an exceedingly disadvantageous situation, which makes them subject to serious abuse and exploitation; generally denied basic and fundamental human rights.

Recommendation:

24. Establish a comprehensive rights-based protection framework for stateless persons, in order for them to be identified, registered and issued with documentation as well as to ensure their access to basic and fundamental rights.

iv. Access to justice

25. Guarantees of fair trial are not well respected in Lebanon, in particular at the stage of investigations and pre-trial detention. In a multitude of cases individuals have been arrested without arrest warrants, in plain clothes and minor respect for the rights of people deprived of their liberty.

26. Migrants do not have access to neither to proper legal aid nor to language facilitation throughout the trial proceedings. Not to mention that many migrants have their court case deal in abstentia as they are deported prior to being brought before a judge.

27. While it is indicated under the article 425 of Law 90/1983 that “citizens who cannot afford a lawyer would be provided with one by the state”, due to lack of any state lead initiatives on that regard, legal aid and other services are provided by Civil Society Organizations and both Beirut and Tripoli Bar Associations.

28. During the first cycle review, Lebanon took note of the recommendation calling for ending the prerogatives of the Ministry of Defence and Military Courts to detain and to charge civilians respectively. Yet, the Lebanese judicial system still compromises this special court.

29. The two types of courts which most directly violate fundamental freedoms and human rights are the Justice Council and the military tribunals. Indeed, the jurisdiction of these courts and the way they work violate the provisions of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, though they are both included in the Lebanese Constitution. The laws that regulate these two types of courts are, to a certain extent, unconstitutional, notably with regard to their independence, the guarantee of fairness in judgments and the rights of the defense.⁵

⁵ For more information:
http://www.constitutionnet.org/files/the_independence_and_impartiality_of_the_judiciary_in_lebanon.pdf

30. The Military Tribunal in Lebanon is no exception to the findings of the Working Group on Arbitrary Detention (WGAD). Desk research, particularly through daily news screenings, have revealed that the Military Tribunal in Lebanon does not comply with the rules that have been established by the WGAD.

Recommendation:

31. Amend the code of criminal procedures to clearly adopt all fair trial standards at all stages.

32. 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.

33. Enhance effective access to legal aid, making State legal aid compulsory, to all defendants, before all courts and for any crime.

34. Ensure that the Military Tribunal applies due process procedures that are recognized according to international law, such as the right to a fair trial.

35. Restrict the jurisdiction of the Military Tribunal, in accordance to the guidelines of the Working Group on Arbitrary Detention.

v. Independence of the judiciary

36. The independence of the judiciary is one of the main guarantees of the right to a fair trial, and is part of its definition. Yet, major safeguards of this independence in both its individual and institutional aspects are still not adopted by Lebanese law.

37. The principle of irremovability of judges is not recognized. Moreover, judges are still denied fundamental freedoms of expression and of association, on the basis of the law on public servants (article 15), the law on the organization of judicial courts (article 44 and 132) and on the deontological duties related to the judicial function, particularly the obligation of restraint. 8 of the 10 members of the High Judicial Council (HJC) are still being appointed by the Executive. Furthermore, the accountability of judges, corollary to the principle of independence, still fails to meet international standards, as the Inspection commission is still directly linked to the Minister of Justice (MoJ) and not the HJC, and fear of its politicization can therefore exist.

Recommendations:

38. Respect the principle of election of at least the majority of members of HJC, and consecrate in the constitution the right of irremovability of judges, and grant the HJC the competence to issue the resolution of appointments, promotions and removals/transfers of judges with no need for a decree, on the basis of transparent procedure and objective criteria;

39. Reaffirm the judges fundamental freedoms of association and expression in respect of the Constitution and international standards;

40. Relate the Judicial institutions including the Inspection commission to the HJC.

vi. Torture in Lebanon

41. Despite being a party to the Convention against Torture (UNCAT) since 2000 and the Optional Protocol (OPCAT) since 2008, Lebanon still fails to fulfil its resulting commitments. For instance, Lebanon's State Report to the Committee against Torture remains overdue since 2001. Despite Lebanon's acceptance of seven recommendations addressing the issue of torture at the last UPR, it is concerning to note that after four years, their implementation is still far from being achieved.

42. Recommendations in the first UPR demanded Lebanon to amend its national legislation in order to bring it in line with the requirements of UNCAT, to duly investigate and prosecute perpetrators and implement its OPCAT obligations. Even if Lebanon has taken some positive steps, they remain limited and hampered by a continuous political stalemate.

