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LEBANON

Submission to the UN Universal Periodic Review

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Human Rights Council

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This report on freedom of religion and belief, freedom of expression and freedom of assembly, is submitted by the following NGOs:

ALEF - act for human rights (ALEF)



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

Pax for Peace



PAX (ECOSOC consultative status) is a Dutch organization that works together with involved civilians and partners in areas of war, to protect human security, to prevent and end armed violence and to build peace with justice. www.paxforpeace.nl

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

A. Legal framework

- 1. Freedom of religion and belief is guaranteed under Article 18 of the Universal Declaration of Human Rights (UDHR). Moreover, under Article 52 of the Lebanese Constitution, international treaties once ratified by the President have legal effect. Therefore, Article 18 of the ICCPR also guarantees freedom of religion and belief in Lebanon and states that "this right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."
- 2. This is similarly secured in the Lebanese Constitution under Article 9 which provides that all religions and creeds shall be respected, including religious rites, provided they do not threaten public order, and religious interests and personal status laws. Furthermore, the head of religious communities has the right to refer to the Constitutional Council on laws relating to freedom of religion and practice.
- **3.** There are 18 officially recognized religious groups in Lebanon. In order to be recognized as a religious group within Lebanon a statement of moral principles and doctrine should be submitted to the government for review. It
- **4.** Thousands of people, belonging to groups which are not recognized as religious groups within Lebanon include do reside in the country such as Buddhists, Hindus, and several Protestant groups. Followers of these groups are still able to practice their religion though but are not afforded standing in the courts, do not qualify for government positions and can't get married, divorced or inherit property since, in the absence of civil courts for personal status matters, religious groups are in charge of these questions. For personal status matters,
- 5. The legal framework does not limit itself to recognizing certain groups or granting authority to religious bodies over certain issues. The Lebanese penal code lays down strict punishments for 'public blasphemy' and religious defamation. Article 473 provides for a prison sentence of up to 1 year if convicted of 'public blasphemy of god'.* Article 474 provides for a maximum prison sentence of 3 years for someone convicted of religious defamation.*i
- **6.** At several occasions, individuals were summoned over posts shared online. Most of these posts were either mocking a certain religion, deity or challenging beliefs. For example, Charbel Khoury^{xii}, a young Lebanese who shared a joke on a Christian saint on social media in 2018, was summoned by the cybercrime bureau leading hundreds to protest calling for his release.
- 7. The art sector has also paid the price of the blasphemy law. The group Machrou' Leilaxiii was stopped from performing during the Byblos Festival in 2019 following a post shared by the group's leader. Further, several Christian figures accused the group of blasphemy, accusing the band's songs' lyrics being anti-Christian.

- **8.** Finally, in Bint Jbeil, the "Ktir Salbeh Show"xiv was cancelled following pressure from certain parties in the region which claimed that the theatre group was not respecting the Sharia law.
- **9.** These cases are indeed shocking for some but at the same time relaunched a debate that has been dormant for the past few years about blasphemy and the protection of the freedom of religion and belief.
- **10.** Religious groups perform all personal status ceremonies, including marriages, divorces, funerals, and conduct inheritance matters.** To this extent there is no formal process for engaging in a civil marriage in Lebanon, leading many people to marry abroad and return with a certificate of marriage which is then duly registered at the registry office.**vi
- 11. There are then several models of "rules" available in Lebanon regarding personal status. Lebanon does not have a civil code to regulate personal status matters. There are 15 different personal status laws for Lebanon's different recognized religious communities, which are administered in different courts. These different laws lead to unequal treatment in matters of for example divorce, and other personal status matters.
- 12. Personal status laws disproportionally discriminate against women since there is no unified law under the Lebanese legal framework. Religious authorities promote judicial pluralism as a mean to protect Lebanon's religious diversity, while it can have an impact on how Lebanese, especially women, are treated when it comes to major aspects in their lives such as marriage, divorce, custody of children and inheritance.
- **13.** Conversion to another religion can take place if a senior member of the religion that the convert has chosen issues a statement affirming the conversion and this is then registered with the Ministry of Interior's Personal Status Directorate. Following the conversion process, the individual benefits from the sect's rule concerning personal status.
- 14. Recognized religions also run their own schools and universities. The Lebanese public educational system has been suffering from a lack of funds, infrastructure problems (small classrooms, transportation challenges, etc.), overcrowding and in some cases, underqualified staff. The existence of a vast network of private schools have been crucial to support the Lebanese educational system.
- **15.** Most of these schools are managed by various religious authorities but the majority of them belong to the Maronite sect. These establishments have usually more resources and capacities than their public counterparts. For example, more than 700 000 pupils are registered with private schools against 260 000 in the public system (more than two third of registered pupils in the country)^{xix}.
- **16.** Finally, following the abolishment of article 522 that allowed rapists to escape charges if they married their victims, concerns still remain about articles 505 and 518. These articles continue

