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**Australian Government**

**Department of Foreign Affairs and Trade**



# **DFAT COUNTRY INFORMATION REPORT LEBANON**

19 March 2019

# MAP



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## ACRONYMS

|       |                                                                                   |
|-------|-----------------------------------------------------------------------------------|
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women        |
| CERD  | International Convention on the Elimination of All Forms of Racial Discrimination |
| CROC  | Convention on the Rights of the Child                                             |
| DGGS  | Directorate General of General Security                                           |
| DGPS  | Directorate General for Personal Status                                           |
| DRA   | Directorate of Refugee Affairs                                                    |
| FPM   | Free Patriotic Movement                                                           |
| GDP   | Gross Domestic Product                                                            |
| GFP   | Gender Focal Point                                                                |
| HRW   | Human Rights Watch                                                                |
| ICCPR | International Convention on Civil and Political Rights                            |
| ICRC  | International Committee of the Red Cross                                          |
| ISF   | Internal Security Forces                                                          |
| LAF   | Lebanese Armed Forces                                                             |
| LBP   | Lebanese pound (also known as Lebanese lira)                                      |
| LF    | Lebanese Forces                                                                   |
| LGBTI | Lesbian, gay, bisexual, transgender, or intersex                                  |
| LIC   | Lebanese Identity Card                                                            |
| MEHE  | Ministry of Education and Higher Education                                        |
| MoIM  | Ministry of Interior and Municipalities                                           |
| MoPH  | Ministry of Public Health                                                         |
| NCLW  | National Commission for Lebanese Women                                            |
| NGO   | Non-government organisation                                                       |
| NHRC  | National Human Rights Council                                                     |
| NHRI  | National Human Rights Institution                                                 |
| PHC   | Primary health care                                                               |
| PLO   | Palestine Liberation Organisation                                                 |
| PRL   | Palestinian resident in Lebanon                                                   |
| PRS   | Palestinian resident in Syria                                                     |
| PSP   | Progressive Socialist Party                                                       |
| TRA   | Telecommunications Regulatory Authority                                           |
| UNHCR | Office of the United Nations High Commissioner for Refugees                       |
| UNRWA | United Nations Relief and Works Agency for Palestinian Refugees in the Near East  |
| WEF   | World Economic Forum                                                              |

# GLOSSARY

|                |                                                 |
|----------------|-------------------------------------------------|
| <i>mukhtar</i> | Local mayor                                     |
| <i>sharia</i>  | Islamic law                                     |
| <i>wasta</i>   | Connections with powerful or influential people |

## Terms used in this report

|               |                                                                                          |
|---------------|------------------------------------------------------------------------------------------|
| high risk     | DFAT is aware of a strong pattern of incidents                                           |
| moderate risk | DFAT is aware of sufficient incidents to suggest a pattern of behaviour                  |
| low risk      | DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern |

### official discrimination

- legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
- behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

### societal discrimination

- behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
- ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

## PURPOSE AND SCOPE

- 1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian government policy with respect to Lebanon.
- 1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.
- 1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that:
- Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.
- 1.4 This report draws upon DFAT's on-the-ground knowledge and discussions with a range of sources in Lebanon. It takes into account relevant information from government and non-government sources, including (but not limited to) those produced by the United Nations and its agencies, the US State Department, the World Bank, Transparency International, Human Rights Watch, Amnesty International, Freedom House, Reporters Without Borders, the Committee to Protect Journalists, and local and international media. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.
- 1.5 This report does not cover the situation for either Syrians or Palestinians resident in Syria (PRS) who are now resident in Lebanon. Information on these groups can be found in the DFAT Thematic Report on Conditions in Syria, published on 23 October 2017.
- 1.6 This updated Country Information Report replaces the previous DFAT report on Lebanon published on 23 October 2017.

## 2. BACKGROUND INFORMATION

### RECENT HISTORY

2.1 Following the collapse of the Ottoman Empire after World War One, the League of Nations mandated the provinces that comprise present-day Lebanon to the direct control of France. The French included in their Lebanese mandate both the overwhelmingly Maronite Mount Lebanon region and agricultural areas that had traditionally been connected to Damascus and whose populations were predominantly Muslim and Druze. Lebanon's constitution, drawn up in 1926 and still in use, specified a balance of power between the various religious groups; while a 1932 census was used to justify dividing parliamentary seats according to a ratio that favoured the Christian community. After fighting took place in Lebanon in World War Two between Vichy French and British forces, the Free French government recognised Lebanon's independence in November 1943. The last French troops left Lebanon in 1946.

2.2 Aside from a 1958 political crisis fuelled by regional tensions (which led to a US military intervention lasting three months), Lebanon enjoyed general peace and prosperity during its first decades of independence. In the 1960s, Beirut-focused tourism and a strong banking sector drove strong economic growth. The country was increasingly affected by broader regional tensions, however: large numbers of Palestinian refugees arrived after the 1967 Arab-Israeli war and the 1970 'Black September' events in Jordan, joining already crowded camps of refugees who fled to Lebanon in 1948. Palestinian militants of various affiliations, notably the heavily armed and politically powerful Palestine Liberation Organisation (PLO), used southern Lebanon as a launching pad for attacks on Israel, provoking retaliatory strikes. Growing tensions in Lebanon between pro- and anti-Palestinian factions, fuelled by inter-religious disagreements over the distribution of political power, led ultimately to the outbreak of the Lebanese civil war in 1975. This conflict, characterised by communal and sectarian violence, shifting political alliances, foreign interventions, and brutal atrocities, cost the lives of up to 150,000 people. The 1989 Arab League-brokered National Reconciliation Document (Taef Accord) marked the beginning of the end of the conflict, although fighting continued until 1990.

2.3 The Taef Accord set the principle of mutual coexistence as the main objective of post-war parliamentary political reform. The Accord restructured the 1943 'National Pact' to transfer some power away from the Christian community: some powers of the Sunni prime minister were enhanced to be better balanced with those of the Christian president, and parliamentary seats were divided equally between Christians and Muslims (down from a 6:5 ratio). The agreement also provided for the disarmament of all national and non-national militias, but allowed Hezbollah to stay armed in its capacity as a 'resistance force' opposing occupying Israeli forces in southern Lebanon. Israel withdrew its forces from southern Lebanon in 2000 but reinvaded in 2006 in response to the kidnapping of two soldiers by Hezbollah. Israeli forces withdrew shortly afterwards, but still occupy some disputed territory along the border (see [Security Situation](#)).

2.4 Syria established a military presence in Lebanon from the early stages of the Lebanese civil war. Many Lebanese resented the presence of Syrian forces in the country in the years following the end of the Civil War, as well as perceived Syrian interference in Lebanese internal affairs. One of the most prominent

dissenting voices, former Prime Minister Rafik Hariri was assassinated in February 2005 in a car bomb attack that also killed 21 others. At the time, most domestic and international observers blamed the assassination on Syria. Two competing rallies took place in Beirut in the following month: on 8 March between 600,000-800,000 people gathered in a show of support for the pro-Syrian regime; on 14 March between 800,000 and one million people assembled to demand the withdrawal of Syrian forces from Lebanon. In April 2005, Syria withdrew the last of its forces from Lebanon. The Syrian civil war has had a significant impact on Lebanon since it began in mid-2011. Lebanese opponents and supporters of the Syrian government have travelled to Syria to take part in the Civil War, and the war has on occasion spilled over into Lebanon (see [Security Situation](#)). Large numbers of Syrian refugees have taken refuge in Lebanon (see [Demography](#)).

2.5 There has not been any return to large-scale inter-religious conflict in Lebanon since the signing of the Taef Accord, although a brief conflict over political issues in May 2008 killed and injured dozens. The country has, however, experienced significant political paralysis over the past decade. Concerns over the local impact of the Syrian civil war, combined with the inability of major parties to agree on new electoral legislation, led to parliament extending its term by five years, abandoning parliamentary elections scheduled for 2013. Failure to secure a quorum also meant the country was without a president for 29 months between April 2014 and October 2016. In November 2017, Prime Minister Saad Hariri (son of the assassinated Rafik Hariri) announced his resignation in a televised address from Saudi Arabia, withdrawing it a month later. In May 2018, Lebanon held its first parliamentary elections in nine years, although by the beginning of 2019 the country had still not formed a new government (see [Political System](#)).

## DEMOGRAPHY

2.6 Lebanon has not conducted a census since 1932. Estimates of its current population range from 5.9 million (UN Development Programme) to 6.2 million (CIA World Factbook) – these estimates include large numbers of Syrian and Palestinian refugees (see below). DFAT understands that the number of Lebanese citizens is around 4.5 million. The majority of the population lives on or near the Mediterranean coast, particularly in or around the capital Beirut, which has an estimated population of 2.4 million. Other major cities include Tripoli, Sidon, and Tyre. Lebanon's population is heavily urbanised: 88.6 per cent of the population live in cities. Arabic is the official language, although English, French, and Armenian are also commonly used.

2.7 Lebanon is host to large numbers of refugees. Up to 1.5 million Syrians have taken refuge in Lebanon since the Syrian civil war commenced in March 2011. The government suspended the registration of Syrian refugees by the Office of the United Nations High Commissioner for Refugees (UNHCR) in 2015, so the true number is unknown. The number of Palestinians present in Lebanon is unclear and subject to dispute, but is estimated to be between 160,000-250,000 (see [Palestinians](#)). Lebanon also hosts approximately 6,500 Iraqi refugees.

## ECONOMIC OVERVIEW

2.8 Lebanon has a free-market economy and a strong laissez-faire commercial tradition. While the government does not restrict foreign investment, the investment environment features excessive regulation, institutionalised corruption (see [Corruption](#)), arbitrary licensing decisions, complex customs procedures, high tariffs and fees, archaic legislation, and inadequate intellectual property rights protection. The economy is service-oriented: key sectors include banking, real estate, and tourism. Lebanon's gross domestic product (GDP) was an estimated USD52.7 billion in 2017, with a real growth rate of 1.5 per cent.

2.9 The Syrian civil war has had a major impact on the Lebanese economy. The conflict cut off one of Lebanon's major markets and a transport corridor to the Gulf, while the influx of Syrian refugees has heightened competition for low-skilled jobs and public services. Lebanon continues to face several long-term structural weaknesses that predate the Syrian crisis, including political dysfunction, weak infrastructure and poor service delivery. Chronic fiscal deficits have increased Lebanon's debt to GDP ratio, which is the third highest in the world. These factors combined to slow economic growth to the one to two per cent range between 2011 and 2017, after four years of averaging 8 per cent growth. Weak economic growth limits tax revenues, while the largest government expenditures remain debt servicing, public sector salaries, and transfers to the electricity sector. In early 2018, the government signed contract agreements with an international consortium for petroleum exploration and production as part of Lebanon's first offshore licensing round: exploration is expected to start in 2019-20. In April 2018, the Paris CEDRE conference on the Lebanese economy succeeded in its goal of securing funding commitments for the first four year phase of a capital investment program, with approximately USD 11 billion pledged by states and international institutions, comprising USD10.2 billion in loans and USD860 million in grants. As of March 2019, the government had not passed reforms necessary to unlock these funding pledges.

2.10 GDP per capita was last recorded at USD7191 in 2017. Wealth and income are, however, not evenly distributed: Lebanon has some of the highest levels of wealth and income inequality in the world. The World Bank estimates that some 200,000 additional Lebanese have been pushed into poverty as a result of the Syrian crisis, adding to the previous one million poor (defined as living below USD3.84 per capita per day). Densely populated cities have limited housing stock, and the price of shelter and food has risen considerably. Social protection, government support, and access to employment is far more limited in mountainous rural areas than the coastal belt, and poverty is particularly acute in the north of the country and in the Beka'a Valley.

## Employment

2.11 Unemployment is a major problem in Lebanon, particularly for the young. The official unemployment rate is low: Trading Economics put it at 6.7 per cent at the end of 2017. This rate, however, measures only the number of people actively looking for a job as a percentage of the overall labour force, and considerably understates the true number of Lebanese who are either out of work or underemployed. In August 2017, the labour minister estimated that the overall unemployment rate was 25 per cent, with unemployment among those under 25 years of age at 37 per cent.

2.12 The high levels of unemployment result from a number of internal and external factors. Employment opportunities in Lebanon's traditional external markets (the Gulf, Africa, and the West) have decreased in recent years, leading many Lebanese expatriates to return home to seek work in a crowded labour market. A mismatch exists between the needs of the Lebanese labour market and the output of universities: according to the labour minister, Lebanon has a saturation of graduates in professions such as engineering, medicine, and business and finance, but lacks specialised skilled workers in other areas. The influx of Syrian refugees has led to increased competition for low-skilled jobs, particularly in the informal sector and in areas of high refugee concentration such as the north of the country and the Beka'a Valley. The World Bank reported in April 2017 that, as a result of the Syrian crisis, an additional 250,000 to 300,000 Lebanese citizens had become unemployed, most of them unskilled youth.

2.13 DFAT assesses that limited economic opportunity, exacerbated by the influx of displaced Syrians, is a push factor for external migration.

## Corruption

2.14 Lebanon has been a state party to the UN Convention against Corruption since 2009. The legal framework against corruption includes provisions from the Criminal Code, Criminal Procedure Law, the *Law Against Money-Laundering* (2001; amended 2003 and 2008), the Civil Servants Regulations, and the Labour Law. The Criminal Code criminalises active and passive bribery, the bribery of foreign officials, extortion, embezzlement, and money laundering. Financial disclosure laws require public officials, including the president, ministers, judges, and civil servants, to disclose their assets, although this information is not made available to the public. Despite the comprehensive legislative anti-corruption framework, observers agree that the government does not implement the law effectively and officials reportedly engage in corrupt practices on a wide scale and with impunity. Lebanon ranked 143<sup>rd</sup> out of 180 countries in Transparency International's 2017 Corruption Perspectives Index.

2.15 Types of corruption generally encountered include patronage, political interference, and bribery. Entrenched patronage networks monopolise the economy and public service, and municipalities are sometimes unable to enforce regulations due to undue political interference. Lebanon lacks a law regulating all aspects of the public procurement processes: public contracts are often awarded without a tender process by mutual agreement between government administrations and companies. Businesses reportedly often offer bribes and cultivate relations with politicians to secure such contracts. Bribes and irregular payments are often exchanged when applying for public utilities, and the use of connections is a common way to navigate the public administration: almost a third of Lebanese reported having paid a bribe for public services in 2015.

## Health

2.16 Lebanon's health outcomes compare favourably with other countries in the region and with middle-income countries in other regions. Life expectancy at birth is 77.8 years (76.5 years for men and 79.1 years for women), compared to 68 years for the region and 74 years for middle-income countries. Lebanon was one of the few countries worldwide to have achieved both Millennium Development Goals 4 and 5 on reducing maternal and child mortality respectively: between 1990 and 2012, the maternal mortality rate dropped from 64 to 16 per 100,000 live births, while the infant mortality rate decreased from 32 to 9 per 1,000 live births. These improvements were achieved while significantly decreasing total public health expenditures, from 12.4 per cent of GDP in 1998 to 6.4 per cent in 2014 (most recent available figure). Forty per cent of total health expenditure is allocated to hospitals.