43. A draft law defining torture in line with the UNCAT and criminalising this practice has in fact been under review by the Lebanese Parliamentary Committees since 2012 and was then formalised in its final version on 30 June 2014. To date, the draft law is at the level of the Parliament Council ready to be voted but, but blocked because of a lack of a parliamentary agreement to hold a new session. It is noteworthy however that the current criminal law still does not provide for a definition of torture, nor does it prohibit or criminalise all acts of torture, complicity in carrying out torture or attempts to commit torture as offences on their own. The law does not either provide for appropriate penalties and measures of redress for victims.

44. Similarly, while acknowledging that Lebanon set an important precedent by being the first country in the Arab world to ratify the OPCAT, and that a draft law was presented to the Minister of Justice in 2009, to date the National Prevention Mechanism (NPM) has still not been established as the draft law is still under consideration by the Parliament.

45. The Committee against Torture (CAT) 2014 confidential inquiry conducted on the use of torture in Lebanon reveals that torture is, and has been, "systematically practised in Lebanon, especially in the context of investigation and for the purpose of obtaining confessions". The Committee also raised its concern over the deliberate disregard for fundamental legal safeguards for persons deprived of liberty, the serious flaws in the Lebanese penal justice system and system of general impunity for perpetrators, all elements conducive to the systematic use of torture. Confessions obtained under torture should also systematically be rejected in court, and inquiries should be open into the allegations raised.

Recommendations:

46. Adopt the appropriate national legal instruments in order to put an end to the widespread use of torture;

47. Ensure the duly and effectively implementation of these instruments, including through appropriate training of the army, law enforcement and detention authorities;

48. Ensure that testimonies acquired under torture are not used by courts.

vii. Missing and Enforced disappearances

49. Since the last UPR of Lebanon in 2010 important steps have been taken related to the issue of the missing and enforced disappearances. This includes the recognition of the right to know for the families' of the disappeared by the Lebanese State Council⁶, the data collection on ante-disappearance by the ICRC since 2012 which can help identify missing people.

50. In addition, a draft law on the missing and enforced disappearance was prepared by civil society organizations and submitted to the Parliament. This Law sets the framework for creating a commission that would be mandated to clarify the fate of missing persons.

Recommendations:

51. Ratify the 2007's International Convention for the Protection of All Persons from Enforced Disappearances;

52. Adopt the Draft Law for Missing and Forcibly Disappeared Persons, which was submitted to the Parliament and ensure its effective implementation;

53. Create a DNA database for all the families of the missing;

54. Take appropriate measures to protect potential mass graves in order to preserve information that could prove to be vital in any future truth-seeking process.

viii. Access to Information

55. The right to access information is a right stipulated by Article 19 of the UDHR, and ICCPR. To date, Lebanon does not guarantee the right to seek, receive and impart information and ideas, despite committing to protecting this right.

56. Established on April 11, 2008, the National Network for the Right to Access Information (NNRAI) undertook the task of drafting the "Right to Access Information" law, and the "Whistleblowers Protection" law, in the purpose of promoting transparency and accountability, consolidating rule of law and civil involvement in Lebanon through access to information and whistleblowers protection. The draft law on the right to access information has been recently approved by the joint committees of the Lebanese Parliament and transmitted to the General Assembly⁷.

Recommendation:

57. Adopt the Right to Access Information law and the "Whistleblowers Protection" law and ensure its full effectiveness through the adoption of the relevant decrees.

ix. Respect the Principle of Periodic Elections and Reform Election Law

⁶ In its ruling on March 4th, 2014, the Lebanese State Council granted the families of the missing and forcibly disappeared access to the full report of the investigation files of the 2000 Commissions of Inquiry and in doing so established the right to know as a legal principle.

⁷ On February 3, 2015

58. Lebanon received no recommendations during the first cycle UPR session on elections, yet since the last UPR session, postponement of the periodic elections in Lebanon through the extension of the Lebanese parliament mandate results in dangerous deterioration of the democratic process in Lebanon and loss of Lebanese citizens' of one of their major political rights i.e. the right to vote. This violates as well the principle of periodic elections recognized by international treaties ratified by Lebanon particularly the ICCPR.

