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U.S. Department of State

Lebanon Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

LEBANON

Lebanon is a parliamentary republic in which the President is by tradition a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Chamber of Deputies a Shiâa Muslim. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. In October Parliament chose a new president, Emile Lahoud, in an election heavily influenced by Syria. He took office in November. The judiciary is independent in principle but is subject to political pressure.

Non-Lebanese military forces control much of the country. These include about 25,000 Syrian troops, a contingent of approximately 2,000 Israeli army regulars and 1,500 Israeli-supported militia in the south, and several armed Palestinian factions located in camps and subject to restrictions on their movements. All undermine the authority of the central Government and prevent the application of law in the patchwork of areas not under the Government's control. In 1991 the governments of Syria and Lebanon concluded a security agreement that provided a framework for security cooperation between their armed forces. However, an undetermined number of Syrian military intelligence personnel in Lebanon continue to conduct their activities independently of the agreement.

In 1989 the Arab League brokered a peace settlement at Taif, Saudi Arabia, to end the civil war in Lebanon. According to the Taif Accord, Syrian troops were to be redeployed from their positions in Lebanon's coastal population areas to the Bîqaâ Valley, with full withdrawal contingent upon the fulfillment of other aspects of the Taif Accord and subsequent agreement by both the Lebanese and Syrian governments. Although the Syrian Government has refused to carry out this withdrawal from the coastal areas, strong Syrian influence over Lebanese politics and decisionmakers makes Lebanese officials unwilling to press for a complete withdrawal. The relationship with Syria does not reflect the will of most Lebanese citizens.

Israel exerts control in and near its self-proclaimed "security zone" in south Lebanon through direct military action and support for its surrogate, the South Lebanon Army (SLA). With the tacit support of the Government, the Iranian-backed Shiâa Muslim faction Hizballah, and, to a much lesser extent, the Lebanese Shiâa group Amal and some Palestinian guerrillas continue to be locked in a cycle of attack and counterattack with Israeli and SLA troops. Palestinian groups operate autonomously in refugee camps throughout the country. During the year, the Government continued to consolidate its authority in the parts of the country under its control; and continued to take tentative steps to exert its authority in the Bîqaâ Valley and Beirut's southern suburbs. However, it did not attempt to reassert state control over the Palestinian refugee camps, nor to disarm Hizballah and the SLA.

The security forces consist of the Lebanese Armed Forces (LAF), which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus and the Surete

Generale, both of which collect information on groups that may jeopardize state security. The Surete Generale is also responsible for the issuance of passports and residency permits and for censoring foreign periodicals and movies that address national security issues. The security forces committed serious human rights abuses.

Before the 1975-90 hostilities, Lebanon was an important regional financial and commercial center. There is a market-based economy in which the majority of the work force is employed in the services sector, such as banking and commerce. There is a small industrial sector, based largely on clothing manufacture and food processing. The gross national product is estimated to be approximately \$5,000 per capita. A reconstruction effort, begun in 1992, is moving forward. Lebanon receives substantial remittances from abroad that offset its trade deficit and result in a balance of payments surplus.

The Government's human rights record was poor, and serious problems remain in several areas, although there were some improvements in a few areas toward the end of the year. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. Government abuses also included the arbitrary arrest and detention of persons who opposed government policies. Lengthy pretrial detention and long delays in trial are problems, and the courts are subject to political pressure. The Government infringed on citizens' privacy rights. The Government also partially limited press freedom by continuing to restrict radio and television broadcasting in a discriminatory manner. It also barred the satellite broadcast of political programming, but later rescinded the restriction on news broadcasts. Journalists practice self censorship. The Government continued to restrict freedom of assembly, but lifted its ban on political demonstrations. The Government imposes limits on freedom of movement. The right of citizens to change their Government remains restricted by lack of government control over parts of the country, shortcomings in the electoral system, and Syrian influence. Although the 1996 parliamentary elections represented a step forward, the electoral process was flawed, as the elections were not prepared or carried out impartially. However, in May and June the Government held the first municipal elections in 35 years, allowing citizens to change their government at the local level. In October Parliament elected a new president in keeping with the constitutional process, though the election was influenced heavily by Syria. Discrimination against women and Palestinians, and violence against women are problems.

Although the civil war ended in 1990, life and property still are threatened by artillery and aerial attacks by the various contending forces in parts of southern Lebanon. These forces continue to commit abuses, including killings, bombings, and abductions.

The SLA maintains a separate and arbitrary system of justice in the Israeli-controlled zone, which is independent of Lebanese central authority. During the year, SLA officials arbitrarily arrested, mistreated, and detained persons, and regularly expelled local residents from their homes in the zone. Palestinian groups in refugee camps maintain a separate, often arbitrary, system of justice for other Palestinians. Palestinians sometimes may appeal to Lebanese authorities, often through their agents in the camps, for legal recourse. In comparison to previous years, there were no known reports that members of the various groups that control the camps tortured and detained their Palestinian rivals.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or extrajudicial killings by government authorities during the year.