2.17 The Lebanese health system is highly diverse, including a mix of public and private payers and providers. Health financing is mobilised from a range of sources, including general government revenues, social security contributions, and the private sector. The private sector accounts for 71 per cent of health care financing, of which 37 per cent is out-of-pocket payments made by households. Although the public sector is the main payer of hospital care, the private sector dominates in terms of service provision. There are 165 hospitals in Lebanon, 82 per cent of which are privately owned and managed by physicians or by charitable organisations, often religious. Both public and private hospitals have similar average bed capacities. Public hospitals operate under a semi-autonomous model. Local sources advise that there is no standard charge for an ordinary call on a general practitioner: doctors may charge anywhere between LBP100,000 (AUD93) and LBP150,000 (AUD139), while specialist treatment is much more expensive.

2.18 The standard of public health care in Lebanon is widely considered to be very poor. Just under half of Lebanese citizens (47 per cent) have health insurance. About 23 per cent of those insured are covered by the National Social Security Fund, 9 per cent by military schemes, 7 per cent by private insurance, 4 per cent by the Civil Servants Cooperative, and 4 per cent by other schemes. The remaining 53 per cent lack any formal

coverage and are covered by the Ministry of Public Health (MoPH), which serves as an ‘insurer of last resort’. This has given the MoPH a strong role not only in preventive care, public health leadership, and regulation, but also in curative care. To provide hospital coverage to about 250,000 cases per year, the MoPH contracts 26 public and 105 private hospitals. Individual patient co-payment to the hospital constitutes 5 per cent (public hospital) or 15 per cent (public hospital) of the hospitalisation costs, with the MoPH directly reimbursing the hospital for the difference. As such, the MoPH is the main financier of private hospitals, allocating almost two thirds of its total annual budget for hospitalisation coverage.

2.19 The mass influx of Syrian refugees since 2011 has placed considerable strain on the Lebanese health system, particularly in the north of the country and in the Beka’a valley. Other weak points include a huge under-supply of nurses (2.6 nurses per 1,000 population; compared to 7.9 for Australia), a lack of emergency specialists, a lack of elderly care facilities, and a range in the quality of health care provision between regions.

2.20 Mental health care has been an increasing public concern, particularly given Lebanon’s long and traumatic civil war: individuals exposed to war-related events are at significantly higher risk of developing a mental disorder. A MoPH study in 2008 found that up to 70 per cent of the Lebanese population had been exposed to one or more war-related events, and up to 38 per cent had been displaced by conflict. The study found that 4.6 per cent of the population had experienced a severe mental disorder (including depression and anxiety) in the year before the study; around 25 per cent met the criteria for at least one of the classified mental disorders; and 10.5 per cent had experienced more than one disorder at some point in their lives. Very few individuals who had experienced any type of mental disorder had ever received any professional treatment. Those who did seek treatment tended to delay doing so for extended periods after the onset of the disorder. Many individuals had sought assistance from religious healers, spiritual advisors, or fortune-tellers rather than medical professionals. Significant stigma continues to attach to those seeking assistance for mental health-related issues. A number of societal groups are particularly vulnerable in relation to mental health issues, including persons with disabilities, children and adolescents, the elderly, prisoners, torture survivors, families of the disappeared, survivors of sexual and gender-based violence, LGBTI (lesbian, gay, bisexual, transgender, or intersex) individuals, and Palestinian and Syrian refugees.

2.21 Similar to the general health system, mental health services are predominantly provided by the private sector as well as mostly skewed to specialised outpatient and inpatient care. Provision of mental health services in outpatient care comprises mainly private clinics involving psychiatrists and psychologists. In a few cases, multiple mental health specialists will work in a multidisciplinary team to provide services. There are currently eight psychiatric wards in general hospitals that provide inpatient mental health services, and five active mental health hospitals. In 2014, as part of the MoPH plan for integrating mental health into primary health care (PHC), doctors, nurses, and social workers of 50 PHC centres within the MoPH network received training on assessing, identifying, managing, and referring mental health cases.

2.22 The latest mental health decree law (72/1983) focuses on the organisation of the care, treatment, and rehabilitation of patients with mental health conditions, as well as protecting the rights of these patients and their families. It regulates guardianship issues for people with mental conditions and facilitates access to in-hospital care for the most vulnerable groups. The law stipulates the creation of a mental health body, under the governance of the MoPH, to oversee and implement mental health policies, and to monitor mental health services and treatment practices in health facilities. The decree law is currently under revision to address issues such as access to free community-based mental health care, standards and regulations for involuntary admissions, and the working modalities of the mental health body, in addition to accreditation of mental health professionals.

2.23 No reliable statistics or estimates exist of the total number of drug users in Lebanon. Most local studies point to an increase in substance abuse, particularly among youth. The substance abuse law

(673/1998) and its amendments relate to narcotic drugs, psychotropic medications and their precursors. The law focuses on supply reduction, penal provisions, and governance bodies and international cooperation for drug control. The law classifies substance use as a crime with sanctions varying between three months and three years' imprisonment, in addition to a fine. The judiciary system can refer a person arrested for substance use to a ministerial committee, which has the power to offer the person the option of rehabilitation instead of prison, particularly for a first offence. According to local sources, police drug units are very active but generally target low-income and lower class users rather than those at the high end.

2.24 Several non-government organisations (NGOs) are actively addressing issues related to substance use disorders through a variety of interventions such as prevention, rehabilitation, abstinence, and harm reduction. NGOs offer rehabilitation services in residential settings or in outpatient clinics. Few detoxification beds are available in public or private hospitals. Harm reduction services remain limited, varying from opioid substitution treatment, impaired driving awareness campaigns, drop-in centres, needle and syringe exchange programs, and outreach and educational services to minimise risky behaviours. In May 2015, the MoPH launched a Mental Health and Substance Abuse Prevention, Promotion and Treatment Strategy for Lebanon 2015-2020, which has been followed by an Inter-Ministerial Substance Use Response Strategy for Lebanon 2016-2020. The strategies aim to provide a road map for presenting a comprehensive, cohesive, evidence-based, and culturally appropriate response to Lebanon's substance abuse problems.

2.25 Lebanon has signed but not ratified the Convention on the Rights of Persons with Disabilities. The *Law on the Rights of Disabled Persons* (2000) grants persons with disabilities the right to education, health and other basic rights. Local sources report, however, that persons with disabilities remain stigmatised in Lebanese society. Authorities have not enforced commitments to ensure organisations offer employment opportunities to people with a disability, and most public and private infrastructure does not take into account accessibility needs. A May 2018 Human Rights Watch (HRW) report found that children with disabilities were generally excluded from public schools due to discriminatory admission policies, lack of reasonable accommodations, a shortage of sufficiently trained staff, lack of inclusive curricula (including no individualised education programs), and discriminatory fees and expenses that further marginalised children with disabilities from poor families.

## Education

2.26 Article 10 of the Constitution guarantees free education, provided in public schools up to the end of secondary education. The Ministry of Education and Higher Education (MEHE) oversees primary, secondary, and higher education. Formal education begins at age six and is compulsory until the end of grade six (age 11 or 12). Primary education lasts for two three-year cycles. Students then enrol in either an academic or technical and vocational stream for one three-year cycle at the intermediate (lower secondary) level. To continue onto upper secondary education in either the academic or technical and vocational stream, students must pass an examination. Upper secondary education lasts for another three-year cycle. At the end of this cycle, students who pass examinations graduate with a General Secondary Education Certificate or Certificate of Professional Mastery, depending on their stream.

2.27 Lebanon has high literacy rates for both men (96 per cent) and women (91.8 per cent) aged over 15. Observers report, however, that the quality of the public education system at primary and secondary levels is generally poor. Lebanon spends considerably less on education than most countries: 2.6 per cent of GDP in 2013 (most recent available figure), compared with an 8 per cent average for OECD (Organisation for Economic Cooperation and Development) member countries. The mass influx of Syrian refugees since 2011 has placed significant strains on the public education system. In 2015, almost three-quarters of Lebanese primary aged children attended private school. While this is not a new phenomenon, the number of children

attending private school has increased slightly since 2011. Transition rates from primary to secondary education have dropped considerably in recent years.

2.28 The number of private institutions of higher learning has reportedly tripled in the past decade, and there are currently one public and 31 private universities accredited with MEHE. Observers have raised questions, however, about quality assurance procedures for Lebanese tertiary institutions. A draft law to establish a national agency for quality assurance in higher education was delayed by the political inertia resulting from parliament's lengthy inactivity (see [Recent History](#)) and is yet to be passed. In practice, Lebanese tertiary institutions operate quality assurance processes in an inconsistent and ad hoc manner.

## POLITICAL SYSTEM

2.29 Lebanon is a democratic parliamentary republic. Article 95 of the 1926 Constitution provides for the equitable representation of religious denominations in the public service. On this basis, the 'National Pact' adopted at independence in 1943 stipulated an unwritten understanding that the office of President would be reserved for a Maronite Christian, the office of Prime Minister for a Sunni Muslim, and the office of Speaker of the House for a Shi'a Muslim. After the signing of the Taef Accords in 1989 (see [Recent History](#)), the Preamble of the Constitution was amended to envisage the long-term abolition of political confessionalism in accordance with a national plan. In 1990, Article 95 was amended to provide that parliament would take the measures necessary to abolish the political structure based on religious affiliation. In October 2018, however, the 'National Pact' distribution of political power continued to provide the overall framework at both the national and local levels of government.

2.30 The head of state is the president, elected indirectly by parliament for a six year term (eligible for subsequent non-consecutive terms). The current president is Michel Aoun, elected to office in October 2016. The position had remained vacant for the previous 29 months due to parliament's inability to form a quorum.

2.31 The unicameral parliament has 128 members, elected to a four year term. Half the seats are allocated to Christian representatives and half to Muslim representatives, with further breakdowns along sectarian lines: Maronite Catholics have 34 reserved seats in the Christian allocation, while smaller sects such as the Armenian Orthodox have five; Shi'a and Sunnis both have 27 reserved seats in the Muslim allocation, while the Druze have eight and the Alawites two. Lebanon's most recent parliamentary elections took place in May 2018, the first such elections since 2009. Elections scheduled for 2013 were postponed due to the inability of major parties to agree on new electoral legislation and concerns regarding the conflict in Syria. In June 2017, parliament agreed on new electoral legislation and again extended its term to allow time to prepare for an election in May 2018.

2.32 In practice, most political parties are the organisational personification of a small number of powerful politicians, and have been closely identified with particular religious affiliations. The major Christian parties include the Free Patriotic Movement (FPM; aka the Aounist party), the Lebanese Forces (LF), the Kataeb (Phalange), and the Marada Movement. Amal and Hezbollah compete for the organised Shi'a vote, while the Progressive Socialist Party (PSP) is the main Druze party. Although nominally secular, the Future Movement attracts the bulk of its support from the Sunni community. A small number of pan-Arab secular parties also exist, although their overall support is minimal. Coalitions and alliances across religious lines occur frequently: all major parties have political allies from across the religious divide, and rivals from within their own religious communities.

2.33 For over a decade following the major events of 2005 (see [Recent History](#)), Lebanon was politically polarised between two major coalitions: the March 8 and March 14 blocs. Key members of the pro-Syrian March 8 coalition included Hezbollah, Amal, and the FPM; while the anti-Syrian and 'pro-western' March 14

coalition included the Future Movement, Kataeb Party, LF and, at times, the PSP. Divisions remain entrenched between the two groups, although there have been some pragmatic shifts by political parties. In the lead-up to the May 2018 elections, parties formed a series of highly complicated ‘alliances of convenience’ for electoral advantage, with former political rivals allied in some districts and competing in others. The more traditional loose alliances reasserted themselves following the elections.

2.34 The May 2018 elections were the first to take place under the *Lebanese Electoral Law* (2017), which reduced the number of voting districts and introduced proportional representation. Under the new law, seats are allocated proportionately according to candidate lists, while ballots also include a preferential vote. Voters therefore cast two votes on their ballot: one for a candidate list, which may include multiple parties; and one for their preferred candidate from within that list. In 2018, 583 candidates, spread across 77 party lists, competed across 15 electorates of varying population size. International observers reported that the campaign process was generally calm, with sporadic incidents of violence between parties, lists, or candidates; and that the electoral process was generally fair and orderly, despite some minor infringements such as visible vote-buying (which were assessed not to have affected the result). Voter turnout was low at 49.2 per cent, which observers attributed to a combination of discontent with the ruling political establishment, the complexity of the new electoral law, and the failure of civil society candidates to present themselves as viable and credible alternatives. Sixty-five new parliamentarians were elected, including several independents. Only six women were elected, including four fielded by Muslim parties.

2.35 As is common in Lebanon, no single party emerged from the election with an outright majority. A new Cabinet was formed on 31 January 2019, nearly nine months after the elections. The new ‘national unity’ government once again includes most major parties within the sectarian power-sharing system. The Cabinet includes four women, including the Arab world’s first female Interior Minister.

## HUMAN RIGHTS FRAMEWORK

2.36 Chapter Two of the Constitution guarantees many fundamental rights, including to equality (Article 7), individual liberty (Article 8), freedom of conscience and religion (Article 8), and freedoms of expression, the press, assembly and association (Article 13).

2.37 Lebanon has ratified or acceded to the main international human rights treaties, including the International Convention on Civil and Political Rights (ICCPR), although not its Optional Protocol on the Abolition of the Death Penalty, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention on the Rights of the Child (CROC), and its Optional Protocol on the sale of children, child prostitution, and child pornography.

2.38 International treaties ratified by Lebanon are integrated into domestic law upon the exchange or deposit of instruments of accession or ratification. In the event of conflict between domestic and international law, Article 2 of the Civil Code recognises the supremacy of the provisions of international treaties. Lebanese courts have applied international treaties in their jurisprudence, and the Court of Appeal has held that they have exclusive competency to interpret international treaties in cases involving individual rights and freedoms. However, no court is empowered to declare a law invalid if it is found to contravene the Constitution or international conventions.

## National Human Rights Institution (NHRI)

2.39 Parliament passed legislation in October 2016 to establish a National Human Rights Commission (NHRC), which incorporated a National Prevention Mechanism against Torture. The government formerly appointed the NHRI's ten members in May 2018, although these appointments are yet to be confirmed in the official gazette. As of March 2019, the government had not yet passed decrees related to the NHRI's budget and the entitlements of members.

2.40 In its concluding observations on the third periodic report of Lebanon in March 2018, the UN Human Rights Committee urged the government to expedite the appointment of NHRC commissioners and provide it with the human and financial resources necessary to guarantee its autonomy and independence, and to carry out its mandate effectively.

2.41 In the absence of a NHRI, a number of government bodies conduct human rights-focused activities. The parliamentary Committee on Human Rights seeks to advance legislative proposals to make legal changes to guide ministries in protecting specific human rights; while the State Minister for Human Rights supported human rights legislation and engaged with NGOs and international organisations (as of 31 January 2019, the Cabinet no longer contains a State Minister for Human Rights). International observers report that the effectiveness of both organisations has been limited, due in part to budget and staff constraints.

2.42 The Ministry of Interior and Municipalities (MoIM) has a human rights unit that works to enhance and raise awareness about human rights issues within the Internal Security Forces (ISF), train police officers on human rights standards, and monitor and improve prison conditions. According to international observers, the unit and its leadership have maintained high standards of professionalism. Local sources report, however, that while senior levels of the ISF are well-versed on human rights issues, this is not always the case at lower levels (see also [Internal Security Forces \(ISF\)](#)).

