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HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW OF 2018

26 February 2019

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LEBANON

Lebanese Republic

Head of state: **Michel Aoun**

Head of government: **Saad Hariri**

Lebanon hosted 1.5 million refugees from Syria, but kept its border closed to people fleeing the ongoing conflict in neighbouring Syria. It also hosted tens of thousands of other refugees, most of them long-term Palestinian refugees who continued to face discriminatory laws that excluded them from accessing certain services and jobs. The penal code continued to discriminate against women in law and practice. Police harassed and abused lesbian, gay, bisexual, transgender and intersex (LGBTI) people, especially in refugee and migrant communities. Peaceful activists and others were detained for social media posts that criticized political, religious or economic authorities. Death sentences were passed; there were no executions. A law was passed to create a national commission to investigate the whereabouts of thousands of persons who went missing or were forcibly disappeared during the 1975-1990 armed conflict in Lebanon.

BACKGROUND

On 6 May, Lebanon held long-awaited parliamentary elections initially scheduled for 2013; a proportional representation system was applied for the first time. On 24 May, the new parliament named Saad Hariri to serve a third term as prime minister. He was not able to form a government before the year's end due to political feuds.

In April, a conference held in the French capital, Paris, to support Lebanon's development and reform pledged the country an aid package worth over US\$11 billion, comprising US\$10.2 billion in loans and US\$860 million in grants.

In September, parliament held an exceptional session and passed 15 of 28 draft laws that had been put to vote. Most related to the aid package, but parliament also ratified the Arms Trade Treaty and approved a controversial waste management law despite serious concerns about its implications for people's health and the environment.

Access to essential services, including electricity and water, remained severely curtailed across the country.

REFUGEES AND ASYLUM-SEEKERS

Lebanon hosted 1.5 million Syrian refugees, including 950,334 registered with UNHCR, the UN refugee agency, according to update it issued on 30 November. A government decision of May 2015 continued to bar UNHCR from registering newly arrived refugees. Refugees continued to return to Syria throughout 2018 either spontaneously or in groups organized by the Lebanese General Security. UNHCR verified through interviews at its reception centres that, as of 30 November, 4,996 individuals had returned on their own to Syria in 2018, but acknowledged that this number did not reflect the total number of spontaneous returns. It said on 17 December that, so far that year, it had been present at over 70 group returns facilitated by the General Security, involving a total of 9,895 people.

In August, the government facilitated birth registration for Syrian refugees by waiving a requirement that children born in Lebanon between January 2011 and February 2018 had to be registered within a year of birth and that parents had to obtain court documents to register the children. The move was expected to enable more than 50,000 unregistered Syrian children to acquire the necessary documents.

Syrian refugees continued to face financial and administrative difficulties in obtaining or renewing residency permits, exposing them to a constant risk of arbitrary arrest, detention and forcible return to Syria. They also continued to face severe economic hardship.

In January, 15 Syrians – children, women and men – froze to death near the Masnaa border crossing in eastern Lebanon as they were attempting to enter the country irregularly.

Lebanon also hosted tens of thousands of other refugees, most of them long-term Palestinian refugees. Palestinian refugees remained subject to discriminatory laws that exclude them from owning or inheriting property, accessing public education and health services, and working in at least 36 professions. At least 3,000 Palestinian refugees who do not hold official identity documents faced further restrictions, denying them the right to register births, marriages and deaths.

TORTURE AND OTHER ILL-TREATMENT

Since Lebanon passed an anti-torture law in September 2017, the National Human Rights Institute, which is mandated to oversee the law's implementation, among other tasks, remained inactive. The government failed to allocate it an independent budget or trigger the process for nominating the five members needed to form the National Preventive Mechanism against torture.