to create exceptions to escape rape charges if the victim is at least 15 years old or if a promise of marriage was involved.**

B. Freedom of religion and belief in politics

- 17. The 1943 National Pact established a custom to the sectarian division of public servants. The President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of Parliament a Shi'a Muslim. XXIII
- **18.** The Taef agreement provided for the equal representation of Muslims and Christians in parliament, and for the seats in parliament to be proportionally divided between the 18 different officially recognized religions and 26 regions of the country. Furthermore, the agreement ensured that negotiations for the roles of office holders through parliamentary consultation would take place. *xxiv*
- 19. The positioning of the various political parties on freedom of religion and belief has always been mixed. Some political parties have used religion as a motive in speeches (and decision-making), while others have never openly discussed religion in public statements. A recent example of the former included the nomination of Hassan Diab for Prime Minister in which the Future Movement contended that he had not received the support of the Sunni community thereby attacking his credentials as the person best placed to fill the role of Sunni Prime Minister.
- 20. On some sensitive sectarian topics such as civil marriage, political parties both between and within have had split opinions. In 2018, after then Interior Minister Raya el Hassan brought up whether Lebanon should pass legislation granting the opportunity for civil marriage a coalition of 45 parliamentarians vowed to support the passage of the legislation. This coalition included the Sabaa Party, Kataeb Party, nine members of the Progressive Socialist Party, one member of the Shiite Amal movement even if the rest of the 17 member Amal movement in parliament was unclear on their stance.
- 21. The use of religion in political statements has often depended on circumstances. Several political parties have been using religion to rally their popular base at specific occasions through times, whether before elections, or before official appointments. The Free Patriotic Movement has issued statements in support of religious freedom; however, on 16 October 2019 in the middle of devastating fires in the Chouf Area, MP Mario Aoun alluded to the fires affecting only 'Christian areas'. Other parties such as the Future Movement, through the former MP Saad Hariri, have also tried to rally their constituencies by adopting religious narratives*xv. Further, cases where religious leaders defend politicians from the same sects are not rare. The case where the Grand Mufti Derian who stated that the former Sunni Prime Minister is a "red line" in an attempt to stop investigations for corruption is particularly worrying*xvi.

- 22. Nevertheless, dialogue between different religions has always been part of politics in Lebanon and in an attempt to capitalize on this, President Michel Aoun on 26 September 2018 at the UN General Assembly issued a call for Lebanon to become a regional hub for religious dialogue in light of the extremism that has afflicted many cultures and religions.
- 23. Religious leaders are representatives of their respective sects and exercise wide power over religious affairs; this monopoly on spiritual matters constrains religious integration and often underlines sectarian divisions. As discussed in the legal framework, Lebanon's political structure institutionalizes the role of religious sects and grants their leaders the control of personal-status laws, wealthy endowments, places of worship, schools, universities, and the employment of clerics. Furthermore, in some cases, religious leaders act as mediators to defuse sectarian tension; this is often instrumental in deradicalization.