59. Since 2008, Lebanon has witnessed significant steps towards electoral reforms through amendments made to the Parliamentary Electoral Law based on which the elections of 2009 were organized. Nevertheless, further reforms in election law are needed principally to foster women's political participation, to ensure full enjoyment of right to vote to non-resident Lebanese citizens⁸, lower voting age to 18⁹, ensure that the right of people with disabilities is fully respected¹⁰.

60. The participation of women in political decision-making remains weak despite that Lebanon legally recognized women's political rights in 1953. Women's representation remains unequal, whether in legislative or executive powers, or political parties.

61. Moreover, in order to guarantee the right of citizens to choose their representatives freely by preventing any sort of political or financial influence and to ensure the fairness of elections, Lebanon has to ensure controlling on electoral spending.

62. On May 24 2014, at the end of the mandate of the twelfth president of the Republic, Lebanon entered in a phase of political and constitutional void as the deputies failed to elect the head of state within the constitutional deadline.

63. The Constitutional Council is an independent constitutional institution of judicial status. Despite that this institution plays a crucial role in ensuring compliance to the constitution, in practice, the Constitutional Council confirms that its prerogatives are not enough to provoke change in the way constitutional institutions operate.

64. Despite mentioning a commission to supervise the electoral campaign in the law, its prerogatives are limited and it continued to work under the supervision of the Minister of Interior. Its prerogatives were limited to monitoring electoral spending, advertising and media.

⁸ Article 104 of the Electoral Law of 2008 stipulated that Lebanese citizens not residing on the Lebanese territory are entitled to vote at the Lebanese embassies and consulates. Although this could be considered a step forward in terms of guaranteeing the right of non-resident Lebanese citizens to vote in their country of residence, experience showed that there is a need to reform this system that led to the exclusion of significant numbers of registered citizens thus depriving them of their right to vote.

⁹ The Lebanese Constitution and electoral law determined the legal age at 21 for voters and 25 for candidates. This is actually a violation of the basic political rights of citizens between 18 and 21 years of age especially that this age group enjoys all of their civic rights and duties by are denied their right to participate in political life through elections. As a result of this reality, the youth distanced themselves from active participation in volunteering work, political life and public affairs.

¹⁰ The electoral law stipulates that the Ministry of Interior shall take into consideration the needs of people with disabilities when organizing the elections and shall take measures to allow them to exercise their right to vote without any impediments.

Recommendations:

57. Respect the principle of periodic elections and the right to vote as both are basic constitutional political principles and fully abide by the deadlines provided for by the Constitution or in laws relevant to the election of the President of the Republic and Parliament.

58. Expand the prerogatives of the Constitutional Council, so that it is able to prevent and stop violations made by the other authorities and to give it the ability to interpret the Constitution.

59. Establish an independent and permanent commission in charge of managing elections and transfer the prerogatives of the Ministry of Interior to this commission.

60. End to all kinds of gender discrimination, develop programs and plans of action that aim to encourage and ensure women's participation in public affairs and Adopt a 33% women's quota.

61. Amend the Constitution to lower the legal voting age from 21 to 18 as per the internationally accepted standards in the UDHR and ICCPR and lower the minimum age to run for elections from 25 to 22.

62. Amend article 92 of the parliamentary electoral law 25/2008 and Article 83 of the municipal electoral law to ensure that the right of people with disabilities is fully respected and that they are treated as equals.

63. Set a variable spending limit that reinforces equality in terms of spending among candidates and amend the electoral law to ensure equal treatment of all candidates in their media appearances and to protect the rights of independent, non-funded independent candidates.

x. Freedom of opinion, expression and belief in Lebanon

64. The Lebanese Constitution ensures the respect of freedom of opinion and belief as stipulated in Article C of the Constitution Preamble.¹¹ Despite its commitment in 2010 to better guarantee the freedom of expression, the freedoms of opinion and belief are subject to harassment by high ranked public officials through misuse of obsolete legal texts which are inconsistent with the concept of public liberties, constitutional provisions, and international treaties and covenants, or through abuse of power and discrimination among Lebanese people based on beliefs. These harassments are in their majority targeted at journalists, civil society activist, and defenders of individual political and civil rights.

65. Public authorities use the provisions of the Lebanese Penal Code as a pretext to prosecute activists and journalists, particularly article 386 which forbids criticism of public authorities and punishes by imprisonment for a period up to one year. The last few months of 2014 and the beginning of 2015 witnessed three different examples of threats to the freedom of opinion and expression in Lebanon.