## SECURITY SITUATION

2.43 Lebanon faces a range of security challenges. These include external threats related both to the conflict in neighbouring Syria and to tensions between Hezbollah and Israel; threats of terrorist attack from internal and external actors; politically-motivated violence due to civil unrest; and occasional incidents of communal violence. The government maintains security checkpoints, primarily in military and other restricted areas.

2.44 Violent incidents related to the Syrian conflict have occurred across Lebanon in recent years, including suicide bombs, car bombs, improvised explosive devices, rocket attacks, and kidnappings. Examples of such incidents include (but are not limited to):

- The detonation of several bombs in central Beirut between 2012 and 2016 which caused multiple deaths and injuries;
- Two suicide bomb attacks outside a mosque and a bakery in Borj el Barajne in the southern suburbs of Beirut in November 2015 that killed at least 43 people and injured more than 200;
- A suicide bomb attack outside a café in Tripoli in January 2015 that killed at least nine people.

2.45 Clashes have occurred between Lebanese security forces and Islamic State militants in the north-eastern Beka'a valley region (including the Hermel-Baalbek region and the towns of Aarsal, el Qaa and Ras Baalbek). DFAT understands that security operations conducted against Islamic State have succeeded in reducing the threat the organisation poses, although 'lone wolf' attacks cannot be ruled out.

2.46 The conflict in Syria has increased tensions between communities in a number of areas. Historical tensions between Sunnis and Alawites in the adjoining Tripoli neighbourhoods of Jabal Mohsen (predominantly Alawite) and Bab-al-Tabbaneh (predominantly Sunni) escalated in the early stages of the Syria conflict, particularly around 'Syria Street' (the dividing line between the two communities), leading to regular rounds of communal violence that killed over 200 people. Lebanese authorities implemented a security plan in April 2015 that re-established a Lebanese Armed Forces presence in the area. DFAT understands that this has succeeded in significantly reducing the number of serious incidences of communal violence, although underlying tensions remain.

2.47 An unclear number of Lebanese supporters and opponents of the Syrian government have travelled to Syria to fight in the civil war. While groups such as Hezbollah or the Syrian Socialist Nationalist Party have recruited fighters, DFAT is not aware of any reports that they have done so forcibly. DFAT assesses that those who have done so have been motivated either by ideology or financial considerations.

2.48 While Israeli forces withdrew from the majority of southern Lebanon after 2000 (and again after the 2006 conflict with Hezbollah, see [Recent History](#)), they remain in the southern border town of Ghajar and in the Shebaa Farms area. Tensions continue in the surrounding region, including the Shebaa Farms, with occasional shelling reported. The UN conducts peacekeeping activities in the area south of the Litani River through the United Nations Interim Force in Lebanon, and maintains the observer mission United Nations Treaty Supervision Organisation.

2.49 Under the terms of a decades-long agreement between the Lebanese government and the PLO, Lebanese security forces do not enter Palestinian camps (see also [Palestinians](#)). Lebanese authorities do, however, check vehicles and identification of those entering and leaving. Many camps have a reputation for lawlessness, and authorities have stated that foreign and local jihadists have found refuge within certain camps. Armed clashes between rival Palestinian factions and violent crime are common in some camps. Local observers report that the Ain al-Hilweh and Mieh Mieh camps, both located near the predominantly Sunni city of Saida in South Governorate, are currently the camps of greatest concern to authorities.

## 3. REFUGEE CONVENTION CLAIMS

### RACE/NATIONALITY

3.1 Lebanon's population is overwhelmingly ethnic Arab (95 per cent) across religious communities (although some within the Christian population reportedly prefer to self-identify as 'Phoenician'). Approximately 4 per cent are ethnically Armenian, with the remainder consisting of small communities from a range of ethnic backgrounds. DFAT is not aware of any reports of systematic discrimination or violence perpetrated against any groups with Lebanese citizenship on the basis of race or nationality.

#### Palestinians

3.2 The Palestinian community in Lebanon is divided into a number of different categories. The first group are Palestinians resident in Lebanon (PRL), whose normal place of residence during the period 1 June 1946 to 15 May 1948 was Palestine, and who lost both home and livelihood as a result of the 1948 conflict. The descendants of Palestinian refugee males, including legally adopted children, are also included in this category. The second category is Palestinians resident in Syria (PRS), comprising Palestinian refugees who fled Syria as a result of the Syrian civil war. This group comprises an estimated 32,000 people. Information on this group can be found in the DFAT Thematic Report on Conditions in Syria, published on 23 October 2017. The third category is a group of between 3,000 to 5,000 Palestinians who arrived in Lebanon with the PLO after its defeat in the 1970 Black September conflict in Jordan in 1970. This group is effectively stateless: they are not registered with the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), are spread across the country, and do not have any designated advocates. This section focuses on PRLs.

3.3 The number of PRLs in Lebanon is unclear and subject to dispute. Some 450,000 Palestinians are registered with UNRWA in Lebanon. In December 2017, however, an official census of the Palestinian refugees conducted by Lebanese and Palestinian statisticians found that the actual number of Palestinian refugees living in Lebanon was only 174,422. The statisticians attributed the discrepancy in numbers to large-scale emigration of Palestinians from Lebanon: large numbers departed the country with the PLO in 1982 (see [Recent History](#)), while others have subsequently migrated to Europe, North America, and other destinations. UNRWA does not keep track of Palestinians who leave the country, and does not conduct head counts of those within the camps.

3.4 Between half and two-thirds of PRLs reside in 12 officially designated camps and 156 informal settlements dispersed throughout Lebanon. These camps are characterised by acute overcrowding and high levels of poverty, along with decaying infrastructure, a dearth of recreational spaces, insufficient access to roads, deteriorated water and sewage treatment systems, contaminated water, and 'jerry-rigged' electrical wires along with open drainage ditches. Some camps are surrounded by checkpoints and, in some cases, security walls and barbed wire. Since the 1969 Cairo Agreement, which established principles under which Lebanese authorities would tolerate and regulate the presence and activities of Palestinians in Lebanon, Palestinian authorities have had responsibility for the camps and administration is left to competing

Palestinian political factions (see also [Security Situation](#)). International observers report that this has strong implications in terms of the rule of law and access to justice: in the event of a dispute between camp residents or crime being committed, camp authorities are likely to rule in favour of the resident with the better political connections.

3.5 The Lebanese government regards PRLs as long-term refugees, rather than refugees fleeing from recent conflict. For political reasons, both Lebanese authorities and the PRLs themselves have long opposed moves to naturalise the PRLs. Accordingly, despite their longstanding presence in Lebanon, PRLs remain excluded from key aspects of social, political, and economic life. Because they are not formally citizens of another state, PRLs are unable to claim the same rights as other foreigners working in Lebanon and are subject to certain restrictions. While free to move throughout the country, PRLs often face entry and exit controls to the camps, which authorities often tighten due to security concerns. They are prohibited from legally acquiring, transferring, or inheriting property, and cannot bring building materials into camps to repair their homes. PRLs are unable to access Lebanese public education, health, social services, and are generally dependent on UNRWA and NGOs for most aspects of their lives. While virtually all camp residents have access to health and education services, the standard of service delivery varies between camps. Access for PRLs residing outside camps can be more difficult, depending on individual circumstance. In-country sources report that recent US funding cuts to UNRWA have negatively impacted UNRWA's ability to effectively implement its programs and provide adequate services to PRLs.

3.6 PRLs are prohibited from working in the Lebanese public sector and in thirty-six specified professions, including medicine, law and engineering; and skilled and semi-skilled jobs such as farming, fishery, and public transportation (although they are free to pursue these professions inside the camps). While PRLs are permitted to work formally in other professions, they require an annual work permit and an employment contract to do so. While free of charge, obtaining a work permit from the Ministry of Labour involves a lengthy administrative process, and often depends on the goodwill of the employer. Very few PRLs have either a work permit or an employment contract. The few PRLs who do work in the formal sector are obliged to pay into Lebanon's social security fund, but do not have access to social security services, such as family, illness, and maternity allowances.

3.7 These work restrictions have contributed to a low PRL participation rate in the formal economy. Over 85 per cent of the PRL workforce work in the informal sector, with most in menial, low-paying jobs concentrated in commerce and construction, or in occupations such as agricultural labourers, sales, service workers, and cleaners. Informal labour renders PRLs more vulnerable to exploitative working conditions: most receive no health coverage, paid holidays, or sick leave, and do not have any pension entitlements. In general, PRLs do not receive the same remuneration as their Lebanese counterparts for equivalent work. The Syrian crisis has significantly increased competition for jobs in the informal sector, which has disproportionately affected PRLs: unemployment among PRLs rose to 23 per cent in 2015, compared to 8 per cent at the beginning of the crisis. These factors have also resulted in an increase in poverty rates: a 2017 European Parliament report on the impact of the Syrian crisis on Lebanon found that two-thirds of PRLs lived below Lebanon's poverty line of USD3.84 per day.

3.8 DFAT assesses that PRLs face a high risk of official and societal discrimination in that the restrictions placed upon them leave them unable to access public services and employment opportunities available to Lebanese and foreigners of other nationalities; and unable to participate fully in social, political, and economic life.

## RELIGION

3.9 Article 9 of the Constitution states that there shall be absolute freedom of conscience and respect for all religions and creeds. It guarantees that the state shall protect the free exercise of all religious rites provided that public order is not disturbed, and that the personal status and religious interests of all religious sects shall be respected.

3.10 The state officially recognises 18 religious confessions. These include four Muslim groups (Shi'a, Sunni, Alawites, and Ismaili's); 12 Christian groups (Maronites, Greek Orthodox, Greek Catholics, Armenian Orthodox, Armenian Catholics, Syriac Orthodox, Syriac Catholics, Nestorian Assyrians, Chaldeans, Copts, Latin [Roman] Catholics, and Evangelicals); Jews; and Druze, a religion that combines traditional Islamic teachings with certain philosophical ideas and mystic practices. Under the political power-sharing arrangements, the government includes Druze in the Muslim group. Unrecognised groups include Baha'is, Buddhists, Hindus and several other Protestant groups, including Jehovah's Witnesses and Mormons. Human rights groups report that unrecognised religious groups can legally own property, and are able to assemble for worship and perform their religious rites freely.

3.11 Because Lebanon has not conducted a census since 1932, no current official statistics are available on the country's religious communities. Unofficial estimates of the size of the communities vary, but interlocutors agree that the combined Muslim communities now outnumber the combined Christian communities. Estimates of the percentage of Lebanon's Muslim population range from 54 to 58 per cent, subdivided into Sunni (27 to 29 per cent), Shi'a (27 to 28 per cent), and small communities of Alawites and Ismaili's (less than one per cent combined). Estimates of the percentage of the country's Christian population range from 36 per cent to 41 per cent, with Maronite Catholics (21 per cent), Greek Orthodox (8 per cent), and Greek Catholic (5 per cent) the largest sects. The Druze community is generally estimated at being around 5 per cent. The remainder consists of small communities of other religious faiths as listed in the previous paragraph.

3.12 With the exception of Beirut, most cities do not contain communities from all major religions. Different religious groups tend to be concentrated in particular areas:

- most Sunnis are concentrated in west Beirut, and the governorates of North Lebanon and South Lebanon. North Lebanon is majority Sunni with a substantial Christian population in the south and east. There is also a small Shi'a population in the north-east of the governorate, contiguous with the northern part of Beka'a governorate;
- the Shi'a community is concentrated in southern Lebanon, Beirut's southern suburbs, and the northern half of the Beka'a governorate. Beka'a Governorate is approximately half Shi'a, with a substantial Christian population in the capital, Zahle, and smaller populations of Sunni in the north-east and Druze in the south;
- Maronite Christians are concentrated in Mount Lebanon governorate, and in Beirut and its surrounds. Beirut governorate has substantial Christian, Sunni, and Shi'a populations. The city has both mixed suburbs and religiously-based enclaves;
- South Lebanon governorate and Nabatiyeh governorate are both majority Shi'a, but has a mixed population that includes Sunni, Christians, and Druze;
- large Druze communities are concentrated around Mount Hermon in Nabatiyeh governorate, and in the area known as 'Old Chouf' at the southern end of the Mount Lebanon ranges. Druze are also concentrated in Baabda and Aley (Mount Lebanon governorate), Hasbaya (Nabatiyeh governorate) and Rashaya (Beka'a governorate);
- the majority of Lebanon's small Alawite population resides in Tripoli and Akkar in the North Governorate.

3.13 Unlike in most other Arab countries, Lebanese are able to change their religious affiliation legally, converting not only from Christianity to Islam, but also from Islam to Christianity. Conversions also take place between different Christian denominations and (more rarely) between followers of different branches of Islam. To convert to a different religion, a local senior official of the religious group the person wishes to join must approve the change, and the newly joined religious group must issue a document confirming the convert's new religion. The convert can then register their new religion with MoIM's Personal Status Directorate. The new religion is included thereafter on government-issued civil registration documents, along with mention of the original religion. Mixed marriages between Christians or Muslims, or between those from different Christian denominations or schools of Islam, are widespread in Lebanon, resulting in religious pluralism within family life. Children of mixed marriages take the father's religion. DFAT is not aware of any reports to suggest that either converts or those involved in mixed marriages are subject to any official discrimination. In cases where converts or those involved in mixed marriages have experienced societal discrimination in the form of harassment, DFAT assesses that this is most likely to be the result of specific localised factors (such as a family's socio-economic standing or level of social/religious conservatism) rather than being systemic in nature.

3.14 Human rights observers report that relationships between religious groups in Lebanon are generally peaceful, particularly by regional and historical standards. In his November 2015 report, the UN Special Rapporteur on freedom of religion or belief noted that the situation between religious groups was largely amicable; that people generally practised their religion freely; and there was no religious persecution in the country. He further noted that Lebanon had successfully kept society united across religious boundaries, built resilience in the face of religious extremism, and that Lebanese of all religious backgrounds were committed to defending the diversity of the country's religions and beliefs. Interreligious dialogue between religious leaders and communities occurs. Religious leaders have regularly condemned extremism and violence perpetrated in the name of religion following terrorist attacks in the region against religious targets.

3.15 Violent clashes with religious overtones have been less common in Lebanon in recent years. Where violence has occurred between communal groups (such as between Alawites and Sunnis in Tripoli), it has generally been low-level and localised in nature (see [Security Situation](#)). Lebanese religious leaders and state authorities are sensitive to the potential impact of communal violence on national security, including the possibility that external conflicts with sectarian dimensions (particularly the Syria conflict) could impact on the coexistence of religious communities in Lebanon. The Criminal Code contains a number of provisions prohibiting calls to strife and sedition on religious grounds, including Articles 295, 308, 310, 313, 317, and 318. DFAT assesses that Lebanese authorities are committed to preventing violence between religious communities.

3.16 DFAT assesses that members of recognised religious groups do not face any official discrimination on the basis of religion. Members of recognised religious groups who are in the minority in particular geographic areas may face low-level societal discrimination, which may include being precluded from access to employment or housing but is unlikely to include violence. This assessment also applies to members of unrecognised religious groups. Official discrimination against this group is discussed in the following section.

## Personal Status Laws

3.17 While the State of Lebanon is secular by nature, issues of personal status – such as marriage, divorce, custody of children, or inheritance – are addressed in religious courts and are based on religious laws. The 1936 decree that established the basic personal status order and that remains operational recognised freedom of belief, granting each person the right to opt out of their religion's personal status laws and marry under a civil code. However, despite this formal decree, Lebanon is yet to establish a civil code, and the country does not have any formalised procedures for civil marriage or divorce without

formerly removing religion from an ID card (see also [Documentation](#)). Those opposed to the introduction of a civil code have used the constitutional guarantee provided in Article 9 to respect the personal status and religious rights of the individual, regardless of religion, as a justification not to do so.