There were no developments in the 1994 death of Tareq Hassaniyeh, who allegedly was beaten to death by authorities in the Bayt Al-Din prison, nor in the 1994 death of Fawzi Al-Racy, who died while in the custody of the Ministry of Defense.

There were reports of politically motivated killings of liquor store owners in Sidon by extremist groups.

In July the military prosecutor charged 18 members of the Lebanese Forces, an outlawed rightwing Christian militia, with carrying out a 1996 bus bombing in Syria that killed 11 persons.

On April 16, in a setback for government efforts to bring those responsible for terrorist attacks during the war years to justice, the Criminal Court of Beirut found Tawfiq Mohammad Farroukh not guilty of murder for his role in the 1976 assassination of U.S. Ambassador Francis Meloy, Embassy officer Robert Waring, and their driver Zohair Moghrabi despite overwhelming evidence of his guilt. Farroukh returned to Lebanon on April 15 and was set free after the court verdict was issued. The Public Prosecutor's office appealed the verdict, but no date has been set for a trial hearing.

There were no developments in the 1996 beating death of Akram Arbeed, who allegedly was attacked while accompanying a candidate in the 1996 parliamentary election. The case still is pending. Legal proceedings during the year against Samir Ja'ja (who still is serving a life sentence for other crimes) for his alleged complicity in the killing of Rashid Karame continued during the year.

A number of persons were killed by gunfire, artillery fire, and bombs in clashes between Israeli soldiers and Hizballah guerrillas (see Section 1.g.).

b. Disappearance

There were no reports of politically motivated disappearances. The Government still has taken no judicial action against groups known to be responsible for the kidnappings of thousands of persons during the unrest between 1975 and 1990.

In March Bashir Al-Khatib, who had disappeared in 1996, was returned to Lebanon from Syria (see Section 1.d.). The whereabouts of Boutros Khawand, who allegedly was abducted by Syrian forces in 1992, remain unknown; he is presumed to be held in Syria (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is not banned specifically by the Constitution, and there continued to be credible reports that security forces abused detainees and in some instances used torture. In June the Chairman of the Lebanese Association for Human Rights told the Parliamentary Commission for Human Rights that torture is still a common practice. In May two stateless Bedouin were executed for complicity in a murder. The court noted during the sentencing that their confessions were extracted through abusive

interrogation techniques contrary to law, but their appeal was denied on procedural grounds. There were also credible reports that military intelligence officials used harsh interrogation procedures, including torture, on former members of the Lebanese Forces. Violent abuse usually occurs during the preliminary investigations that are conducted at the police station or military installations, where suspects are interrogated in the absence of an attorney.

Abuses also occurred in areas outside the state's authority, including the Palestinian refugee camps. In comparison to previous years, there were no reports that members of the various groups that control the camps tortured and detained their Palestinian rivals.

Prison conditions are poor and do not meet international standards. The Ministry of Interior operates 18 prisons with a total capacity of 2,000 inmates. However, prisons are overcrowded, with a total population of nearly 5,000. Inmates lack heat, adequate toilet and shower facilities, and proper medical care. The Government has not budgeted funds to rehabilitate the prison system.

On April 8, inmates of the Roumieh prison--the largest in the country with almost 75 percent of the total prison population--rioted over alleged brutality and mistreatment. The unrest abated only after the Interior Minister visited the premises and promised to respond to the inmates' demands. The Minister reportedly said that 80 percent of the prisoners' demands would be met, since they were valid. The military prosecutor charged one ISF officer and one noncommissioned officer for alleged physical abuse of prisoners in the incident that triggered the riot. Trial still is pending. In May a prisoner in Zahle prison suffered a ruptured appendix and was refused medical care for more than 2 months. He nearly died before his case was brought to the attention of the media and the Parliament's Human Rights Commission.

In addition to regular prisons, the Surete Generale, which mans border posts, operates a detention facility. Hundreds of foreigners, mostly Egyptians and Sri Lankans, are detained there pending deportation. They reportedly are held in small, poorly ventilated cells. Credible reports indicate that in 1997 guards raped some of the Sri Lankan women during their detention.

On June 6, the International Prison Watch (IPW)--a human rights organization based in Lyon, France--was allowed to visit prisons in Lebanon. The IPW representative in Lebanon visited the Roumieh prison and stated that conditions have improved but noted that the prison is still overcrowded. Local journalists and human rights organizations had access to certain prisons during the year; access to those prisons controlled by the Ministry of Defense was not given.