In March, a military court acquitted actor Ziad Itani of charges of spying for Israel, and released him. He had spent three and a half months in unlawful detention. The court also charged the former head of the Internal Security Forces' cyber-crimes bureau of fabricating evidence against the actor and falsely accusing him. Ziad Itani reported that he had been tortured in detention; he said that men in civilian clothes had beaten him, tied him in a stress position, hung him by his wrists, kicked him in the face, threatened to rape him, and threatened to hurt and prosecute his family. The authorities failed to investigate the allegations.

WOMEN'S RIGHTS

Lebanese legislation, including the penal code and personal status codes, continued to discriminate against women.

Women's rights organizations reported that provisions of the penal code that criminalized adultery were discriminatory in practice, with more women being charged under the law than men. They also reported that the law was sometimes used by husbands and other male family members to seek revenge.

Reproductive health services specifically needed by women, such as those relating to abortion, were still criminalized. In practice, abortions were obtained generally through medication and in private clinics. However, the high cost of abortions and the lack of information about them remained barriers to women in vulnerable situations, particularly refugee and migrant women.

Civil society organizations reported that police continued to harass and detain sex workers, even though the selling of sex is not illegal. A health NGO, SIDC (Soins Infirmiers et Développement Communautaire), reported that, in a survey of 50 women engaging in transactional sex, 45 claimed discrimination or abuse in public health care settings and 10 reported that they had faced physical abuse in detention centres or police stations.

Women migrant workers continued to suffer discriminatory practices under the *kafala* (sponsorship) system restricting their rights to freedom of movement, education and health, including sexual and reproductive health.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

According to reports, police continued to harass and abuse LGBTI people, especially in refugee and migrant communities, sometimes resorting to Article 534 of the penal code, which criminalizes "sexual intercourse contrary to nature".

In May, the Internal Security Forces (ISF) banned several activities organized by Beirut Pride to mark the International Day against Homophobia and Transphobia, and detained the organizer overnight. The ISF cited security concerns following threats by an Islamist group.

In October, the General Security (GS) attempted to shut down a conference of LGBTI activists from the Middle East and North Africa region, organized by the Arab Foundation for Freedom and Equality (AFE). After failing to make the AFE's executive director sign a pledge to cancel all conference activities, GS officers ordered the hotel to shut down the conference. The GS did not explain their concerns, although the action followed threats by an Islamist group.

In July, a district court of appeal ruled that same-sex consensual sex was not a criminal offence.

FREEDOM OF EXPRESSION

Different security forces arrested and interrogated several human rights defenders, peaceful political activists and other individuals for social media posts criticizing political, religious or economic authorities. Those targeted had their legal rights violated, including the right to a lawyer. In the course of the interrogations, security officers revealed that they had

accessed some of their personal data, such as messages they had sent and received on messaging services and transcripts of phone calls they had made. Most were freed without charge after a short period of detention, but several of the activists arrested were blackmailed into signing pledges that they would refrain from certain activities as a precondition for their release.

RIGHT TO HOUSING

In February, the Central Bank revealed that several banks had nearly exhausted their quota of stimulus funds allocated for the entire year. As a result, the subsidized loan programme was frozen and there were serious doubts about its future and that of the Public Corporation for Housing, the only official body managing the right to housing for middle- and low-income citizens.

In September, parliament approved an exceptional allocation of US\$66 million to finance housing loans, and gave the government six months to draft a sustainable housing policy.

ENFORCED DISAPPEARANCES AND ABDUCTIONS

In November, parliament passed a law creating a national commission to investigate the whereabouts of thousands of persons who went missing or were forcibly disappeared during the 1975-1990 armed conflict in Lebanon. Associations of families of the victims concerned, along with partner organizations, had campaigned for such a development for over three decades.

INTERNATIONAL JUSTICE

In September, the closing arguments concluded in *Prosecutor v. Ayyash et al.*, the case relating to the 14 February 2005 attack which killed 22 individuals, including former Lebanese Prime Minister Rafik Hariri, and injured 226 others. At the end of the year, the judges had yet to issue their verdict.

DEATH PENALTY

Courts continued to hand down death sentences; no executions were carried out.