C. Freedom of religion and belief in society

- 24. Religious diversity is an essential characteristic of Lebanese society. There is broad inter communal living and respect between religions; religious tolerance is best illustrated in the notion of indifference to religious diversity, with inter religious marriage a common occurrence.
- **25.** The UN Special Rapporteur for Freedom of Religion and belief in 2015 highlighted cause for optimism in the current situation: Lebanon has a proud tradition of religious diversity, intermarriages are common, and respect for different religions high.
- **26.** Religious driven violence has been a relatively rare occurrence in recent years; however, there are serious concerns about the long running tensions between the Sunni and Shiite communities.
- **27.** The October 2019 protests encapsulated the idea of religious unity with common anger against the political establishment transcending religious denominations.
- **28.** Since the end of the civil war, violence related to religion has been relatively rare. However, several periods of tension and some violent events agitated the country. Armed clashes in Tripoli between the Alawite and Sunni communities from the Jabal Mohsen and Bab al-Tebbaneh neighborhoods have repeatedly shaken Northern Lebanon.
- 29. The events of Abra in Saida in 2012 or of Qabr Chamoun in the Chouf in 2019¹, also rekindled the tensions between certain religious communities. These violent events, which are generally short in time, stem from political tensions between the traditional parties. However, the Lebanese state, with the support of the security institutions (which embody the unity of the country through the recruitment of personnel representing all Lebanese faiths) have always succeeded in regaining the upper hand and preventing the transformation of these conflicts into

uncontrolled events.

- **30.** These religious tensions, denounced by part of the Lebanese society, were one of the reasons why some Lebanese decided to use the streets to demand a change of the sectarian political system. Recently, in October 2019, a protest movement took place the country for several weeks. Aside from the issues of corruption, the economic crisis and rising unemployment, tens of thousands of Lebanese have illustrated the idea of religious unity with a common anger against the political establishment transcending religious denominations.
- **31.** These demonstrations have relaunched the debate on confessionalism. The subject, taboo for years, is no more limited within private talks but is addressed publicly between various groups (political, religious, protesters), but also in the media, which stresses to the necessity to protect and expand civic space to give the opportunity to individuals to debate and discuss these issues without feeling threatened.
- **32.** Despite lifting the taboo of discussing religion openly, Lebanon's religious diversity faces numerous challenges. This presents long standing challenges around civil marriage, mixed marriages between different religions or even different sects belonging to the same religion. The lack of clarity on the part of the state presents legal complications around divorce, inheritance, and child custody, and other personal-status related issues. Such confusion is often the source of tension and protection issues, especially regarding vulnerable groups such as women and children, and between individuals who can only settle their disputes under their sect's law instead of a Lebanese law.
- **33.** Other challenges include the Lebanese education system. With the vast majority of schools being ran by religious authorities; this has the potential to entrench religious differences. Even if most schools raise awareness amongst students on the importance of co-existence and understanding between communities; for example, a "Christian-Islamic meeting" on the interreligious celebration on the day of the Annunciation, these programs remain mostly limited. On a national level, the 25th March, which is of religious significance for Christians and Muslims alike, has been celebrated as an interreligious national holiday but more has to be done to enhance religious coexistence. Many young Lebanese enter university without knowing the differences between the recognized sects, the meaning of the other communities' religious holidays or the difference between being Judaism and Zionism.
- **34.** Another societal challenge is discrimination against migrant workers whose religious beliefs and practices –most of the time are not recognized; and even if they are, there are no specific and defined cultural spaces for them to practice their religion. What is more, there is no push on a national level to address this. Further, in terms of freedom of belief, non-believers or agnostics, are also not free to do so. Overall, any group who does not belong to the list of the 18 recognized sects, do not benefit from the right of freedom of religion and belief as the

recognized sects.

- **35.** Further, the Jewish community has been suffering from stigmatization for the past few decades. Since the invasion of Lebanon by the Israeli army, and the start of the civil war, the vast majority of the Lebanese Jewish community left the country.
- **36.** With barely dozens of families still residing in the country, most synagogues and cemeteries have been destroyed. Until today, and despite numerous news about reopening the Beirut synagogue, this has not materialized yet. This shows allegedly that pressure has been exercised and an inability to protect the synagogue from vandalism and other form of threats. In addition, synagogues in other regions such as Dar al-Amar, Tyre or Saida, are not functioning, while the community still doesn't have guarantees of protection for them and their places of worship.
- **37.** Moreover, Jews in Lebanon and Jews in general, are being associated with Zionism due to political reasons, which force Lebanese Jews to maintain a low profile to avoid being harassed while stereotyping and amalgamation have become a rule.