Hizballah detains and reportedly mistreats SLA members and suspected agents at unknown locations. The SLA operates its own detention facility, Al-Khiam prison, and there are frequent allegations of torture and mistreatment of detainees. Both groups occasionally release prisoners. In June the International Commission of the Red Cross (ICRC) brokered an exchange of prisoners and prisoners' remains among Israel, Lebanon, Hizballah, and the SLA. In exchange for the remains of an Israeli sergeant who was killed in a military operation in Lebanon in September 1997, Israel and the SLA released 65 prisoners, and returned the remains of 40 Hizballah guerrillas. In September the SLA released Suha Bichara, a member of the Communist Party who had attempted to kill the SLA leader, General Lahd, 10 years previously.

Hizballah does not permit prison visits by human rights monitors. The SLA, after a 9-month period of not permitting visitations, allowed the ICRC (and family members) to visit detainees at Al-Khiam prison following the prisoner exchange in June.

d. Arbitrary Arrest, Detention, or Exile

The Government uses arbitrary arrest and detention. The law requires security forces to obtain warrants of arrest before making arrests. However, military prosecutors, who are responsible for cases involving the military, as well as those involving espionage, treason, weapons possession, and draft evasion, make arrests without warrants. Arresting officers are required to refer a suspect to a prosecutor within 24 hours of arrest, but frequently do not do so.

The law requires the authorities to release suspects after 48 hours of arrest if no formal charges are brought against them. Some prosecutors flout this requirement and detain suspects for long periods in pretrial confinement without a court order. The law authorizes judges to remand suspects to incommunicado detention for 10 days with a possible extension for an additional 10 days. Bail is only available to those accused of petty crimes, not those accused of felonies. Defendants have the right to legal counsel, but there is no public defender's office. The Bar Association has an office to assist those who cannot afford a lawyer.

Security forces continued the practice of arbitrary arrest. After a June 19 car bomb explosion in Dora, security forces detained and interrogated scores of citizens, predominately Christian supporters of the jailed commander of the Lebanese Forces, Samir Ja'ja'a. These detentions and searches of homes took place without warrants, and detainees claim that they were not given access to lawyers. Most detainees were released after they were forced to sign documents stating that they would abstain from politics. Eighteen of those allegedly connected directly to the Dora bombing were charged with forming a sabotage network. Of the 18 charged, 11 are in custody and 7 are still at large.

There were no allegations during the year of the transfer of Lebanese citizens by Lebanese authorities to Syria. In 1997 there reportedly was one such instance in which Lebanese security forces allegedly were involved. The number of Lebanese detainees remaining in Syria is uncertain; however, former President Elias Hrawi estimated that some 210 persons were in Syrian custody in 1996. Amnesty International (AI) reported that "hundreds of Lebanese, Palestinians, and Jordanians have been arbitrarily arrested, some over 2 decades ago, and remain in prolonged and often secret detention in Syria." According to AI, Syrian forces operating in Lebanon carried out searches, arrests, and detentions of Lebanese nationals outside of any legal framework.

On March 6-7, Syria transferred 121 prisoners, most of whom had been held in Syrian jails since the outbreak of the Lebanese civil war in 1975, to the Lebanese authorities. The transfer, which included a detainee named Bashir Al-Khatib who had disappeared in 1996, was ordered by Syrian President Hafez Al-Assad at the request of President Elias Hrawi. Fourteen of those released were to be referred to a Lebanese court. Lebanese political figure Boutros Khawand, who allegedly was abducted by Syrian forces in 1992, remains unaccounted for and is presumed to be held in detention in Syria.

The authorities often detain without charge for short periods of time political opponents of the Syrian and Lebanese Governments. Syrian forces in Lebanon also reportedly detain Lebanese citizens.

Local militias and non-Lebanese forces continued to conduct arbitrary arrests in areas outside central government control. The SLA detains an estimated 120 citizens and an undetermined number of Palestinians at Al-Khiam prison in the south.

Israel holds several Lebanese citizens, including Sheikh Abed Al-Karim Obaid and Mustafa Dirani, figures associated with the Islamic resistance. In November the SLA acted on behalf of the Israeli Defense Force (IDF) and abducted Sheikh Abbas Mohsen Fadlallah from his home in Kafr Kila. He was detained at Al-Khiam prison for his alleged role in resistance activity.

Palestinian refugees are subject to arrest, detention, and harassment by the state security forces, Syrian forces, various militias, and rival Palestinians.