3.18 While all of the 18 officially recognised religious denominations are empowered to apply their own laws and maintain their own judicial systems in relation to personal status matters, not all do: international observers report that Lebanon has 15 separate personal status law codes. There is limited government oversight over religious courts. Unrecognised religious groups cannot perform legally recognised marriage or divorce proceedings, and do not have standing to determine inheritance issues. They can, however, legally own property. Human rights observers have reported that some members of unregistered religious groups, including Baha'i and unrecognised Protestant denominations, list themselves as belonging to recognised religious groups in government records in order to ensure their marriage and other personal status documents remain valid.

3.19 In the past, many Lebanese who did not wish to undergo a religious marriage chose a civil marriage ceremony abroad (particularly in nearby Cyprus), and were able to register their marriage on return to Lebanon (see also [Marriage Certificates](#)). Such couples were issued with a 'family civil certificate', rather than with any proof of marriage, and Muslim couples who undertook civil marriages abroad remained subject to the provisions of *sharia* (Islamic law) in relation to personal status matters on return to Lebanon.

3.20 The absence of civil law options for personal status matters can create situations problematic from a religious freedom perspective. For example, Catholic authorities practice a strict interpretation of Catholic canon law which does not permit divorce. Catholics wishing to find a way out of an unhappy marriage therefore often convert to Islam (or to other Christian denominations) solely to access divorce, rather than due to any religious belief. This can have significant societal implications: those who have formally converted to Islam and wish to return to their former religious communities often find themselves unable to do so. In his November 2015 report, the US Special Rapporteur on freedom of religion or belief noted that while nobody had the right to pass judgement on the authenticity of another's conversion, religious law related to matters of personal status raised issues in this regard because it mixed religious and legal motives.

3.21 Human rights groups have long criticised the religious-based personal status laws as discriminating against women, and have called for the introduction of an optional civil code (See also [Women](#)). A 2015 HRW report found that, across all religions, personal status laws enacted greater barriers for women than men who wished to terminate unhappy or abusive marriages, initiate divorce proceedings, ensure their rights concerning their children after a divorce, or secure pecuniary rights from a former spouse. None of the personal status codes recognise a wife's economic and non-economic contributions to a marriage, including the value of unpaid labour or the concept of marital property. In addition, cultural, religious, and traditional expectations and norms undermine a woman's economic independence and contribute to her financial dependence on her husband.

3.22 Under the Shi'a, Sunni, and Druze laws, men can demand a divorce at any time, unilaterally, and without cause, while a woman's ability to access divorce is limited, and often at great cost and after lengthy court proceedings. In principle, these laws allow women to have an explicit clause inserted into the marriage contract stating that husbands and wives have an equal right to unilateral divorce. This right is rarely exercised, however, due to social pressure and customs. While Christian men can convert to Islam and remarry without divorcing – Muslim men are legally allowed up to four wives – a Christian woman may not enter into a new marriage without terminating her first marriage. HRW's report concluded that many Lebanese women from various religious backgrounds do not approach religious courts for a divorce, either because they cannot afford the costs of court proceedings, or because they fear losing primary care responsibility for their children.

3.23 The HRW report also expressed concern over the impact of the personal status codes in relation to children's rights, most significantly the need to consider their best interests in all judicial decisions concerning their welfare. Religious courts do not recognise joint custody of children – they will usually grant custody to the woman until a certain age, after which time the father gets custody. The father remains the child's legal guardian throughout. The HRW report found that religious courts often applied the maternal custody age cut-offs without examining what would be in the best interests of the child; that the courts rarely looked at the father's behaviour in deciding custody issues, while scrutinising the woman's conduct in ways that reflect social prejudice or stereotypes; and that this all resulted in a greater likelihood that custody would be granted to the father rather than the mother.

3.24 Human rights observers have also expressed concern that some of the personal status codes allow for the marriage of girls under the age of 15. Lebanon is party to a number of international conventions that explicitly prohibit or have been interpreted to prohibit child marriage, including CEDAW and CROC (see [Human Rights Framework](#)). The UN committees that oversee their implementation have also called for state parties to set the minimum age of marriage at 18 and to take measures to eliminate child marriage. A June 2016 UNICEF report, however, found that six per cent of women in Lebanon aged between 20 and 24 had married before they turned 18. A draft law introduced in March 2017 proposed setting the minimum age for marriage at 18, with no exceptions, and provided for prison sentences ranging from six months to two years for anyone contributing to or complicit in the marriage of a child. Parliament had not passed the law by the beginning of 2019.

3.25 In its May 2018 concluding observations on the third periodic report of Lebanon, the UN Human Rights Committee expressed concern that the religion-based personal status laws discriminate against women; that there is limited official oversight over the religious courts; that the minimum legal age for marriage differs according to religious denomination; and that it is difficult to obtain registration and recognition of a civil marriage. In its November 2015 concluding observations on the combined fourth and fifth periodic reports of Lebanon, CEDAW expressed concern that the multiplicity of religiously-based personal status laws resulted in discrimination against women within their own sects, and inequality between women belonging to different sets in key aspects of their lives, including marriage, divorce, and custody of children.

3.26 DFAT assesses that the absence of civil law options for personal status matters, without the extreme step of removing a sect from an ID card, represents a moderate level of discrimination against members of unrecognised religious groups and non-religious individuals in that they are unable to access or register marriage, divorce, or inheritance services available to other Lebanese without misrepresenting their religious faith (or lack thereof). DFAT assesses that the absence of civil law options for personal status matters has a particularly negative impact on women from all confessional backgrounds, which represents a moderate level of discrimination against them (see also [Women](#)).

## Blasphemy/ Defamation of Religion

3.27 Article 473 of the Criminal Code provides for a maximum penalty of one year's imprisonment for blaspheming or otherwise insulting a religion. Articles 474 (contempt of religious rites), 475 (disruption of religious ceremonies and demolition of places of worship), and 476 (contraventions by men of religion in conversions from one religion or denomination to another) also expose violators to prison sentences or fines for causing offence on religious grounds. While not common, authorities and individuals occasionally bring lawsuits against individuals in relation to these Articles. In November 2017, police arrested a poet in southern Lebanon for a Facebook post that reportedly insulted the Virgin Mary. According to his lawyer, the poet was detained for 16 days and charged under Articles 474 and 317. His case had not been resolved by

the beginning of 2019. In a separate case, a 2015 lawsuit filed by a parliamentarian against a civil activist in relation to comments made about Christianity also remained unresolved as of the publication date.

3.28 In his November 2015 report, the US Special Rapporteur on freedom of religion or belief expressed concern that most of the legal provisions listed above are not in line with human rights norms and standards relating to freedom of expression; nor with the prohibition of advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence, to which Lebanon is bound as a State party to ICCPR. In its May 2018 concluding observations on the third periodic report of Lebanon, the UN Human Rights Committee also expressed concern and called for Lebanon to decriminalise blasphemy.

## POLITICAL OPINION (ACTUAL OR IMPUTED)

3.29 Article 13 of the Constitution guarantees the freedom to express one's opinion orally or in writing, the freedom of the press, the freedom of assembly, and the freedom of association within the limits established by law. Lebanon has a diverse political landscape with a wide range of political views and ideologies reflected in its parliament and at other levels of government and society. While its political system ensures representation for its many sectarian communities, however, it effectively elevates communities over individuals and communal leaders over state institutions, which tends to impede the rise of cross-communal parties. Human rights observers have reported that political interference, including by powerful non-state actors, undermines the rule of law.

3.30 Authorities generally respect the constitutionally-guaranteed freedom of assembly, although protesters are required to apply for a permit ahead of demonstrations. While protests over a garbage crisis in 2015 led to mass arrests and police violence that caused hundreds of injuries, more recent assemblies have been more peaceful. In 2017, protesters organised demonstrations on issues including tax hikes, the extension of the parliament's mandate, and the United States' decision to move its embassy in Israel to Jerusalem. While human rights groups reported some incidents of the use of excessive or indiscriminate force by security forces, particularly in response to protester violence at the Jerusalem embassy demonstrations, no deaths, grievous injuries, or large-scale arrests were reported. Security services reportedly beat and kicked a small number of protesters demonstrating outside parliament in June 2017. In July 2018, over 500 people demonstrated peacefully in Beirut in support of free speech and against the government's monitoring of social media (see also [Media](#)).

## Critics of Hezbollah

3.31 Hezbollah is a prominent political party in Lebanon. While its primary support base is overwhelmingly in the Shi'a community, it has a strong national presence, demonstrated by the strong performance of its allies in the May 2018 elections (see [Political System](#)). Unlike the majority of other armed groups, Hezbollah did not disarm following the 1989 Taef Accords and it maintains an armed wing with military strength believed to exceed that of the Lebanese Armed Forces (LAF) (see [Lebanese Armed Forces \(LAF\)](#)). Supported by Iran, the organisation draws much of its popular support from its opposition to Israel: the two sides fought a month-long war in 2006. Hezbollah runs its own economic, financial, and social services institutions; has its own judicial and internal security structures, including detention centres (see [Detention and Prison](#)). It is a powerful player in Lebanon's economy, politics, and media. It benefits from a domestic perception that it is relatively less corrupt than other parties or institutions.

3.32 Hezbollah exercises effective control over sections of Lebanese territory, particularly in parts of South Lebanon, southern Beirut, and parts of the Beka'a Valley: interlocutors have reported that, in these areas, Hezbollah's influence and control exceeds that of the Lebanese state. According to local interlocutors,

Hezbollah works to prevent the emergence of sources of power within the Shi'a community outside of the Hezbollah-Amal duopoly, which might represent a threat to its control. In addition to political activists, perceived adversaries include journalists seeking to report on 'red line' topics, including Hezbollah's weapons, their relationship with security authorities, and their role in the Syrian civil war (see also [Media](#)). Hezbollah does allow adherents of non-Shi'a religions to worship freely in the areas under its control.

3.33 International organisations report that Hezbollah uses various methods to obtain information regarding its perceived adversaries, including informer networks and telephone monitoring. Independent NGOs working in Hezbollah-controlled areas have reported harassment and intimidation, including social, political, and financial pressures. According to local interlocutors, Hezbollah may first subject critics to societal pressure or persuasion, such as accusations on social media. The individual may subsequently be socially marginalised by being excluded from Hezbollah-provided services, including health and education, or economically marginalised, such as by having their business 'blacklisted'. Hezbollah activists will only revert to direct threats, including of violence, if they feel their power is genuinely threatened.

3.34 DFAT is aware of cases in which state authorities have taken action against critics of Hezbollah. In one such case in August 2017, the Directorate of General Security (DGS) detained an activist due to his social media posts, which criticised Hezbollah's involvement in Syria, and the Syrian and Iranian governments and their political allies in Lebanon. After his release, the activist reported that authorities harassed and threatened him not to engage in further criticism of Hezbollah and its allies. One independent Shi'a candidate in the 2018 parliamentary elections was hospitalised as a result of an attack that he blamed on Hezbollah.

3.35 DFAT understands that the ability of an individual within the Shi'a community to criticise Hezbollah depends to a large degree on the extent of the individual's connections with powerful or influential people (*wasta*). DFAT assesses that those within the Shi'a community without *wasta* are highly unlikely to be able to criticise Hezbollah without consequence.

## GROUPS OF INTEREST

### Civil Society Activists

3.36 The Ottoman-era *Law of Associations* (1909) governs the registration and operations of civil society associations. No prior authorisation is required to form a civil society association. In order for an association to be recognised as legal, however, MoIM must be notified of its formation and must verify that it respects public order, public morals, and state security. Associations must invite ministry representatives to any general assembly where members vote on by-laws, amendments, or governing board appointments, and the ministry must then validate the vote or election. Failure to comply with this requirement may result in the Council of Ministers issuing a decree ordering the dissolution of the organisation. Some civil society organisations have reported that the ministry occasionally imposes additional, inconsistent restrictions and requirements and has withheld approvals. In some cases, the ministry has reportedly sent notification of formation papers to the security forces to initiate inquiries about an organisation's founding members.

3.37 International and domestic observers report that civil society associations and NGOs focusing on human rights are generally able to conduct their activities: a number of domestic and international organisations investigate and regularly publish their findings on human rights cases. Some exceptions apply, however: associations working on women's issues have reported they often receive telephone calls threatening violence, while men will occasionally protest outside women's shelters demanding the return of their wives or daughters. While some NGOs advocate for LGBTI rights, they generally keep a low profile in

order to avoid negative attention such as intimidation against their employees and clients, and vandalism of their facilities. Organisations primarily focused on LGBTI issues have not to date received validation of registration from MoIM. This has impacted on their ability to conduct activities, as well as their financial operations, and left them vulnerable to legal challenge (see also [LGBTI \(Lesbian, gay, bisexual, transgender, intersex\)](#)).

3.38 While civil society activists are generally able to criticise the government and security apparatus, in some cases this has not been permitted. In March 2017, for example, authorities detained an activist over Facebook posts criticising senior officials, including the president. The activist was interrogated without a lawyer and released on bail after nine days. As discussed in [Critics of Hezbollah](#), NGOs working in Hezbollah-controlled areas have reported being harassed and intimidated.

3.39 DFAT assesses that civil society activists face a low risk of official discrimination in the form of burdensome and inconsistently applied restrictions that affect their ability to carry out their activities. Activists working on sensitive human rights issues (including, but not limited to, women's issues, LGBTI issues, or issues involving the security forces), or those attempting to conduct activities in Hezbollah-controlled areas, face a moderate risk of detention, harassment, and intimidation, which may include the risk of physical assault.

## Media

3.40 Article 13 of the Constitution guarantees the freedom to express one's opinion orally or in writing, and the freedom of the press, within the limits established by law. Lebanon's broadcasting scene is developed, lively, and diverse, and reflects the country's pluralism. Lebanon was the first Arab country to permit private radio and television stations, and it is a regional media hub. Almost all television and radio stations are privately-owned, and many are affiliated with political groups. Freedom House rated Lebanon as 'partly free' in its 2017 Freedom of the Press report.

3.41 The *Publications Law* (1962) regulates the print media. The law holds journalists responsible for erroneous or false news; threats or blackmail; insult, defamation, and contempt; causing prejudice to the Lebanese president's dignity; insulting the president or the president of a foreign country; instigation to commit a crime through a publication; and sectarian provocation. The Publications Law contains detailed rules governing the activities of printing houses, press media, libraries, publishing houses, and distribution companies. It also establishes media institutions such as the Press Syndicate. The law provides rules and conditions for becoming a journalist and for obtaining licenses for new publications. It also prohibits the press from publishing blasphemous content of the country's officially recognised religions, or content that may provoke 'sectarian' (communal) feuds (see [Blasphemy/ Defamation of Religion](#)).

3.42 Two semi-independent advisory bodies officially regulate media and telecommunications: the National Council for Audiovisual Media and the Committee for Establishing Model Bylaws and Practices deal mainly with audiovisual media (TV, radio and satellite); while the Telecommunications Regulatory Authority (TRA) is responsible for liberalising, regulating, and developing the telecommunications sector. While the TRA is officially independent from the government, in practice dominant political groups have significant influence over it. The law establishing the TRA's powers (Law 431/2002) has not yet been implemented, and the TRA has yet to meet many of its objectives, including the transition from analogue to digital networks and the privatisation of the telecommunications sector. According to international observers, the Ministry of Telecommunications remains the strongest player in the telecommunications sector.