D. Freedom of Expression

- 38. Freedom of opinion, expression, and association is guaranteed 'within the limits of the law' under Article 13 of the Lebanese Constitution. **xvii The limits of the law, however, are wide and allow for prosecution on a variety of charges. Insulting public authorities carries a sentence of up to 1 year imprisonment; insulting the President carries a sentence of up to 2-years imprisonment; and insulting religious rituals and the Military carries a sentence of up to 3 years imprisonment. **xviii Articles 582 and 584 of the Criminal Code lay down the general charge for libel of private citizens. **xix This carries up to a 3-month prison sentence or a 50,000 LL to 400,000 LL fine. **xx International law provides 'everyone shall have the right to freedom of expression' under Article 19(2) of the ICCPR with exceptions for (i) the rights and reputations of others and (ii) the protection of national security or public order. **xxxii
- **39.** In practice, prosecutions related to defamation go beyond these exceptions in Lebanon. Over the past 5 years there has been an alarming increase in the number of cases being brought against journalists, activists, and private citizens. On one count, from October 2016 to February 2019, there were more than 90 prosecutions against artists, journalists, and activists involving legitimate speech.**

 The main reason for this is that defamation is a criminal offence, rather than a civil claim.
- **40.** It is also clear that many of these prosecutions have been instrumentalized by political leaders and parties to muzzle opponents and stifle freedom of expression. 2015 saw a spike in defamation cases directed against protesters and activists involved in the movement triggered by the waste management crisis. XXXXIIII

- 41. So far, the signs point to an increasingly restrictive environment for freedom of expression, especially as some politicians begin to use defamation laws as a tool to stifle criticism. Dozens of individuals were summoned or detained while protesting or for sharing criticism online. According to Human Rights Watch^{xxxiv}, security agencies summoned 29 people for charges related to freedom of speech between October 17 and March 6. Furthermore, several opposition voices such as bloggers and journalists were summoned after sharing news or criticism online, and minors were also arrested and interrogated. Finally, many journalists being beaten or attacked during protests by the security forces such as the case of Mohammed Zbeeb xxxvin Hamra in February, or when journalists were assaulted and forced to leave the airport premises after interviewing passengers coming back to Lebanon in early July. xxxvi
- **42.** The Cyber Crimes Bureau (CCB) of the Internal Security Forces (ISF) has the authority to investigate and prosecute crimes related to libel, insult, slander and/or incitement which take place on the internet.**

 The powers exercised by the CCB are substantial and regularly go beyond their jurisdiction. This has a broad chilling effect on freedom of expression and opinion in Lebanon. From January 2015 to May 2019, 3,599 defamation investigations were commenced by the CCB**

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- 43. In its handling of these cases, the CCB has also resorted to tools that violate the right to free expression. The most common practice has been to offer defendants an end to prosecution in return for deleting existing publications and/or signing written pledges not to defame the alleged victim in the future. *I Using pledges to attain individual self-censorship is ultra vires and is primarily used as a means of intimidation; it also violates the right against self-incrimination if elicited under coercion. In one of these cases, the journalist Amer Shibani was questioned by the CCB for a tweet he sent on 1 October 2019 in which he complained about the shortage of dollars in his bank. Mr. Shibani deleted the tweet after the interrogation by the CCB. Others like Shibani were also summoned and asked to delete their post such as Wadih al-Asmar, president of CLDH (Lebanese Center for Human Rights)**Ii a local NGO working on the protection of vulnerable groups and focusing on detention and criminal justice. Al-Asmar was summoned after sharing a post where he defended a Lebanese activist for sharing a joke on a religious symbol.
- **44.** Film and television censorship continue to exist in Lebanon and is subject to the Law of November 17, 1947. This allows censorship for the following reasons: maintenance of public order, respect for public morals, prevention of sectarian incitement, and insulting public authorities. The General Directorate of General Security (GDGS) exercises the function of applying the law. It applies the law loosely, using a high degree of discretion. The justifications used for exercising censorship have been increasing, and cases of censorship have spiked in times of major political developments, such as elections or widespread protests.