Exile as a form of punishment is not practiced regularly, although in 1991 the Government pardoned former Army Commander General Michel Awn and two of his aides on the condition that they depart the country and remain in exile for 5 years. Awn was accused of usurping power. The 5-year period ended in August 1996 but Awn remains in France.

e. Denial of Fair Public Trial

The judiciary is independent in principle, but is subject to political pressure. The Constitution provides for a constitutional council to supervise the constitutionality of laws and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians and Syrian intelligence officers sometimes intervene to protect their supporters from prosecution.

The judicial system is composed of the regular civilian courts; the Military Court, which tries cases involving military personnel and military-related issues; the Judicial Council, which tries national security offenses; and the tribunals of the various confessions, that is, religious affiliations, which adjudicate disputes including marriage, inheritance, and personal status.

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. On the recommendation of the Minister of Justice, the Cabinet decides whether to try a case before this tribunal.

The Ministry of Justice appoints judges according to a formula based on the religious affiliation of the prospective judge. A shortage of judges has impeded efforts to adjudicate cases backlogged during the years of internal conflicts. Trial delays also are caused by the Government's inability to conduct investigations in areas outside its control. Defendants have the right to examine evidence against them. The testimony of a woman is equal to that of a man.

Hizballah applies Islamic law in areas under its control. Palestinian groups in refugee camps operate an autonomous and arbitrary system of justice. The SLA maintains a separate and arbitrary system of justice.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

While the authorities generally show little interest in controlling the personal lives of citizens, they readily interfere with the privacy of persons regarded as foes of the Government. Laws require that prosecutors obtain warrants before entering houses except when the army is in hot pursuit of an armed attacker. However, after a car bomb explosion in June, security forces searched homes without warrants.

The Government and Syrian intelligence services use informer networks and monitor telephones to gather information on their adversaries. The army Intelligence Service monitors the movement and activities of members of opposition groups (see Section 2.b.). The Government concedes that telephone calls are wiretapped by security services. The Parliamentary Commission that was formed by the speaker in 1997 to investigate wiretelephone tapping concluded its investigation, but its findings have not been made public.

Militias and non-Lebanese forces operating outside the area of central government authority frequently have violated citizens' privacy rights. Various factions also use informer networks and monitor telephones to obtain information on their adversaries.

On March 31, the Israeli forces reportedly expelled a woman and her child from the village of Ramia, located in Israel's self-declared security zone.

On May 19, Israeli intelligence services and the SLA reportedly expelled a Lebanese couple from the village of Shabâa. Israeli forces also reportedly expelled a Lebanese woman and her three children from the village of Adayse on August 1. In September two Druze religious figures and their spouses were expelled from their homes in the Israeli-occupied zone.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

According to various reports, an estimated 37 Islamic resistance guerrillas, 20 Israeli soldiers and 22 Lebanese civilians were killed in south Lebanon during the year, as Hizballah, Amal, and Palestinian guerrillas on the one hand, and Israeli forces and the SLA on the other, engaged in recurring violence. Hizballah attacked SLA and Israeli troops deployed on Lebanese soil. For example, Hizballah forces killed Israeli soldiers in bomb attacks in July, August, and October. In August Hizballah launched rocket attacks against northern Israel, ostensibly in retaliation for SLA shelling of Lebanese villages. Israeli forces conducted repeated air strikes and artillery barrages on Hizballah, Amal, and Palestinian targets inside Lebanon. For example, in August Israeli planes fired rockets at suspected Hizballah positions in the south. In December an Israeli jet bombed a home in eastern Lebanon, killing a woman and her six children. In retaliation, Hizballah fired dozens of rockets into northern Israel, wounding 12 civilians.

In south Lebanon, there is an average of two or three attacks daily against IDF/SLA military positions with a similar number of IDF/SLA counter attacks.

The Israel-Lebanon Monitoring Group continued to deal with alleged violations of the April 1996 understanding between Israel and Hizballah not to target civilians or to launch attacks from civilian-populated areas.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of the press, but the Government partially limits this right in practice, particularly by intimidating journalists and broadcasters into practicing self-censorship. In January the Government banned satellite broadcasts of political programs and news originating from Lebanon. In September the Government rescinded the total ban on satellite news broadcasts, but continued to ban satellite broadcasts of political talk shows and to censor television broadcasts on a case-by-case basis.

Lebanon has a long history of freedom of opinion, speech, and the press. Although there were repeated attempts to restrict these freedoms during the year, daily criticism of government policies and leaders continued. Dozens of newspapers and hundreds of periodicals are published throughout the country, financed by various local and foreign groups. While the press is normally independent, press content often reflects the opinions of these financial backers.

The Government has several tools at its disposal to control freedom of expression. The Surete Generale is authorized to approve all foreign magazines and non-periodical works including plays, books, and films before they are distributed in the market. The law prohibits attacks on the dignity of the Head of State or foreign leaders. The Government may prosecute offending journalists and publications in the Publications Court, a special court empowered to try such matters.