3.43 In order to broadcast direct and indirect political news and programs, media outlets must receive a license from the Council of Ministers, based on a recommendation by the Minister of Information. The law governing audiovisual media bans live broadcasts of unauthorised political gatherings and certain religious

events, and prohibits the broadcast of ‘any matter of commentary seeking to affect directly or indirectly the well-being of the nation’s economy and finances, material that is propagandistic and promotional, or promotes a relationship with Israel’. The law prohibits broadcasting programs that seek to affect the general system, harm the state or its relations with Arab and other foreign countries, or have an effect on the well-being of such states; along with the broadcast of programs that seek to harm public morals, ignite sectarian strife, or insult religious beliefs. Authorities from any of the recognised religious groups may request that the DGGs ban any published material they find offensive. Such cases are prosecuted in the Publications Court: international observers reported that the government opened more than 30 cases in 2017.

3.44 International observers have expressed concern about an increase in judicial proceedings against media outlets critical of senior political figures or parties or well-connected individuals, the security forces, or prominent allies of Lebanon. Article 384 of the Criminal Code prescribes imprisonment of six months to two years for insulting the president, flag, or national emblem; while Articles 383 to 386 outline criminal penalties for contempt, slander, and libel of public officials. The appeals process is often drawn out and highly politicised. In practice, most accused individuals are quickly released, or cases are dropped due to public or political pressure. According to press freedom groups, however, judicial proceedings against the media have increased since late 2016. Some prominent recent cases include:

- Beirut’s Publication Court convicted and fined five Lebanese journalists in three separate cases in July 2018 for offences including criminal defamation and spreading false news:
  - o the editor-in-chief of a newspaper and one of its reporters were fined LBP2 million (AUD1860) and ordered to pay an additional LBP10 million (AUD9320) in damages to the former Lebanese president over the publication of an article in March 2017 that referred to a former presidential security advisor convicted of a range of offences, and which included a photograph of the former president;
  - o two reporters of a pro-Syrian newspaper were fined LBP10 million (AUD9320) and ordered to pay LBP1 million (AUD930) in damages to the LF over an article published in June 2015 that referred to mistakes made by the head of the LF’s legal department in his former role as general director in charge of civil status records in Baalbek;
  - o the editor-in-chief of a news website and newspaper was fined LBP6 million (AUD5590) and ordered to pay LBP5 million (AUD4660) in damages to a prominent Jordanian businessman after publishing an article that implied he was a money launderer.
- A prominent talk show host was prosecuted in early 2018 for allowing two Saudi journalists to express strong criticism of Lebanese authorities during a broadcast, and for then refusing to respond to an initial summons for questioning.
- The former editor of an English language news website was sentenced *in absentia* to six months’ imprisonment in January 2018 for allegedly defaming the Lebanese army at a conference in Washington in 2014, when she was reported as saying that the army gave preferential treatment to Hezbollah. The editor and newspaper were previously prosecuted before a military court for publishing an interview with a political activist who said she had been raped and beaten in prison, although the case was subsequently dropped.
- The public prosecution filed a lawsuit against a newspaper and its owner and editor-in-chief on charges of insulting the King of Saudi Arabia after publishing an article during the Hariri resignation crisis (see [Recent History](#)) that likened the Saudi monarch to a controversial medieval Muslim theologian and called a Saudi minister ‘an Israeli agent’.

- The public prosecution filed a lawsuit in January 2018 against the host of Lebanon's most popular satirical show for 'insulting' the Saudi Crown Prince and Lebanon's president during one of the show's episodes.
- Four journalists at a television station were fined LBP2 million (AUD1860 each) in July 2017 for defamation, slander, humiliation, intimidation, and broadcasting false news after broadcasting a program that alleged that the head of a charity organisation had made misleading statements while fundraising for a shelter for elderly people.

3.45 Journalists occasionally face intimidation, harassment, and political interference, leading some journalists to practise self-censorship. In February 2017, hundreds of protesters surrounded the building of the al-Jadeed television station following the broadcast of a comedy show that allegedly insulted Amal leaders. Protesters stoned the building and attempted to storm it, resulting in minor injuries to a cameraman and a station employee. The incident was followed in May by the burning of several al-Jadeed TV cars in the station's parking lot. The station remained off the air for six months. Political friction and tension have reportedly led some media outlets to remove their branding and logos before entering certain 'politically classified' areas. Media outlets seeking to report in areas under Hezbollah control must obtain special permission to do so from Hezbollah (see also [Critics of Hezbollah](#)). In June 2017, the Minister for Telecommunications ordered that reporters from the Lebanon Broadcasting Corporation International and al-Jadeed TV be barred from attending a press conference at the Ministry. While no reason was given to the journalists at the time, the Minister justified his decision the following day by accusing the two outlets of conducting smear campaigns against him with funding from rival political parties.

3.46 The International Telecommunications Union has reported that approximately three-quarters of Lebanese used the internet in 2016, a marked increase from 52 per cent in 2011. Lebanese internet users have some of the slowest internet speeds in the world, particularly in rural areas. The government maintains a monopoly over the internet backbone (and over the fixed and mobile telephone industry in general), allowing it to exercise tight control over Internet Service Providers. The blocking of political, social, or religious speech is infrequent, but authorities have reportedly blocked approximately 50 websites in recent years for violating local laws. The blocked websites include a forum for lesbians in the Arab region, gaming websites, Israeli sites, websites related to escort services, and websites that have breached copyright. Websites are blocked by court order. Although website owners are not notified that their sites have been blocked, they are required to appeal the blocking within 48 hours in order to have it overturned.

3.47 The Public Prosecutor often orders security forces to detain and question internet users at the Cybercrime Bureau, which was established in 2006 without a legislative decree outlining its activities or defining what constitutes a 'cybercrime'. Those detained are pressured to remove certain content – mainly criticism of government officials or the army – from social media pages, blogs, or websites, to apologise, and to sign a letter promising not to commit further 'criminal acts' in the future. While individuals are rarely sentenced to prison for online speech, several social media users have been charged under the defamation and libel laws. Violence in retaliation for online speech is not common, but bloggers and social media users operate in a climate where intimidation is common (see also [Critics of Hezbollah](#)). In April 2017, unknown hackers defaced the website of the Lebanese Medical Association for Sexual Health shortly after the organisation launched a pro-LGBTI campaign. Human rights organisations have reported seeing an increase in the degree of surveillance by authorities of online comment in recent times.

3.48 DFAT assesses that both journalists and social media users who criticise senior political figures or parties or well-connected individuals, the security forces, or prominent allies of Lebanon, face a high risk of official discrimination in the form of detention and prosecution on defamation charges. They also face a high risk of intimidation, harassment, and possible violence from both security forces and groups connected to political parties.

## Women

3.49 Article 7 of the Constitution states that all Lebanese are equal before the law, but does not provide any specific reference to non-discrimination on the basis of sex or gender. Lebanon acceded to CEDAW in 1997, but maintains reservations on a number of articles relating to personal status issues, including Article 9(2) (on granting women equal rights with men with respect to the nationality of their children) and Articles 16(1)(c)(d)(f) and (g) regarding equality in marriage and family relations. The government created a Ministry for Women's Affairs for the first time in December 2016. While women's rights advocates welcomed the establishment of the Ministry, they strongly criticised the government's decision to appoint a male Minister.

3.50 Along with the Ministry, the National Commission for Lebanese Women (NCLW), created in 1998, is the main official body working to promote women's rights in society and to enhance gender mainstreaming in public institutions. The President of Lebanon appoints the NCLW's president, and the council of ministers appoints its 24-member general assembly. Women members of parliament are considered ex-officio members of NCLW during their term, and have a consultative status. Parallel to the establishment of the NCLW, the government mandated the appointment of Gender Focal Points (GFPs) in all ministries and public institutions. Lebanon has taken steps in recent years to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including through the adoption in 2012 of a National Strategy for Women in Lebanon (2011-12) and a National Action Plan for Human Rights (2014-19).

3.51 According to international observers, despite many advantages and acquired rights, women in Lebanon continue to face discrimination at numerous levels. Several factors have limited the effectiveness of Lebanon's attempts to promote women's rights, including the extended political deadlock, the societal effect of the mass influx of Syrian refugees, a rise of religious conservatism across communities, and a failure to prioritise women's issues. USAID has reported that the capacity of GFPs is limited by the absence of an overarching commitment to women's empowerment across sectors and the lack of effective policies to prioritise gender equality. The capacity of the NCLW is limited by its consultative nature, which does not give it authority to directly propose legislation or reforms.

3.52 The weakness of the state is apparent in the areas of civil affairs and personal status, especially relating to women's civic rights, family matters and gender relations (see [Personal Status Laws](#)). According to the Institute for Women's Studies in the Arab World, by keeping family matters within the jurisdiction of religious courts, the Constitution detaches itself from its role as a guarantor of equal rights and creates a buffer between the citizen and the state. Human rights observers have argued that, inspired by religious discourse, the religiously-based legal structure necessarily places women as second-class citizens, treating them as minors in decisions related to governing their own lives.

3.53 By regional standards, the Lebanese legal framework is considered progressive in relation to employment: no legal restrictions limit women's engagement in income-generating activities, the law does not distinguish between women and men in employment, and it provides for equal pay for women and men. Since 2014, Lebanese women have had access to ten weeks' maternity leave at full pay in both the public and private sectors. In practice, however, women face considerable societal obstacles to gaining employment. In conservative sectors of society, men sometimes exercise considerable control over female relatives, including restricting their activities outside the home. Despite legal provisions providing for equal pay for similar work for men and women, the World Economic Forum (WEF's) 2017 Global Gender Report indicated a considerable difference between men and women in Lebanon. Despite high literacy rates among women, their economic participation remains low: the WEF report found that only 26.3 per cent of eligible women participated in the labour force (compared with 75.7 per cent of men). Overall, the report ranked Lebanon 133<sup>rd</sup> out of 144 countries worldwide in terms of economic participation and opportunity for women.

3.54 While no laws limit the participation of women in the political process, significant cultural barriers limit women's participation in politics. Before 2004, no woman had ever held a cabinet position. Prior to the announcement of the current Cabinet in January 2019, which includes four female ministers, there had only been four other female ministers. Political parties have traditionally been reluctant to put forward female candidates for elections: in 2009, there were only 12 female candidates out of a total of 702, and only four were elected to parliament, all of whom were close relatives of previous male members. The number of female candidates increased in the May 2018 elections to 111 out of 976, most of whom identified with civil society rather than traditional political parties. Only six women were elected. Female leadership of political parties is limited, although three parties have introduced voluntary quotas for their membership and the LF appointed a woman as their secretary-general in 2016, the first major Lebanese political party to do so. In its 2017 Global Gender Gap Report, the WEF ranked Lebanon 142<sup>nd</sup> out of 144 countries worldwide in terms of political empowerment, ahead of only Qatar and Yemen.

3.55 The *Law on Protection of Women and Family Members from Domestic Violence* (2014) ('the Domestic Violence Law') established important protection measures and related policing and court reforms, including a maximum sentence of ten years in prison for battery. In reviewing the Domestic Violence Law, however, CEDAW noted the absence of explicit reference to gender-based violence against women, crimes committed in the name of so-called honour, and other harmful practices. CEDAW also expressed concern about the continued existence of discriminatory provisions in the Domestic Violence Law with regard to the criminalisation of adultery, and that it did not take precedence over customary and personal status laws. A March 2018 HRW report noted that the Domestic Violence Law did not require religious courts to adhere to civil court rulings relating to domestic violence, leaving women trapped in abusive marriages; and that some religious courts issue obedience and cohabitation rulings against women, requiring them to return to the marital home. The report also noted that parts of the Domestic Violence Law are still to be implemented, including establishing family violence units within the ISF and a fund to assist survivors of domestic violence. International observers have reported that the interpretation of the Domestic Violence Law by religious courts has precluded its full implementation in some regions. In November 2018, lawmakers introduced to parliament a draft amendment to the Domestic Violence Law that would extend protection to ex-spouses and children.

3.56 Rape is a crime punishable with a minimum sentence of five years' imprisonment, or seven years in the case of rape of a minor. Marital rape is not specifically criminalised, although the 2014 domestic violence law does criminalise the use of threats and violence to claim a 'marital right to intercourse'. In August 2017, parliament repealed Article 522 of the Criminal Code, which had allowed rapists to escape prosecution if they agreed to marry their victim. Human rights activists have expressed concern, however, that the Domestic Violence Law left open a loophole for cases concerning sex with children aged 15-17 and seducing a virgin girl into having sex with the promise of marriage. DFAT is aware of occasional reports of so-called 'honour killings', particularly in rural areas, although it is impossible to say with certainty how frequently these occur or whether they are more prevalent in any particular community. In 2011, parliament annulled an article of the Criminal Code that mitigated the sentence for those who claimed they had committed a crime for 'family honour'.

3.57 Sexual harassment is a widespread problem both in the workplace and in wider society. A December 2013 gender equality survey by UN Women found that a majority of women had reported having experienced sexual harassment at some point of their lives, half of them within the previous three months. According to the UN Population Fund, the Labour Code does not explicitly prohibit sexual harassment in the workplace; it merely gives an employee the right to resign from their position without prior notice in the event that an indecent offence is committed against them by their employer, without any legal consequences for the perpetrator. In August 2016, the Ministry of Women's Affairs and the American University of Beirut launched a six-week-long social media campaign, *Mesh Basita* ('It's Not OK'), aimed at

raising awareness of the prevalence of the issue and building support for a parliamentary bill which would criminalise sexual harassment in all circumstances.

3.58 Articles 539 to 546 of the Criminal Code criminalise abortion, except in the event of grave danger to the life of the mother. Judges are, however, able to authorise abortion on a case-by-case basis, provided the consulting doctor or surgeon and two medical specialists give their approval. In its concluding observations on the third periodic report of Lebanon in March 2018, the UN Human Rights Committee expressed concern about reports of women resorting to unsafe abortions, which put their lives and health at risk.

3.59 DFAT assesses that women from all confessions face a moderate risk of official discrimination as the lack of a civil code for personal status issues means that they are forced to abide by religious-based codes that discriminate against them. Women also face a moderate risk of societal discrimination in that inadequate legislation, lack of enforcement, and long-standing traditional values and gender roles continue to restrict their full participation in the workforce and community, particularly for women from rural and socially conservative communities.

## LGBTI (Lesbian, gay, bisexual, transgender, intersex)

3.60 Article 534 of the Criminal Code states that ‘Any sexual intercourse contrary to the order of nature is punishable by up to one year in prison’. In July 2018, however, the Court of Criminal Appeal in Mount Lebanon issued a ruling that consensual sex between people of the same sex is not unlawful, provided it does not violate morality and ethics (i.e. being performed in a public place). The court’s ruling upheld an earlier criminal court’s decision in 2017 to acquit nine people arrested by police in Beirut on suspicion of being gay and/or transgender. The ruling also follows four similar judgements from lower courts between 2007 and 2017 that declined to convict LGBTI individuals under Article 534. While other judges are not legally bound by the Mount Lebanon court’s precedent, and may still impose convictions under Article 534, legal experts believe they are likely to give serious consideration to the ruling in subsequent cases. Several prominent candidates publicly advocated the repeal of Article 534 during the May 2018 elections. No progress on repealing the article had been made in parliament by the beginning of 2019.