66. A journalist was subject to interrogation at the penal court upon a complaint filed by the Directorate General of ISF because of an article he wrote in a newspaper, in

¹¹ "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".

which he criticizes the inhumane treatment dealt by ISF staff in a specific case.¹² An activist of the Civil Movement for Accountability was summoned for interrogation by the Criminal Investigations Department upon a complaint filed by a Lebanese deputy in favor of the postponement of the parliamentary election date where he claimed that the defendant carried an insulting slogan to all deputies¹³.

67. The General Security also exerts censorship over artistic, cinematographic and theatrical productions in accordance with the provisions of normative decree № 2, which authorizes monitoring theater texts prior to presenting them on stage. Moreover, the law issued on November 27, 1947 subjects all cinema movies to monitoring prior to their screening. The General Security recently prohibited the presentation of a play produced by a non-governmental organization in Lebanon working censorship issues under the pretext that it contained the names of politicians.¹⁴

68. After having made a step forward under the previous government, when the freedom of holding civil marriages in Lebanon was recognized for those not affiliated with any religious community¹⁵, the current government did not respect its commitments and public departments refrained from registering civil marriages held in Lebanon. This discriminatory action is in violation of the Constitution Preamble provisions which states that all citizens are equal in rights and duties without discrimination.¹⁶

Recommendations:

69. Amend the legal and regulatory framework in order to fully guarantee the freedom of expression and remove all ambiguous and vaguely worded articles that denies the enjoyment of this right

70. Abolish all kinds of pre-censorship imposed on artistic productions;

71. Recognize the right of individuals affiliated with the common law sect to register their civil marriages held in Lebanon as a consolidation of the principle of freedom of belief and non-discrimination among citizens.

xi. Freedom of Association:

¹² Statement of “Maharat Foundation”, an organization promoting the freedom of expression issued on September 25, 2014, available at: <http://maharatfoundation.org/?p=1718&lang=ar>.

¹³ The Legal Agenda, report published on its website on November 14, 2014 available at: <http://www.legal-agenda.com/newsarticle.php?id=871&lang=ar>.

¹⁴ Statement of the “Marsh” initiative to abolish all sorts of censorship over artistic productions issued on January 28, 2015. <http://www.marchlebanon.org/ar/In-The-Press>

¹⁵ The former Lebanese Cabinet of Ministers allowed the registration of civil marriages based on an opinion issued by the Higher Committee for Consultations at the Lebanese Ministry of Justice, which considered that applicable laws in Lebanon allow for the registration civil marriage contracts held in Lebanon for those who stroke off their religious affiliation

¹⁶ The position of Ziad Baroud, the former Minister of Interior published by Annahar newspaper on February 2, 2015.

72. Despite its liberal notification system guaranteed by the 1909 law on associations¹⁷, a *de facto* authorization system was imposed for decades (1990-2005) proves that legal and administrative reforms are essential to clarify any vague provisions in the law, adapt the association law in full conformity with international human rights standards and to fully ensure an enabling environment for civil society. Further reforms should keep the liberal notifications system and not be used to impose any kind of prior control on the freedom of Association.

73. In the last 3 years, several notification were refused by the administration and the illegal prior investigation are occurring again and are being used to prevent the creation of new association which deals with “problematic issues” such as torture prevention NGOs or LGBT NGOs. This practice of delaying the notification publication was condemned by the highest administrative court in 2003.

74. Trade unions and syndicates do not fall under 1909 Law and are subject to a strict authorization regime established by the 1946 Labour Code. A strict supervision and control hinders the formation of trade unions and political interference hampers both their formation and operation.¹⁸

75. Some categories of people are deprived of the right to form associations. Judges and civil servants in Lebanon are not allowed to belong to any professional associations or unions. Palestinians refugees present in large numbers in Lebanon are also deprived from this right.

Recommendations:

76. Review the 1909 law to specify a fixed delay for authorities to hand back the notification receipt to associations and reform article 3 of the 1909 Ottoman Law so the conditions for not granting the notification or dissolving an association are not subject to a wide array of interpretation but solely based on their contradicting the Lebanese law;

77. Make the Law of Associations applicable to all associations in Lebanon, including foreign organizations and youth and sports associations;

78. Lower the minimum membership age from 20 to 18 years old to match the constitutional definition of adulthood;

79. Amend circular 15/M/2008 to cancel the investigations on associations’ founding members;

80. Develop clear, objective and transparent set of criteria for the Ministry of Social Affairs’ contracts issuing process with associations and implement relevant monitoring and evaluation mechanisms tailored to various associations’ mandates and structures;

81. Amend Law Decree N^o. 112 issued in 1959 to allow civil servants (and by extension judges by virtue of article 132 of the Code of Judicial Conduct) to be members and/or founders of professional associations;

82. Provide official recognition of LGBT associations from the State;

83. Grant Palestinians in Lebanon the right to form associations and to be part of associations’ board through a notification process.