Moreover, the 1991 security agreement between Lebanon and Syria contains a provision that effectively prohibits the publication of any information deemed harmful to the security of either state. In view of the risk of prosecution, Lebanese journalists censor themselves on matters related to Syria.

During the year, the Government restricted press freedom by filing charges against several newspapers. In February the Government indicted the newspaper Al-Diyar three times for defaming the President of the Republic, the Prime Minister, and the judiciary. If convicted, the newspaper would have to pay a fine of \$35,000 (52,500,000 Lebanese pounds) for each case. In January the Supreme Court, in an irrevocable decision, endorsed a 1997 verdict issued by the Publication Court sentencing the editor in chief of the daily Al-Kifah Al-Arabi to pay a fine of \$30,000 (45,000,000 Lebanese pounds) for publishing an article deemed insulting to the King of Saudi Arabia.

In April the Government charged an editor of the daily Al-Diyar with publishing false information and untrue allegations likely to undermine the national currency.

In May the judiciary summoned, without a subpoena, a writer for the An-Nahar daily newspaper for questioning about a story she wrote about conditions at the central prison in Roumieh.

In June the military prosecutor charged in absentia An-Nahar journalist Pierre Attallah, who previously had been granted asylum in France, with defaming the judiciary and entering Israel. A court hearing is still pending.

Between May and July, the Government blocked television transmission of two political talk shows. One of the shows was to have been conducted on the eve of the municipal election with the general coordinator of the National Gathering, an opposition group loyal to exiled General Michel Aoun. The second show, an interview with the self-exiled leader of the National Bloc, Raymond Edde, was forced to delay its broadcast. In August and September, the Government pressured the owner of a media outlet to sell a portion of his controlling interest in the company to other shareholders. In November Reporters Without Borders, a Paris-based NGO, criticized the legal proceedings taken against Murr Television journalist Tony Shamiyah, who was sentenced to 1 year in prison for collaborating with Israelis.

Lebanon has a strong tradition of academic freedom and a flourishing private educational system (a result of inadequate public schools and a preference for religious affiliation). Students exercise the right to form campus associations, and the Government usually does not interfere with student groups.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly, the Government restricts this right. Any group wishing to organize a rally must obtain the prior approval of the Interior Ministry, which does not render decisions consistently. The Government lifted its long-standing decree banning all demonstrations in December. Within days of that decision, the Government granted permission for a demonstration to protest U.S. and UK air strikes against Iraq. During a time of Syrian-Turkish tensions, the Government permitted a peaceful protest rally to be staged in front of the Turkish Embassy. Environmental groups also have been given some of latitude in holding protest and awareness campaigns.

The Constitution provides for freedom of association, and the Government generally respects this right and does not interfere with the establishment of private organizations. The law requires that persons forming organizations notify the Interior Ministry, which should then issue a "receipt" acknowledging that proper notification was given. In practice, the "receipt" has evolved into a permit, which can be withheld by the Ministry.

The Ministry of Interior also scrutinizes requests to establish political movements or parties, and to some extent monitors their activities. The army Intelligence Service monitors the movement and activities of members of opposition groups.

Neither Israel nor Syria allows groups openly hostile to them to operate in areas under their control.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. However, there are some limitations. Travel to Israel is prohibited by law, but commonly occurs via

Israeli-occupied territory in southern Lebanon. All males between 18 and 21 years of age are subject to compulsory military service and are required to register at a recruitment office and obtain a travel authorization document before leaving the country. Husbands may block foreign travel by their wives and minor children (see Section 5).

Lebanese Armed Forces and Syrian troops maintain checkpoints in areas under their control. In south Lebanon, the Lebanese army, the Israeli army, and the SLA maintain tight restrictions on the movement of people and goods into and out of Israel's self-declared security zone. On October 1, the SLA implemented new restrictions which required Jezzine residents to apply 48 hours in advance to leave the area.

There are no legal restrictions on the right of all citizens to return. Many emigres, however, are reluctant to return for a variety of political, economic, and social reasons. The Government has encouraged the return to their homes of over 600,000 persons displaced during the civil war. Although some persons have begun to reclaim homes abandoned or damaged during the war, the vast majority of displaced persons have not attempted to reclaim and rehabilitate their property. The resettlement process is slowed by tight budgetary constraints, shattered infrastructure, the lack of schools and economic opportunities, and the fear that physical security is still incomplete in some parts of the country.

Most non-Lebanese refugees are Palestinians. The United Nations Relief and Works Agency (UNRWA) reported that the number of Palestinian refugees in Lebanon registered with the UNRWA was 364,551. This figure, while it includes only the families of refugees who arrived in 1948, also is presumed to include many thousands who reside outside the country. Most experts estimate the actual number now in Lebanon to be fewer than 300,000.