3.61 While enforcement of Article 534 has varied throughout the country, human rights observers report that authorities have at times used it as a means to crack down on visible and vulnerable groups, particularly transgender women and Syrian refugees. These crackdowns have generally occurred after religious groups have pressured police into taking action. Targeting has generally involved arbitrary arrest: DFAT understands that actual prosecutions under Article 534 are not particularly common. Human rights observers have reported cases of detained LGBTI individuals being subjected to physical abuse in some police stations, including being raped in some instances. Victims of such abuse are generally reluctant to make a formal complaint due to a fear of additional stigmatisation. While the practice of using invasive medical tests to ‘prove’ that a homosexual act had taken place no longer occurs, some police still reportedly threaten to subject LGBTI detainees to it. LGBTI advocates also report cases in which police have ordered LGBTI individuals to open their mobiles and have then summoned their contacts for questioning, most likely as a means of blackmail.

3.62 Authorities have occasionally prevented LGBTI organisations from conducting public events:

- in September 2018, security authorities attempted to close down a pan-Arab conference on LGBTI rights that had run annually in Beirut since 2013. After the conference director refused to cancel the conference, security officials ordered the venue hosting the event to shut it down. Organisers subsequently moved the remainder of the conference to a different venue. Security officials also took details of all conference participants from the hotel registry, including those from regional countries particularly hostile to LGBTI rights and individuals. The security authorities’ actions

followed public statements from a conservative religious group that accused the organisers of promoting homosexuality and drug abuse, and called for the conference to be closed down on the grounds of ‘incitement of immorality’.

- in May 2018, police detained the organiser of Beirut Pride overnight and pressured him to shut down Pride Week events that included a poetry reading, a karaoke night, a discussion of sexual health and HIV, and a legal literacy workshop.
- In 2017, police ordered Beirut’s Crowne Plaza hotel to cancel a workshop hosted by a human rights organisation that advocates on behalf of LGBTI individuals.

3.63 By national and particularly regional standards, Beirut is a relatively open environment for LGBTI individuals who are able to maintain a degree of anonymity impossible in more conservative parts of Lebanon. Gay bars exist, along with specific support groups for LGBTI individuals, although these generally keep a low-profile in an effort to avoid negative attention (see also Civil Society Activists). Opposition to LGBTI issues and individuals, however, remains prevalent across Lebanese society, particularly amongst men. The December 2013 UN Women survey on Gender Equality found that only 27 per cent of men (compared with 55 per cent of women) believed that homosexuals should be treated as a normal part of society: the majority of men believed that homosexuality was immoral and that it endangered the institution of the family. Discussions with in-country sources has confirmed that these societal attitudes remain prevalent, particularly in rural and more conservative areas, and that societal and familial ostracism is common. Some LGBTI individuals report being unable to access medical care as some doctors will refuse to see patients they believe to be LGBTI based on their appearance.

3.64 Local sources suggest that many LGBTI individuals either do not identify or keep a low profile in order to avoid societal and official discrimination and, potentially, violence. While local sources noted that individuals can move to other areas – particularly to Beirut – in order to seek safety, it was largely dependent on the individual’s financial ability to move from one area to another; and on the willingness of the receiving areas to accept them.

3.65 DFAT assesses that LGBTI individuals face a moderate risk of societal and official discrimination and violence. This risk is likely higher if the individual is visibly identifiable as LGBTI, particularly in the case of transgender women, or if they have other vulnerabilities (such as being poor, or female, or a refugee, or living in a socially conservative area). While an LGBTI individual may be able to lead a relatively open life in Beirut, they would still need to keep a low profile and would remain at risk of societal and familial ostracism.

## 4. COMPLEMENTARY PROTECTION CLAIMS

### ARBITRARY DEPRIVATION OF LIFE

#### Extra-Judicial Killings

4.1 In its 2017 Country Report on Human Rights Practices, the US State Department reported allegations from human rights groups that the government and its agents had committed extra-judicial killings in 2017. On 30 June, the LAF raided areas around Aarsal, a restricted access area in north-east Lebanon, in search of suspected terrorists who had seized the area in 2014. After terrorists detonated suicide bombs, killing a young girl and wounding seven LAF soldiers, the LAF detained more than 350 Syrian men, four of whom died in custody. The LAF issued an initial statement that asserted that the men had died of natural causes, pending the completion of its investigation. Family members of three of the men released photographs of their bodies, returned by the LAF, which they alleged showed signs of torture. On 25 July, media reported that the LAF forensic report found that the four died of natural causes, exacerbated by the environment. The LAF investigation concluded in July, but authorities have not released the final report. The US State Department also reported that Islamic extremist groups had committed numerous unlawful killings. DFAT is unaware of any other reports of recent extra-judicial killings within Lebanon.

#### Enforced or Involuntary Disappearances

4.2 Lebanon has signed but not ratified the Convention for the Protection of All Persons from Enforced Disappearance. In July 2017, the UN Human Rights Council's Working Group on Enforced or Involuntary Disappearances reported it had transmitted 322 cases of enforced disappearances to Lebanese authorities since its establishment in 1980. Of these, 313 cases remain outstanding.

4.3 The majority of historical cases of enforced or involuntary disappearances occurred during the civil war or prior to Syria's 2005 withdrawal. Human Rights Watch estimates that 17,000 Lebanese were kidnapped or disappeared during the civil war, and that a number of Palestinians were kidnapped or disappeared prior to the withdrawal of Syria. The families of those who disappeared during this time have criticised attempts to investigate such disappearances as incomplete and too narrowly focused. In its May 2018 concluding observations on the third periodic report of Lebanon, the UN Human Rights Committee expressed concern about the thousands of unresolved cases of disappeared and missing persons during the civil war and the absence of any prosecutions for such acts; the absence of comprehensive legislation on disappeared and missing persons and of an independent national body mandated to search for such persons; and of amnesty legislation that does not explicitly exclude enforced disappearance from its scope of application.

4.4 In July 2018, a prominent actor alleged that state security authorities had secretly arrested, detained and tortured him in order to gain a confession that he had spied for Israel (see [Torture](#)). Syrian opposition

activists have also claimed to have been at risk of kidnap by Syrian government forces while seeking refuge in Lebanon.

## Deaths in Custody

4.5 Local sources report that custodial deaths in Lebanon are generally attributable to illness or environmental issues rather than negligence or ill-treatment. In its concluding observations on the third periodic report of Lebanon in March 2018, the UN Human Rights Committee expressed concern that there had been 81 deaths in prison between 2012 and 2016 and regretted the lack of information into investigations into these deaths, which the government attributed to natural causes. DFAT assesses that the case of the four Syrian men who died in LAF custody (see [Extra-Judicial Killings](#)) can be viewed as an exception rather than a rule.

## DEATH PENALTY

4.6 Lebanon has not signed the Second Optional Protocol to the ICCPR on the Abolition of the Death Penalty. The Criminal Code permits the use of the death penalty for eleven serious crimes, including murder, treason, espionage, and terrorism. These crimes do not include drug-related or sexual violence offences. Several of the crimes that are eligible for use of the death penalty are for offences not resulting in death. Executions are carried out by hanging for civilian crimes and by firing squad for sentences handed down by military courts. Observers report that death sentences require the approval of all three of the President, Prime Minister, and Justice Minister: the President has the power to grant clemency.

4.7 Lebanon has maintained an unofficial moratorium on executions since 1998, with the exception of three simultaneous executions of individuals convicted of multiple murders in 2004. Senior authorities have occasionally called for executions to resume, including the interior minister in June 2017, but to date there has not been any suggestion that Lebanon is planning to end the unofficial moratorium. Judges continue to hand down death sentences: according to Amnesty International, more than 12 people were sentenced to death in 2017; while in 2016 126 Lebanese and Syrians were sentenced to death for terrorism-related offences and for crimes committed against the military.

## TORTURE

4.8 Lebanon is a state party to the Convention against Torture and Other Cruel, Inhuman and Other Degrading Treatment or Punishment and its Optional Protocol. In October 2017, Lebanon formally introduced the *Law Aiming to Punish Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (2017) that amended Article 401 of the Criminal Code to establish a crime of torture, including acts that lead to severe physical or mental pain or suffering. Lebanon did not previously have a crime criminalising torture, although Article 410 narrowly criminalised the use of violence to extract confessions.

4.9 The new law formally defines torture as acts that lead to severe physical or mental pain or suffering, precludes any excuse or justification for torture, prohibits the use of testimony extracted under torture as evidence (except against a person accused of committing torture), and provides special procedures for investigating allegations of torture and witness protection. The new law establishes a range of penalties depending on the effect of the torture, with a maximum penalty of ten to 20 years' imprisonment for torture leading to death. Torture leading to permanent harm is punishable by five to ten years' imprisonment; torture leading to temporary disability, harm, or physical or psychological impairment with three to seven years; cases that do not result in physical or psychological harm are punishable by one to three years. In

reviewing a draft of the new law, the Committee Against Torture (the international body charged with overseeing the Convention) found that these sentences did not adequately reflect the grave nature of the crime of torture.

4.10 While welcoming the introduction of the new law, human rights observers have argued that it contains several shortcomings that do not meet Lebanon's obligations under international law. The new law adopts a statute of limitations of three to ten years for prosecuting torture, commencing as soon as the victim is released from prison or detention. It restricts investigations into claims of torture only if the latter took place during specific points of a trial (pre-detention, preliminary investigations, judicial investigations, trials, or executions of sentences) but does not address acts that fall outside this context, such as violence during arrest, or the use of force against unresisting protesters. While the new law provides for rehabilitation and compensation for victims, it does not contain any detail or guidance for carrying out these provisions.

4.11 Human rights observers report being particularly concerned that while the new law's preamble explicitly states that torture cases should be heard in regular courts, this is not reflected in its operational text. This leaves open the possibility that military courts will continue to hear cases relating to allegations of torture related to security and military personnel (see [Military Courts](#)). In a January 2017 report into the widespread use of military courts to try civilians, HRW said that human rights organisations and lawyers believed the military court system had a higher incidence of torture than civil courts. They attributed this to interrogations being conducted by military personnel, the types of allegations involved (such as terrorism), which increase the likelihood of torture during interrogation, the absence of lawyers during interrogations, and the often incommunicado nature of pre-charge military detention.

4.12 While the government has denied the systematic use of torture, authorities have acknowledged that violent abuse has sometimes occurred during preliminary investigations at police stations or military installations where officials interrogated suspects without a lawyer present. Human rights organisations have continued to raise serious concerns regarding the abuse of detainees, alleging that the security services routinely resort to torture or other cruel, inhuman, or degrading treatment or punishment during interrogations. HRW's January 2017 report claimed that forms of torture used by authorities included beatings, psychological abuse, electrocution, hanging a detainee by the wrists behind the back, continuous blindfolding, violent beatings, blows to the soles of the feet, immersion in cold water, sexual abuse, extended periods of sleep deprivation, being forced to stand for extended periods, threats of violence against relatives, and deprivation of clothing, food and toilet facilities. As discussed in [State Protection](#), security agencies engage in training aimed at raising human rights standards.

4.13 In July 2018, a prominent actor alleged that state security authorities had secretly arrested him, detained him for six days in an unofficial detention site, and tortured him in order to obtain a confession that he had spied for Israel. The actor, Zaid Itani, said that he had been forced into an vehicle in Beirut by a man in civilian clothing who identified himself only as 'the state', and subsequently taken to an unmarked room where men in civilian clothing interrogated him about his alleged connections to Israel. During the interrogation, Itani claimed the men beat him repeatedly, tied him in a stress position, hung him by his wrists, kicked him in the face, threatened to rape him, and threatened his family with physical violence and legal charges. After details of the investigation were leaked to the media, Itani further alleged that interrogators used the damage to his reputation to put additional pressure on him to confess, and that he was denied access to his lawyer or family before facing court proceedings. In March 2018, authorities released Itani from custody and a judge formally exonerated him in May. Two people charged with making false accusations against Itani face up to ten years' imprisonment if found guilty.

## CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

### Arbitrary Arrest and Detention

4.14 Article 8 of the Constitution states that individual liberty is guaranteed and protected by law. No one may be arrested, imprisoned, or kept in custody except according to the provisions of the law. No offence may be established or penalty imposed except by law. The Criminal Code guarantees detained suspects due process rights, including the right to contact a person of their choosing (such as a family member or an employer) and to meet with a lawyer. Article 47 of the Criminal Code stipulates that arresting officers must inform all detained suspects of these rights promptly upon arrest, while Article 108 restricts pre-trial detention for felonies to six months, renewable once, but this restriction does not apply to those charged with homicide, felonies involving drugs and attacks against state security, felonies which represent a global danger and terrorism offences, and to those with a prior criminal conviction.

4.15 In its concluding observations on the third periodic report of Lebanon in March 2018, the UN Human Rights Committee expressed concern about reports of arbitrary and extra-judicial arrest and detention by security forces, including incommunicado detention, with no access to a lawyer; and frequent violation of the 48-hour legal time frame within which a person suspected of an offence is brought before a judge and exceptions to the 48-hour rule provided for under Article 108 of the Criminal Code as detailed above. It also expressed concern that a defence counsel is not entitled to attend the interrogation of his or her client during the preliminary investigation.

### Corporal Punishment

4.16 Corporal punishment is unlawful as a sentence for crime. The *Law for the Protection of Juvenile Delinquents and Endangered Juveniles* (2002) considers corporal punishment as unlawful as a disciplinary measure in penal institutions, but does not explicitly prohibit it. Corporal punishment is not explicitly prohibited in the home, schools, or alternative day care settings. DFAT understands that there is widespread social and cultural acceptance of the use of corporal punishment in childrearing in Lebanon.

## 5. OTHER CONSIDERATIONS

### STATE PROTECTION

5.1 The ability of authorities to provide state protection depends to a large degree on geographic area: several areas of Lebanon are not under the effective control of the state. Government forces are usually unable to enforce the law in areas controlled by Hezbollah (see [Critics of Hezbollah](#)), and do not typically enter Palestinian refugee camps (see [Palestinians](#)). Civilian authorities maintain effective control over the armed forces and other security forces.

### Lebanese Armed Forces (LAF)

5.2 The LAF, comprising an army, air force, and navy, is responsible for territorial defence, maintaining internal stability and security, and undertaking relief operations in coordination with public and humanitarian institutions. The LAF has the power to arrest and detain suspects on national security grounds. The President is the Commander-in Chief, while the LAF Commander, a position customarily held by a Maronite Catholic, operates and coordinates all three branches. A six-member Military Council, whose membership is allocated along sectarian lines, generally makes decisions related to the LAF.

5.3 The LAF consists of 96,000 active personnel and 20,000 reserve personnel. The overwhelming majority of LAF personnel serve in the army. Lebanon abolished conscription in 2007 and the LAF consists entirely of professionals. The LAF has conducted military operations in recent years against Islamic State militants occupying areas along Lebanon's eastern border with Syria. Global Firepower ranked Lebanon 106<sup>th</sup> out of 136 countries in its annual review of military strength for 2018.