¹⁷ The freedom of association in Lebanon is still subject to the 1909 Ottoman law on association which despite consecrating a liberal regime of notification contains some ambiguous dispositions which grounded some future violations.

¹⁸ Read more at: <http://www.annd.org/english/data/publications/pdf/34.pdf>.

xii. Right to family

84. In 2010, Lebanon took note of a recommendation on accelerating plans for the adoption and implementation of a national strategy for children. Nevertheless, irregularities in the systems of adoption are observed and the procedures for adoption in religious and civil courts are not in full conformity with the best interests of the child.

85. Illegal adoptions both at inter-country and domestic level still prevail in Lebanon. While, an estimated number of 10.000 persons were victims of illegal inter-country adoption and an estimated number of 28000 were placed into institutional care as of 1960's. The war witnessed in Lebanon has certainly contributed to this situation in addition to the absence of any governmental tangible action to address this crisis despite the fact that the CRC committee, in its concluding observations on the second national report about the status of children in Lebanon, expressed its deep concerns on the large number of children placed in institutions without the use of any judicial procedures.

86. Within the absence of any civil regulatory entity that governs the separation process; many children are losing contact with their origins through adoption or placement into alternative care where there are subject to many child's rights violations reaching sexual harassment within the absence of qualitative guidelines and monitoring systems.

87. This is leading to major identity crisis and major violations in terms of inability to know as an outcome of falsification of papers, disconnection with origins, inability to adapt, and being trapped in an unhealthy relationship with adoptive parents who were in a way or another engaged into child trafficking, inability to cope with the situation. Adopted persons are denied their right to know which is at the heart of the all the treaties and the Hague convention that was not ratified by Lebanon.

88. Children placed into institutional care are separated mainly due to poverty and not for the need of alternative care. Victims of rights violations within care have started to voice out their rights and claim reparation while the government is not assuming its responsibility in ensuring proper care as per the international guidelines on children without parental care.

89. As part of transitional justice, the government of Lebanon does owe those victims, an acknowledgment of their cause, proper reparation, and most of all judicial and institutional reform in order to prevent on-going repercussions.

Recommendation:

90. Ratify the Hague Convention on Protection of Children and co-operation in respect of inter-country adoption;

91. Establish a research center to document inter-country adoption cases and call for reparation including the right to know, the right to nationality, the right to proper prosecution of perpetrators;

- 92. Adopt a civil legal framework to govern separation from the biological families as a last resort while implementing programmes to strengthen families at risk especially as related to single mothers;**
- 93. Implement the UN Guidelines on Alternative Care and putting in action a plan to scale down institutional care while designing alternative forms of family care including fostering programmes.**

xiii. Right to have a private life (LGBT rights in Lebanon)

94. Article 534 of the Lebanese criminal code criminalizes “intercourse against nature” to a prison sentence that can to one year. Despite a number of court verdicts that dropped charges against people charged of “acts against nature”, this article remains today the basis of the arrest, detention and prosecution of LGBT in Lebanon. During the last two years at least two raids (one was to a Turkish bath the other to a nightclub) were carried that ended with the arrest of at least 30 persons all of whom were charged of article 534. People arrested on that charge are in a systematic matter, subjected to humiliation and in other cases verbal and physical torture or threat of torture (rape). Security forces also unlawfully carry detailed search of their cell phones and invade their private lives to lure them to come to the police station and arrest them. Other unlawful practices include the anal test which takes place in many police stations.

95. On the psychological level, LGBT individuals are always at a state of fear and anxiety; they face isolation and marginalization in society which leads to deny LGBTs the right to participate in political, intellectual, cultural, and social activities.

Recommendations:

- 96. Abolish article 534 from the Lebanese penal code;**
- 97. Stop all violations of privacy due to the prejudice against homosexuality specially subjecting individuals to HIV tests and drugs tests, questioning arrested persons on their sexual activities, issuing arrest warrants despite failure to meet legal conditions.**