The Government issues laissez-passers (travel documents) to Palestinian refugees to enable them to travel and work abroad. However, after the Government of Libya announced in September 1995 its intention to expel Palestinians working in that country, the Lebanese Government prohibited the return of Palestinians living abroad unless they obtained an entry visa. The Government maintained that the visa requirement is necessary to ensure the validity of a Lebanese laissez-passer, because a large number of those documents were forged during the years of strife. The effect has been to discourage foreign travel by Palestinians resident in Lebanon.

There are no legal provisions for granting asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not grant first asylum; however, in practice the Government grants admission and temporary (6 months) refuge to asylum seekers, but not permanent asylum. There are nearly 3,600 non-Palestinian refugees (mostly Iraqi Shi'as and Kurds) residing in Lebanon according to the United Nations High Commissioner for Refugees (UNHCR). There have been no known requests for asylum since 1975. The Government cooperates with the offices of the UNHCR and the UNRWA. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution states that citizens have the right to change their government in periodic free and fair elections; however, lack of government control over parts of the country, defects in the electoral

process, and strong Syrian influence over Lebanese politics and decisionmakers significantly restrict this right. The 1996 parliamentary elections represented a step forward, but the electoral process was flawed by serious shortcomings, because the elections were not prepared or carried out impartially. Government officials acknowledged some of the electoral shortcomings and pledged to correct them in future elections.

According to the Constitution, elections for the Parliament must be held every 4 years. The Parliament, in turn, elects the President every 6 years. The President and Parliament nominate the Prime Minister, who, with the President, chooses the Cabinet. According to the unwritten "National Pact of 1943," the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the speaker a Shi'ite Muslim. Until 1990 seats in Parliament were divided according to a 6 to 5 ratio of Christians to Muslims. Under the National Reconciliation Agreement reached in Taif, Saudi Arabia in 1989, Members of Parliament agreed to alter the national pact to create a 50-50 balance between Christian and Muslim members of Parliament. The Taif accord also increased the number of seats in Parliament and transferred some powers from the President to the Prime Minister and the Cabinet.

In May and June, the Government held the first elections at the local level since 1963. The elections were reasonably free and fair, and citizens were able to choose their own representatives at the local level. No serious discrepancies were reported. However, six persons were wounded in June when supporters of rival candidates clashed with knives and clubs. Police arrested 30 persons in the fighting, which broke out in Zahle and Tripoli.

On October 15, the Parliament elected a new President after amending the Constitution on a one-time basis to permit senior government officials, including the (then) commander of the army, to run for office. (The Constitution prohibits senior government officials from running for president unless they resign at least 2 years before the election. The amendment provided for a one-time exception to this provision.) There was substantial criticism of the Syrian role in influencing Lebanese political leaders in the selection of the presidential candidate; however, there was broad popular support for the new President. President Emile Lahoud took office in November.

Women have the right to vote and there are no legal barriers to their participation in politics, although there are significant cultural barriers. Women are underrepresented in government and politics. No women hold cabinet positions. Three women were elected to the 128-seat Parliament in 1996.

Palestinian refugees have no political rights. An estimated 17 Palestinian factions operate in Lebanon, generally organized around prominent individuals. Most Palestinians live in refugee camps controlled by one or more factions. The leaders of the refugees are not elected, but there are "popular committees" that meet regularly with the UNRWA and other visitors.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

Several local human rights groups operate freely without overt government restriction, including the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights-Lebanon, and the National Association for the Rights of the Disabled. Some of these groups have sought to publicize the detention in Syria of hundreds of Lebanese citizens, and took credit in part for

the release of a number of Lebanese from Syrian jails during the year (see Section 1.d). The bar association and other private organizations regularly hold public events that include discussion of human rights issues. Some human rights groups have reported harassment and intimidation by government, Syrian, and militia forces.

In general the Government is reluctant to discuss human rights problems with foreign governmental or non-governmental organizations. However, it has facilitated visits to the country of Amnesty International representatives to report on Israeli activities in south Lebanon. In June the Government also permitted International Prison Watch to visit prisons (see Section 1.c.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution calls for "social justice and equality of duties and rights among all citizens without prejudice or favoritism." In practice, aspects of the law and traditional mores discriminate against women. Religious discrimination is built into the political system. During 1997 the Parliament approved a law giving preferences to the disabled for employment in government positions. Discrimination based on race, language, or social status is illegal and not widespread among citizens; however, foreign household servants are often mistreated.