- **45.** In January 2018 it was reported by the Electronic Frontiers Foundation (EFF) that GDGS was behind a global espionage campaign directed against activists, journalists, lawyers, educators and military personnel. *Ivi The GDGS chief Maj. Gen. Abbas Ibrahim has admitted conducting surveillance. *Ivii This is a violation of Law 140/1999 which prohibits the unlawful interception of communications. It is also unlawful according to Article 17 of the ICCPR. In addition, Articles 2 and 3 of Law 140/1999, which stipulate that a judicial or administrative order is required for the lawful interception of communications, are regularly violated as suspects are forced to hand over their phone data in custody without the relevant warrant.
- **46.** A new media law, which would amend the Publications Law, was submitted to parliament before 2020 but has not been voted on yet. The proposed law does not accord to international standards on freedom of speech.*

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E. Freedom of Association

- **47.** Article 13 of the Lebanese Constitution deals with freedom of association. This stems from the 1909 Ottoman Law on associations. There are approximately 8,500 civil society organizations (CSO) in Lebanon. The Ministry of Interior routinely fails to adhere to the 30-day response time for registering CSOs, citing a challenging security situation and the presence of Syrian activists who allegedly create illicit group as a pretext for delay^{xlix}. 29% of CSOs wait more than 90 days to register with the Ministry of Interior, with some not receiving any response from the ministry for years.
- **48.** Lebanese security forces have also restricted the civic space by targeting events related to the rights of LGBTQ+ individuals. In 2018, officers affiliated with GDGS disrupted and attempted to shut down a conference organized by a Beirut-based Arab LGBTQ rights organization, which had been held annually since 2013 The GDGS, which is the official immigration authority in Lebanon, also collected information of non-Lebanese participants in the conference.
- **49.** In May 2018, the Internal Security Forces detained an LGBTQ + rights activist and pressured him to cancel Beirut Pride events, including a poetry reading, a karaoke night, a discussion of sexual health and HIV, and a legal literacy workshop. After these incidents, a complaint was subsequently filed with the UN Special Rapporteurs on the right of peaceful assembly and freedom of association, asserting that the disruption was contrary to international law.
- 50. The right to peaceful assembly was also significantly constrained during the October 2019 uprising. Internal Security Forces (ISF) used excessive violence to disperse protesters, including directly targeting them with pepper spray, excessive use of tear gas cannisters, water cannons, and rubber-coated bullets. A major problem is the absence of security measures to regulate demonstrations, ensuring adequate conditions for protests to take place peacefully (ensuring safety to protesters and to public order). Though many have mentioned the fact that ISF members have been dealing with extreme stress, in addition to being deployed all over the country, there is a clear lack of knowledge retention within the institution. The Lebanese security institutions, including the ISF, have been benefitting from several SSR (Security Sector Reform) programs, in addition to several trainings. The high turnover within their ranks, and the

lack of systems to make sure knowledge is maintained and passed to new generations of officers and recruits, can only lead to an excess of use of force. This has manifested itself in arbitrary arrests and torture during the protestsⁱⁱ.