5.4 The LAF has a human rights unit that engages in human rights training through various international organisations. The unit works to assure that the LAF operates in accordance with major international human rights conventions, and coordinates human rights training in LAF training academies. The unit also works with international NGOs to coordinate human rights training and policies. It has requested the creation of legal advisor positions to embed with LAF combat units and to advise commanders on human rights and international law during operations. The unit also has responsibility for coordinating the LAF's efforts to combat trafficking in persons. While the LAF's reputation on human rights is generally good, international organisations have reported that there have been cases whereby LAF raids on Syrian refugee settlements have resulted in harassment and the destruction of personal property.

5.5 The LAF has traditionally been a non-sectarian organisation. In recent years, however, difficulties in attracting Shi'a and Christian recruits has led to it becoming an increasingly Sunni-dominated organisation: the majority of new recruits each year are now Sunni. Recruitment to the officer corps, however, is roughly proportionate between Muslims and Christians.

5.6 As a member of a voluntary organisation, an individual is formally entitled to resign from the LAF at any stage with the approval of their commanding officer. DFAT understands that, while this generally occurs without significant obstacle, there have been cases in which it has proven more difficult. DFAT is unable to

say whether resigning from the LAF would cause an individual to face official or societal discrimination, including through experiencing difficulties in finding alternative employment.

## Internal Security Forces (ISF)

5.7 The ISF is Lebanon's police and security body, tasked with maintaining public order and counter-terrorism. It has approximately 40,000 personnel. While nominally a non-sectarian organisation, the ISF is headed by a Sunni and some critics have alleged that the organisation is overly dominated by the Sunni community. In recent years, the ISF has prioritised the recruitment of women, although it remains a largely male organisation. The ISF has also improved the training of its officers, including on human rights, although some human rights organisations report that some officers at lower levels are yet to demonstrate the benefit of this training.

5.8 The ISF administers a complaint mechanism allowing citizens to track complaints made against ISF officers and receive notification of investigation results. Citizens may file formal complaints against any ISF officer in person at a police station, through a lawyer, by mail, or online through the ISF website. At the time a complaint is filed, the filer receives a tracking number that may be used to check the status of the complaint throughout the investigation. The complaint mechanism provides the ISF the ability to notify those filing complaints of the results of the investigation. DFAT is not aware of the number of complaints filed annually. International observers have reported concerns that the ISF has threatened and mistreated drug users, persons involved in prostitution, and LGBTI persons in their custody.

## Judiciary

5.9 Lebanon's legal system was formalised largely during the French mandate, and is based on a combination of French civil law, Islamic, and Ottoman legal principles. The legal system is governed by a series of specialised codes of law. These include the *Code of Obligations and Contracts*, which is the primary source for civil law; the *Code of Civil Procedure*, the *Code of Commerce*, the Criminal Code, and the *Code of Criminal Procedure*.

5.10 Article 20 of the Constitution guarantees the independence of the judiciary. The *Judicial Organisation Law* (1961) governs the judiciary's structure and function. The judiciary is divided into four main court systems: judicial, administrative, military (see [Military Courts](#)), and religious (see [Personal Status Laws](#)). Each has independently appointed judges and appellate courts. The judicial court system is composed of civil and criminal courts of general jurisdiction at first instances, courts of appeal, and the Court of Cassation. This body, also known as the Supreme Court, hears appeals from the lower courts, and adjudicates disputes between exceptional and ordinary courts (or between two types of exceptional courts). There are also specialised tribunals, such as the Judicial Council, which deals with cases of sensitive criminal offences of a political nature; and the Constitutional Council, established under the Taef Accords, which judges the constitutionality of laws and adjudicates election disputes but is not empowered to receive or adjudicate on individual petitions.

5.11 Courts in Lebanon contend with huge backlogs and judicial procedures suffer from long delays. International observers report that petty corruption is widespread in the judiciary; bribes and irregular payments are often exchanged to obtain favourable judicial decisions, while the performance and independence of the courts is often subject to political interference (see also [Corruption](#)). In its concluding observations on the third periodic report of Lebanon in March 2018, the UN Human Rights Committee expressed concern about reports of political pressure exerted on the judiciary, particularly in the appointment of key prosecutors and investigating magistrates, and about allegations that politicians used

their influence to protect supporters from prosecution. It regretted the lack of comprehensive information on the procedures and criteria for the selection, appointment, promotion, suspension, disciplining, and removal of judges.

5.12 The Code of Criminal Procedure (2001) provides for trials, convictions, and sentencing *in absentia*. Article 165 states that a defendant who does not appear before the court, either in person or through counsel, shall be tried *in absentia*. When a court renders a judgement *in absentia*, the sentenced must be duly notified within ten days and can challenge the judgement within ten days of receiving notification. The deadline is open-ended if the sentenced is not duly notified of the judgement within ten days of its issuing. Authorities can only enforce the judgment after the ten-day notification period has concluded. Courts will usually give a person sentenced *in absentia* the maximum penalty of the criminal offence he/she has been charged with.

5.13 Article 27 of the Penal Code covers double jeopardy for those who have committed crimes abroad. It states that: with the exception of crimes referred to under Article 19 (covering offences against state security) and for infringements committed on Lebanese territory, no prosecution shall be exercised in Lebanon against a Lebanese national or alien who has been definitively judged abroad and, in the event of condemnation, if penalty has been inflicted or has lapsed by time limitation, or if pardon has been granted. In-country sources advise that they are aware of many cases in which dual Australian-Lebanese nationals with pending or unfinished charges in Australia have been arrested upon arrival in Lebanon and detained for questioning that could lead to prosecution.

5.14 Hezbollah and Palestinian camp authorities run autonomous, informal legal systems in areas under their control (see relevant sections). DFAT does not have any specific information in relation to the independence, legitimacy or equity of legal processes under these systems.

## Military Courts

5.15 The military court system is an exceptional judicial system that falls under the jurisdiction of the Ministry of Defence. Military judges are appointed by the Minister for Defence, are not required to have a law degree or legal training, and remain subordinate to the Minister during their tenure. Access to military court proceedings is restricted, meaning human rights organisations and journalists are not able to freely monitor trials.

5.16 The primary purpose of the military court system is to hear cases related to security and military personnel. The system also has broad jurisdiction over civilians, including in cases involving espionage, treason, unlawful contact with 'the enemy' (Israel), or weapons possession; crimes that harm the interest of the military or the internal security forces, or the general security; as well as any conflict between civilians and military or security personnel or the civilian employees of the Ministry of Defence, army, security services, or military courts. This broad jurisdiction means that civilians can be brought before military courts for any interaction or altercation with security services or their employees. The jurisdiction applies to underage minors: according to the Union for Protection of Juveniles in Lebanon, 355 children were tried before military courts in 2016.

5.17 According to a January 2017 HRW report on military courts, individuals tried before military courts are subject to a range of rights and fair trial violations, including interrogations without the presence of a lawyer, ill-treatment, the use of confessions extracted under torture (see [Torture](#)), incommunicado detention, and lengthy pre-trial detention. The HRW report cited lawyers familiar with the military court system as reporting that decisions are issued without an explanation, sentencing is inconsistent and seemingly arbitrary, and that they have come to expect guilty sentences regardless of the evidence against their client. The military court system offers only a limited right to appeal.

5.18 In its May 2018 concluding observations on the third periodic report of Lebanon, the UN Human Rights Committee expressed concern about the broad jurisdiction of military courts that extends to civilians, including children. It also stated concerns over the reported lack of independence and impartiality of military court judges; and allegations of violations of fair trial guarantees and fundamental legal safeguards, including interrogation in the absence of a lawyer, torture and forced confessions (including from children), arbitrary sentences, and a limited right of appeal. DFAT shares these concerns.

## Detention and Prison

5.19 The Directorate of Prisons administers Lebanon's prisons, and is responsible to MoIM. As of August 2017 (most recent available figures) the Lebanese prison system consisted of 21 adult prisons and one juvenile facility, and held a prison population of 6,330, an occupancy level of 180.9 per cent given the official capacity of 3,500. Roumieh Prison, Lebanon's main detention facility, has a designated capacity of 1,500 but held approximately 3,250. Of the prison population in 2017, 36 per cent was foreign, 4.7 per cent female, and 2.4 per cent juvenile. Almost two-thirds (64.7 per cent of the prison population were pre-trial detainees and remand prisoners. Pre-trial detainees are often held with convicted prisoners. Authorities reportedly keep Islamist prisoners strictly segregated from the rest of the prison population. Foreign prisoners are also generally kept together, as are co-religionists. The Ministry of Defence also maintains a detention centre, which is monitored by the parliamentary human rights committee.

5.20 Human rights observers have reported that conditions in prisons and detention centres are poor, largely due to overcrowding: in Roumieh, prisoners often sleep ten to a room originally built to accommodate two. Most prisons lack adequate sanitation, ventilation, and lighting, and temperatures are not regulated consistently. Prisoners lack consistent access to potable water. The provision of basic medical care is constrained by inadequate staffing, poor working conditions, and overcrowded medical facilities. Some NGOs argue that the failure to provide appropriate medical care to prisoners may have contributed to some deaths (see [Deaths in Custody](#)). Conditions in police stations are reportedly worse than regular prisons. Non-governmental entities, including Hezbollah and Palestinian non-state militias, also reportedly operate unofficial detention facilities, but DFAT does not have any information about these facilities.

5.21 The government permits independent monitoring of prison and detention conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC). The ICRC regularly conducts such visits. In addition, the ISF's Committee to Monitor Against the Use of Torture and Other Inhuman Practices in Prisons and Detention Centres had conducted 73 prison visits by August 2017. According to the ISF, it received 14 complaints of ill-treatment and took disciplinary action against those responsible, including dismissals, but did not publicise this action. Prisoners and detainees are permitted to report abuse or ill-treatment directly to the ISF Human Rights Unit (see [Internal Security Forces \(ISF\)](#)). In most cases, however, the families of prisoners usually report complaints to MoIM. Human rights observers have reported that prison directors often protect officers under investigation.

5.22 In its concluding observations on the third periodic report of Lebanon in March 2018, the UN Human Rights Committee expressed concern about reports of the large number of prisoners held in pre-trial detention, prolonged pre-trial detention without access to legal counsel, and pre-trial detention of children, especially in cases of crimes committed together with adults.

## INTERNAL RELOCATION

5.23 Item I of the Preamble to the Constitution states that every Lebanese has the right to live in any part of the country and to enjoy the rule of law wherever he or she resides; that there shall be no segregation of

the people on the basis of any type of belonging; and no fragmentation, partition, or settlement of non-Lebanese in Lebanon. The government does not impose any limitations on the freedom of movement of its citizens: all Lebanese can legally relocate to, and resettle in, any part of the country. In most cases, Lebanese relocating internally will seek to move either to an area in which their confessional group is in the majority, or to a mixed area. This generally means relocating to a major city, particularly Beirut, which also offers more opportunities for employment, access to services, and a greater degree of state protection than other areas of Lebanon. The large-scale influx of Syrian refugees has, however, placed significant pressure in Beirut and elsewhere on the availability and cost of rental accommodation and other services, including employment (see [Employment](#)).

5.24 While political parties may offer financial or social assistance and other services to members of their communities seeking to relocate, they do not generally actively encourage internal relocation. In particular, Christian parties and the Maronite patriarchate have been outspoken about encouraging Christians in rural areas to remain in their towns and villages, and have discouraged them from selling their properties to non-Christians.

5.25 DFAT assesses that the ease with which an individual is able to relocate internally depends to a large degree on their individual circumstances, including whether they have family or community connections in the intended area of relocation, and their financial situation. Internal relocation is generally easier for men and family groups. Single women, particularly those fleeing family violence, are less likely to have access to sufficient support services and are likely to face societal discrimination in the form of harassment, particularly in rural and more conservative areas. LGBTI individuals are also less likely to be able to escape official and societal discrimination through relocation, although Beirut offers the best possibilities. Shi'a individuals identified as being opposed to Hezbollah or Amal are unlikely to be able to escape societal discrimination through internal relocation.

## TREATMENT OF RETURNEES

### Exit and Entry Procedures

5.26 Lebanon has a long history of emigration and return. The Lebanese diaspora is one of the largest worldwide: although reliable figures are not available, estimates of its numbers range between 8 million and 14 million people. Many expatriate Lebanese maintain close family or business relationships within Lebanon and return to the country frequently, entering and exiting without difficulty. Lebanese citizens and residents require a Lebanese passport or Lebanese Identity Card (LIC) (see [Lebanese Identity Card \(LIC\)](#)), individual civil status record certificate, or residency card in order to enter Lebanon. A passport or LIC are required to exit Lebanon, along with a valid visa for the intended destination (if applicable). In-country sources report that security authorities will take aside and question anyone entering the country on a foreign passport without other documentation if they suspect the person of being Lebanese.

5.27 Lebanese border control maintains a database of 'border alerts' or 'stop orders', against which it checks all travellers' names on arrival and departure. Border alerts are raised when there are pending court cases or warrants for those wanted for, or convicted of, offences in Lebanon. Lebanese citizens returning from overseas are highly likely to be arrested and detained on return should they have an existing stop order against them. DFAT is aware of cases where people facing criminal charges have been stopped before departure and barred from leaving the country: in one such case, an Australian woman of Lebanese background was prevented from leaving Lebanon after her ex-husband's family accused her of adultery in a complaint to Lebanese authorities. In addition, the husbands of married women and fathers of unmarried

women and underage children can request travel bans against their dependants without significant difficulty: these are done through a court order (civil or religious courts). Appeals against these travel bans are possible, but are rarely successful.

5.28 Beirut-Rafik Hariri International Airport is the only operational commercial airport in Lebanon. Along with the Port of Beirut, it is the main entry point into the country. Authorities perform biometric checks (photograph and fingerprinting) at the airport. The airport is located in an area of southern Beirut in which Hezbollah has considerable influence, and the organisation exercises substantial control over the airport.

5.29 There are four official border crossing points from Lebanon to Syria: Aarida, north of Tripoli along the coast; Aboudieh, north-east of Tripoli; el-Qaa, on the northern edge of the Beka'a Valley; and Masna'a, in the east along the international highway. With the exception of the Aarida checkpoint, the official checkpoints on the Lebanese side of the border are located some distance from the actual border. There are also several non-official crossing points, and prior to the start of the Syrian civil war observers described the border region as 'notoriously porous'. As late as 2015, Lebanese citizens did not require a visa or even a passport to enter Syria. DFAT understands the border is now under much tighter control, and that Lebanese authorities have periodically closed some or all of the land border crossing points over the course of the Syrian civil war, including as a means to control the influx of refugees. It is unlikely, however, that the standard of exit and entry formalities (including access to the online database) at the majority of official land border crossing points would be on par with that of the airport or Port of Beirut.

5.30 There are no official land crossing points to Israel, and it is illegal to travel there. Citizens of Lebanon (and other Arab countries) are likely to be arrested and detained if authorities find evidence that they have travelled (or intend to travel) to Israel. Such evidence could include Israeli exit or entry stamps in their passport, Egyptian or Jordanian stamps from border crossings with Israel, or travel itineraries or tickets that include Israel as a destination.

5.31 DFAT assesses that the effectiveness of the border alert database would make it difficult for a person under a stop order to enter or exit the country through the international airport or port without being stopped and detained. It may, however, be possible to leave Lebanon via a land crossing point without coming to official attention.