Women

Violence against women is a problem. The press reports cases of rape with increasing frequency, and cases reported are thought to be only a fraction of the actual number. In October the rape of a young girl in the village of Shehim--allegedly by a Syrian migrant--caused widespread reprisals against Syrian laborers living in the region. There are no authoritative statistics on the extent of spousal abuse. Most experts agree that the problem affects a significant portion of the female population. In general battered or abused women do not talk about their suffering for fear of bringing shame upon their own families or accusations of misbehavior upon themselves. Doctors and social workers believe that most abused women do not seek medical help. The Government has no separate program to provide medical assistance to battered women. It provides legal assistance to victims of crimes who cannot afford it regardless of the gender of the victim. The Lebanese Association for Combating Violence Against Women, founded in 1994, has been active in lobbying to improve the socio-economic condition of women and to reduce violence against women.

The legal system is discriminatory in its handling of "crimes of honor." According to the Penal Code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to an illegitimate sexual relationship conducted by the victim. However, beginning in 1991, the Government began to increase sentences on violent crimes in general and to seek punishment for men who commit "crimes of honor."

Women have employment opportunities in government, medicine, law, academia, the arts, and to a lesser degree, business. However, social pressure against women pursuing careers is strong in some parts of society. Men sometimes exercise considerable control over female relatives, restricting their activities outside the home or their contact with friends and relatives. Women may own property but often cede control of it to male relatives for cultural reasons. In 1994 the parliament removed a legal

stipulation that a women must obtain her husband's approval to open a business or engage in a trade. Husbands may block foreign travel by their wives (see Section 2.d).

Only men may confer citizenship on their spouses and children. Accordingly, children born to Lebanese mothers and foreign fathers are not eligible for Lebanese citizenship. In late 1995, the Parliament approved a law allowing Lebanese widows to confer citizenship on their minor children.

Religious groups administer their own family and personal status laws. There are 18 recognized groups, each of which differs in its treatment of marriage, family property rights, and inheritance. Many of these laws discriminate against women. For example, Sunni inheritance law gives a son twice the share of a daughter. Although Muslim men may divorce easily, Muslim women may do so only with the concurrence of their husbands.

Children

The plight of children remains a serious concern; however, the Government has not allocated funds to protect them. Education is not compulsory and illiteracy rates have reached 37.5 percent. Many children, particularly in rural areas, take jobs at a young age to help support their families. In lower income families, boys generally get more education, while girls usually remain at home to do housework.

An undetermined number of children are neglected, abused, exploited, and even sold to adoption agents. There are hundreds of abandoned children in the streets nationwide, some of whom survive by begging, others by working at low wages.

Juvenile delinquency is on the rise; many delinquents wait in ordinary prisons for trial and remain there after sentencing. Although their number is very small, there is no adequate place to hold delinquent girls, and they are held in the women's prison in Ba'abda. Limited financial resources have hindered efforts to build adequate facilities to rehabilitate delinquents. However, during the year a prominent private citizen has agreed to provide land in Junieh to build a juvenile center for girls, and work is underway. There is also a project to build a modern juvenile detention facility in Ba'asir. The Government provided a 15,000 square meter plot and is working with U.N. agencies to arrange for financial assistance and expertise to construct the facility.

There are neither child welfare programs nor government institutions to oversee the implementation of children's programs. The Committee for Children's Rights, formed in 1993 by prominent politicians and private citizens, has been lobbying for legislation to improve the condition of children. The Ministry of Health requires the establishment of health records for every child up to 18 years of age.

People with Disabilities

Over 100,000 persons sustained disabilities during the civil war. Care of the disabled is generally a function performed by families. Most efforts to secure education, independence, health, and shelter for the disabled are made by some 100 private organizations for the disabled. In general, these organizations are relatively active, although poorly funded.

The heavily damaged cities make few accommodations for the disabled. Building codes have no requirements for ease of access, although the Government in its rebuilding projects has constructed sidewalks in some parts of Beirut allowing access for the disabled. The private "Solidere" project for the reconstruction of downtown Beirut has self-imposed requirements for disabled access. This project is widely considered a model for future construction efforts around the country.

Religious Minorities

Discrimination based on religion is built into the system of government (see Section 3). The amended Constitution of 1990 embraces the principle of abolishing religious affiliation as a criterion for filling government positions, but few practical steps have been taken to accomplish this. One notable exception is the Lebanese Armed Forces, which, through universal conscription and an emphasis on professionalism, has significantly reduced the role of confessionalism (or religious sectarianism) in that organization. Each religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance.

National/Racial/Ethnic Minorities

According to the United Nations, an estimated 365,000 Palestinian refugees are registered in Lebanon (see Section 2.d.). Most Palestinian refugees live in overpopulated camps that have suffered repeated heavy damage as a result of fighting. The Government generally has prohibited the construction of permanent structures in the camps, on the grounds that such construction encourages the notion of permanent refugee settlement in Lebanon. Refugees fear that in the future the Government may reduce the size of the camps or eliminate them completely.

The Government officially ended its practice of denying work permits to Palestinians in 1991. However, in practice, very few Palestinians receive work permits, and those who find work are usually funneled into unskilled occupations. They and other aliens may own a limited size plot of land but only after obtaining the approval of five different district offices. The law applies to all aliens, but for political, cultural, and economic reasons it is applied in a manner disadvantageous to Palestinians and, to a lesser extent, Kurds. The Government does not provide health services to Palestinian refugees, who rely on the UNRWA and UNRWA-contracted hospitals.

In recent years, Palestinian incomes have declined as the Palestinian Liberation Organization closed many of its offices in Lebanon, which formerly employed as much as 50 percent of the Palestinian work force. Palestinian children reportedly have been forced to leave school at an early age because U.N. relief workers do not have sufficient funds for education programs. The U.N. estimates that 18 percent of street children are Palestinian. Drug addiction and crime reportedly are increasing in the camps, as is prostitution, although reliable statistics are not available.

Section 6 Worker Rights

a. The Right of Association

All workers, except government employees, may establish and join unions and have a legal right to strike. Worker representatives must be chosen from those employed within the bargaining unit. About

900,000 persons form the active labor force, 42 percent of whom are members of 160 labor unions and associations. Twenty-two of the unions, with about 200,000 workers, are represented in the General Confederation of Labor (GLC).

In general the Government does not control or restrict unions, although union leaders allege that the Government has tried, in the past, to interfere in elections for union officials. In July elections were held in the GLC for the chairmanship position following the resignation of the government-recognized chairman, Ghanem Al-Zoghbi.

Palestinian refugees may organize their own unions, but, because of restrictions on their right to work, few Palestinians participate actively in trade unions.

Unions are free to affiliate with international federations and confederations, and they maintain a variety of such affiliations.

b. The Right to Organize and Bargain Collectively

The rights of workers to organize and to bargain exists in law and practice. Most worker groups engage in some form of collective bargaining with their employers. Stronger federations obtain significant gains for their members, and on occasion have assisted nonunionized workers. There is no government mechanism to promote voluntary labor-management negotiations, and workers have no protection against antiunion discrimination. The Government's unevenly enforced ban on demonstrations arguably diminishes unions' bargaining power.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor is not prohibited by law. In the absence of a prohibition against it, children, foreign domestic servants, and other foreign workers sometimes are forced to remain in situations amounting to coerced or bonded labor.

d. Status of Child Labor Practices and Minimum Age for Employment

The 1946 Labor Code stipulates that workers between the ages of 8 and 16 may not work more than 7 hours a day, with 1 hour for rest provided after 4 hours. In July 1996, the Ministry of Labor amended this law to define workers under the age of 13 as child labor, in accordance with international obligations. Children also are prohibited from working between the hours of 7 p.m. and 6 a.m. The code also prohibits certain types of mechanical work for children between the ages of 8 and 13, and other types for those between the ages of 13 and 16. The Labor Ministry is tasked with enforcing these requirements, but the Ministry does not rigorously apply the law. Forced and bonded child labor is not prohibited and sometimes occurs (see Section 6.c.).

Children between the ages of 10 and 14 comprise 0.6 percent of the labor force (5,936 children in total), according to the latest official figures. Most of these child laborers are Lebanese, but some are Syrian; they work predominantly in the industrial, craft, and metallurgical sectors. According to a

UNICEF study, 60 percent of working children are below 13 years of age and 75 percent earn wages below two-thirds of the minimum wage. Nearly 40 percent of working children work 10 to 14 hours per day and few receive social welfare benefits. In addition, 52,185 children between the ages of 15 and 19 are in the active labor force; they are not eligible for minimum wages until they reach the age of 21.

e. Acceptable Conditions of Work

The Government sets a legal minimum wage, currently about \$200 (300,000 Lebanese pounds) per month. The law is not enforced effectively in the private sector. In theory the courts could be called upon to enforce it, but in practice they are not. The minimum wage is insufficient to provide a decent standard of living for a worker and family. Trade unions actively try to ensure the payment of minimum wages in both the public sector and the large-scale private sector.

The Labor Law prescribes a standard 6-day workweek of 48 hours, with a 24-hour rest period per week. In practice workers in the industrial sector work an average of 35 hours a week, and workers in other sectors work an average of 30 hours a week. The law includes specific occupational health and safety regulations. Labor regulations call on employers to take adequate precautions for employee safety. Enforcement, the responsibility of the Ministry of Labor, is uneven. Labor organizers report that workers do not have the right to remove themselves from hazardous conditions without jeopardizing their continued employment.

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