## Conditions for Returnees

5.32 DFAT understands it is not a crime for Lebanese citizens to seek asylum abroad. Information on conditions for failed asylum seekers who have returned to Lebanon is limited. DFAT understands, however, that no significant stigma attaches to this group and has no evidence to suggest they are subject to any particular official or societal discrimination. On return, a failed asylum seeker would only come to the attention of authorities if they had an existing stop order against them (see [Exit and Entry Procedures](#)), or if they had committed a crime abroad of sufficient gravity for authorities to request an accompanied transfer.

5.33 A returnee would generally return to their home community or resettle in Beirut or another major city. Although Lebanese authorities do not provide support for resettlement, several NGOs do, including the Caritas Lebanon Migrants Centre, the Afro-Asian Migrant Centre, and the International Organisation for Migration.

## DOCUMENTATION

5.34 All Lebanese citizens over the age of 15 and habitually resident in Lebanon must carry either a LIC or passport at all times. Police officers and security officials have a right to demand to see identity documents.

5.35 Personal status records for Lebanese nationals are kept at the personal status register in the various districts of the Directorate General for Personal Status (DGPS) at MoIM. They are organised according to family: each family holds a unique serial number for all its descendants, known as the register number. These records provide the proof of Lebanese citizenship necessary to obtain identification papers. The personal status record for an individual includes information such as the person's full name, sex, parents' names, place and date of birth, marital status, religion, and register number.

## Birth Certificates and Registration

5.36 The DGPS issues birth certificates, which follow a common template and include a government stamp as well as the execution date and number in the bottom left hand corner. Information on the certificate includes: the names of parents and their register number; name and sex of the newborn; place and date of birth; signature of the hospital, doctor, or legal midwife who assisted the birth; position and signature of the person preparing the document; signature of *mukhtar* (local mayor) and witnesses; date of submission to the personal status departments; and the incoming and execution serial numbers.

5.37 Birth declarations must be submitted within 30 days of birth to the Civil Status Officer at the place of birth: declarations following this deadline, up to one year from the date of birth, attract a fine of LBP1,000 (AUD0.90). In the event of delaying a birth declaration for more than a year from the date of birth, registration in civil status records is only possible through a court order: parents or guardians must file a voluntary lawsuit before a civil judge and obtain a judicial decision to execute the registration. Proof of birth in wedlock is required: couples whose marriage is not registered in Lebanon may face difficulties in registering their children. Unregistered children are effectively stateless, and are unable to access many basic and fundamental rights, such as education, health, and employment. They are also unable to register their marriages, and are thus unable to register their own children.

5.38 Article 1 of the *Nationality Law* (1925) states that a person is considered Lebanese if they were born of a Lebanese father, were born in Lebanon and did not acquire a foreign nationality upon birth by affiliation, or were born in Lebanon of unknown parents or parents of unknown nationality. A child born of a Lebanese father outside Lebanon can obtain a Lebanese birth certificate through a Lebanese diplomatic mission, provided the parents' marriage is registered either in Lebanon or abroad. A child born of a foreign father can obtain a birth certificate but the birth will be registered in the DGPS' Foreigner Events Department, even if the mother is Lebanese. Lebanese women cannot pass on citizenship by descent.

5.39 To obtain Lebanese citizenship, a child born out of wedlock must be recognised by a Lebanese parent while still a minor. Article 12 of *The Law on Documenting Personal Status* (1951) states the birth must be declared within one year from the date of birth to be recorded administratively. If the child is more than one year old, the registration of the child in the register of the recognising parent may only happen through a recourse to the courts by filing a voluntary birth registration lawsuit. If there is no voluntary recognition and the child is a minor, a steward appointed by the relevant religious court or the public prosecution may file a nationality lawsuit for the judge charged with personal status issues to record the child in the personal register of the person identified as parent by the child. In this situation, the judge will request an investigation and proof of biological lineage through DNA.

5.40 In its concluding observations on the third periodic report of Lebanon in March 2018, the UN Human Rights Committee expressed concern about the complex procedure for birth registration, particularly in the case of late birth registration for children over one year of age, which the Committee argued is both costly and involves onerous requirements for documentation. The Committee also expressed concern that Lebanese women are unable to pass on their nationality to their children and spouses.

## Marriage Certificates

5.41 The act of marriage is not officially recognised until it is correctly registered with the competent authorities at MoIM's General Directorate of Civil Status. Registration of a marriage with the presiding religious authorities alone does not make it official. Following the marriage ceremony, the religious authority that contracted the marriage provides a marriage contract or attestation of marriage, which indicates the agreement between the two parties made in the presence of the marrying authority and witnesses. It contains the signatures of the two parties, proving their consent, and the signature of two witnesses. The marriage contract is the primary document required for registering a document: other necessary documents for Lebanese citizens are a recently issued individual civil status extract, a family civil status extract, and the LIC for both parties. Registered Palestinian refugees are required to provide their Palestinian refugee ID; while unregistered Palestinians must show a valid passport issued by the Palestinian Authority and an Attestation of Nationality issued by the Palestinian Embassy in Lebanon, or a valid laissez-passer issued by any foreign country and an entry stamp showing the date of entry into Lebanon. In the absence of a comprehensive legal framework for civil marriage, such marriages are treated as civil contracts under the *Law of Obligations and Contracts* (1932).

5.42 The Public Notary is the competent authority to conclude a civil marriage contract. Public notaries can conclude civil marriage contracts from ceremonies inside Lebanon only if the couple agrees to remove their religion from their ID and other official documents. Those who remove their religion from such documents lose all associated benefits, including the right to vote, and many still encounter difficulties in officially registering their marriage contracts.

5.43 In order to proceed with the registration of a religious marriage, the *Civil Status Registration Law* (1951) requires that the spouses obtain a duly filled and signed marriage certificate from the authority that concluded the marriage. This is a standardised form and is different from the marriage contract. The marriage certificate must be filled, signed, and endorsed by the religious authority that contracted the marriage. The authority then signs and stamps the marriage certificate, enters the number and date of the religious permission to marry, registers the marriage certificate in the marriages ledger, and gives it a serial number. The marriage certificate is then taken to the religious authority that concluded the marriage, who adds the number and date of the marriage contract and signs it. In cases of civil marriage, the marriage contract concluded before the public notary is considered as a marriage certificate. It must contain the date, place, and number of the marriage contract, the authentication of the public notary, and the signature of two witnesses.

5.44 The next step in registering a marriage is the authentication of the marriage certificate. For religious marriages, the couple should send the marriage certificate and other required documentation (as listed previously) to the religious authority that contracted the marriage and to the *mukhtar* (local mayor). The religious authority authenticates the marriage certificate, gives it a serial number in the marriage register, and adds this serial number to the marriage certificate and signs it. The *mukhtar* then signs and stamps the marriage certificate and gives it a serial number. The cost of completing the marriage certificate is not defined by law and is left up to the *mukhtar*'s discretion: it may reportedly vary from LBP10,000 (AUD9.25) to LBP100,000 (AUD92.50). This final step does not apply in the case of civil marriages given these do not have a separate marriage certificate.

5.45 To be officially recognised, the authenticated marriage certificate must be declared to the competent civil status authorities at the General Directorate of Civil Status to begin the process of registration and execution. The procedures involved are the same for religious and civil marriages concluded in Lebanon. Either the cleric who concluded the religious marriage or the married couple themselves may declare the marriage to civil status authorities. These authorities then register the declaration of the marriage; confirm where necessary the wife's civil status records to ensure that the details in the marriage

certificate are in conformity with the details in her civil status records; and execute the marriage certificate in the spouses' civil status records. The Civil Status Registration Law prescribes that a marriage must be registered with the General Directorate of Civil Status within one month of its date of conclusion. After this period, a civil status officer may refuse to register the marriage without a court decision: this practice is reportedly common, particularly in cases where there is a child from the marriage who is more than one year old. Registered Palestinian refugee husbands must declare their marriage with the Refugee Directorate of MoIM's General Directorate for Political and Refugee Affairs. Unregistered Palestinian husbands face significant difficulties in registering their marriages due to their lack of recognised documentation.

5.46 Lebanese citizens and registered Palestinian refugees who conclude their marriages outside Lebanon can register them through Lebanese consulates. The spouses must present the official marriage certificate issued by the competent authorities in the foreign country to the Lebanese consulate, along with all other required documents as listed earlier. The consulate will then authenticate the marriage certificate, register it and give it a number, and send it to the Lebanese Foreign Ministry. Once in Lebanon, the foreign ministry will transfer the certificate to the General Directorate of Civil Status, who will conduct the process of registration and execution as previously described. The certificate will ultimately be sent to the civil status officer of the district where the husband has his civil status records; or to the Directorate of Refugee Affairs if the husband is a registered Palestinian refugee.

## Lebanese Identity Card (LIC)

5.47 MoIM issues Lebanese Identity Cards (LICs), which are the primary form of identification for Lebanese citizens. LICs are used to obtain a wide range of services, including healthcare, banking and financial services, education, employment, travel (when validating the traveller's passport or for travel to Syria and Jordan), obtaining other documents (such as driver's licences) and insurance claims.

5.48 LICs are standardised throughout the country. They are white and pink in colour with a picture of two cedars in the background, and contain the following information: holder's full name, father's given name, mother's full name, place of birth, date of birth, cardholder's signature, passport-sized photograph, national identity number, sex, marital status, date of issue, registry number, village, province, district; and the name, signature, and seal of the registry officer.

## Passports

5.49 The Directorate General of General Security (DGGS) issues passports, which can also be issued outside Lebanon through diplomatic missions. The *Passports Act* (2005) gives the Minister for Foreign Affairs the power to refuse, cancel or suspend a passport on a number of grounds, including national security or health. The DGGS will not issue a passport to a person under arrest for criminal offence, or to those who appear as 'dangerous' in accordance with the International Police Agreement (1920). Those who owe LBP3,800,000 (AUD3550) or more in child support will also not be granted a passport.

5.50 Since August 2016, all Lebanese passports issued by the DGGS have been biometric, although non-biometric passports remain valid until their expiry date. The new biometric passports are navy blue, with the Lebanese Cedar emblazoned in the centre of the front cover. 'The Lebanese Republic, Passport' is written on the cover page in Arabic, English, and French. The passports include the following data: photograph of the holder, full name, date of birth, sex, place of birth, date of issue, authority, date of issue, and holder's signature. Passports are issued for either one, five, or ten years, depending on the applicant's preference. To obtain a passport, applicants must submit an application form, their old passport (if applicable), their LIC, their individual and family status records, an original or certified copy of their birth

certificate, their criminal record status, their official residence permit (if applying at a diplomatic mission outside Lebanon), and two recent photographs authorised by a *mukhtar*. Children under the age of 18 require a letter of authorisation from their parents. Lebanese passports are among the most expensive worldwide: a one year passport costs LBP60,000 (AUD56), a five year passport LBP300,000 (AUD280), and a ten year passport LBP500,000 (AUD466.50).

## Individual and Family Registry Documents (Family Book)

5.51 The DGPS issues Individual Civil Extracts and Family Civil Extracts (Registry Documents). These are proof of identity documents that may be used for processes such as the issuance of Lebanese citizenship, school registration, employment, requests for Police Certificates, university registrations, and issuance of driver's licenses, marriages and divorces.

5.52 Registry Documents follow a standard format throughout the country. They are handwritten rather than electronically printed, and therefore do not all have the same handwriting. Information on the Individual Civil Extract includes the district, quarter, or village of residence and register number, as well as the individual's full name, father's given name, mother's full name, place and date of birth, religion (optional), family status, and sex. Information on the Family Civil Extract includes the district, place of the register, number of the register, and each family member's full name, father, mother, place and date of birth, religion, sex, and marital status. Photographs appear on Individual Civil Extract but not on Family Civil Extracts.

5.53 Applicants can submit applications for individual and family registry documents to the Civil Census office, along with two passport size photographs that are certified and signed by the Mayor. Depending on the office's workload, the documents may be issued on the same day. Alternatively, applications can be submitted at the post office, whose processing time is one month. Lebanese citizens residing outside Lebanon may submit their applications through a Lebanese diplomatic mission abroad. The father or guardian of a minor may submit applications on their behalf, using the same application and submitting the same documents as for adults. The minor is not required to be physically present. Third parties, such as direct relatives, the mayor, or a lawyer, may apply to obtain individual and family registry documents.

5.54 Errors in Registry Documents can be corrected at the Civil Census office in the individual's district. The individual must appear personally along with the document requiring correction and submit a request for a new Extract.

## Identity Documents for Palestinians

5.55 Palestinian refugee records are kept at the Directorate of Refugee Affairs (DRA) at MoIM's General Directorate of Political and Refugee Affairs. They form the legal basis for Palestinian refugees to enjoy legal residency in Lebanon and obtain IDs issued by Lebanese authorities.

5.56 The DRA's Events Registration Department has adopted special procedures for registering children born of Palestinian fathers registered in Lebanon. To organise a birth certificate, parents or guardians must provide the DRA with a birth attestation from the doctor or midwife who assisted the birth; the father's Palestinian refugee card; a copy of the parents' marriage certificate, and an extract of the father's Palestinian refugee family register. Once the birth certificate is in hand, parents or guardians must submit it to the DRA, along with an extract of the family personal status register for registered Palestinian refugees; a request by the *mukhtar* of the place of residence; a copy of the father's Palestinian refugee card; and two photographs of the child. If the declaration is made through a guardian, a copy of the guardianship decision must be

presented; if it is made through someone delegated by the family, a copy of the delegation through a notary public must be provided.

5.57 As per General Security regulations, Palestinians registered with UNRWA are entitled to travel documents valid for either one or five years. Palestinians who are not registered with UNRWA can obtain travel documents valid for either one or three years. Fees payable are similar to those paid by Lebanese. In 2016, biometric passports replaced handwritten travel documents. Passports can be renewed in diplomatic missions abroad.

## PREVALENCE OF FRAUD

5.58 Counterfeit or fraudulent identity documents are rare in Lebanon. Since the end of the civil war, authorities have issued core identity documents (including passports, LICs, Registry Documents, and birth certificates) in a nationally consistent format. Records have been maintained, although sometimes in a limited capacity. Identity fraud is taken seriously by authorities, and those convicted may be incarcerated for several months.

5.59 It is reportedly very common for official documents of all kinds to contain errors. Most documents are handwritten on non-secure paper, and usually have no security features. Inconsistencies with spelling and incorrect dates may occur, and may then be reproduced and often compounded in subsequent documents. Transliteration variances from Arabic to English can cause variations in names and many other inconsistencies, which may raise concerns about the integrity of documents.

5.60 Diplomatic missions in Beirut advise that the bulk of their documentation-related work is now conducted electronically. Most documents submitted for visa and citizenship purposes are scans or copies of documents rather than originals. When the validity of submitted documents is in question, diplomatic missions will request the original of the document and make assessments between the two. Copies and scans of Marriage and Birth Certificates are commonly presented for visa and citizenship purposes. On occasions where diplomatic missions have had reason to verify submitted documents, Marriage and Birth Certificates have proven to be reliable, consistent with other documents submitted, in line with claims and circumstances, and genuinely issued by authorities. Court documents are submitted on limited occasions, usually for the purposes of travel for children, or verification of marriage, divorce, or settlement. On occasions where diplomatic missions have had reason to verify submitted documents, court documents have proven to be reliable, consistent with other documents submitted, in line with claims and circumstances, and genuinely issued by authorities. Drivers Licences are rarely submitted for documentation-related purposes as any information contained in these is more readily (and reliably) obtained in travel documents, LICs, and Registry Documents.