- **51.** There are no clear measures to protect protesters, which is also a threat to freedom of association. Between October 17 and October 30 almost 2,000 people were treated for injuries. Security forces have failed to protect protesters who were attacked by non-state actors on many occasions, including supporters certain political parties including Amal and Hezbollah.
- **52.** Migrant domestic workers (MDW), who are subjected to the controversial Kafala System, have also been deprived from the right to unionize. Article 7 of the Lebanese labor law excludes domestic workers from all of the law's stipulations. Moreover, article 92 the same law prohibits all foreign workers from running or even voting in union board elections. In 2015, a group of 300 MDWs challenged this reality and announced the creation of the Domestic Workers' Union under the umbrella of the National Federation of Workers' and Employees' Union in Lebanon (FENASOL). However, the successive ministers of labor have refused to acknowledge the union, with article 7 and 92 of the labor law being used as justifications.
- **53.** Public sector employees, who are subjected to the 1959 Public Sector Staff Regulation (PSSR) and not the labor law, are also banned from unionizing. Article 15 of the PSSR states that government employees can neither go on strike nor create unions, which violates ILO convention C087 of 1948.

Recommendations to the Government of Lebanon

Freedom of Religion

- 1) Guarantee freedom of expression through a clarification of the concept of blasphemy and what can fall under the latter's definition.
- 2) Fight hate speech and discrimination through the development of legal frameworks that condemns racism, discrimination against all religions and gender.
- 3) Develop educational curriculums as part of the formal educational system that promote diversity, and create awareness on hate speech, discrimination, and racism.
- 4) Remove restrictive constitutional clauses with respect to the recognition of religious groups requirements.
- 5) Implement constitutional reforms that guarantee equal treatment of all persons regardless of their faith, beliefs, including non-believers or agnostics.
- 6) Eradicate all hate speech, incitement, and violence against all religious groups, particularly against religious minorities and unrecognized religious groups.
- 7) Relaunch the discussion on civil-marriage to protect individuals under a national legal framework.
- 8) Amend discriminatory provisions in personal status laws to ensure women are not discriminated when confronted to child custody issues, inheritance, divorce and nationality.
- 9) Consult and work on the personal status law with the Lebanese judiciary, religious authorities and civil society groups on women's and children's rights.

10) Protect and expand the civic space necessary to foster public discussion on issues pertaining to religious and political identities.

Freedom of Expression

- 1) Replace the criminal offence of defamation and its penalties with a civil claim for defamation.
- 2) Abolish pre-censorship for all types of artistic productions.
- 3) Ensure suspects under investigation from the CCB are informed 24 hours prior to their summons. Provide the reason for the summons and identity of the person who filed the charges.
- 4) Abolish the practice of getting suspects to sign pledges before their trial.
- 5) Apply the provisions of Law 140/1999 which protects the public from surveillance.
- 6) Ensure the new media law is amended in accordance with international standards.

Freedom of Association

- 1) Ensure there is a fixed period for registering associations under the 1909 law.
- 2) Reform article 3 of the 1909 to clearly state that interpretations for not granting notification or dissolving associations is subject to Lebanese law.
- 3) Amend Law Decree No. 112 issued in 1959 to allow civil servants (and by extension judges by virtue of article 132 of the Code of Judicial Conduct) to be members and/or founders of professional associations. Grant official recognition to LGBTQ+ associations, and refrain from any targeting of LGBTQ+ events and actions.
- 4) Abolish Article 7 of the Labor Law to ensure equality between workers across sectors.
- 5) Abolish or amend article 92 of the labour law to allow migrant workers to form and lead unions.
- 6) Ratify ILO Convention 189.

x Ibid.

ⁱ Universal Declaration of Human Rights. Article 18.

ii The Lebanese Constitution (1995). Article 52.

iii The International Covenant on Civil and Political Rights. Article 18.

iv The Lebanese Constitution (1995). Article 9.

^v The Lebanese Constitution (1995). Article 19.

vi The 18 recognised religious groups are 4 Muslim groups (Shia, Sunni, Alawite, and Ismaili), 12 Christian groups (Maronite, Greek Orthodox, Greek Catholic, Armenian Catholic, Armenian Orthodox, Syriac Orthodox, Syriac Catholic, Assyrian, Chaldean, Copt, Evangelical, and Latin Catholic), Druze, and Jews.

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- xxii Euronews (2020). https://www.euronews.com/2019/10/21/how-does-lebanon-s-government-work-euronews-answers (accessed 28.04.2020).
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- xxivThe Taif Agreement. p. 3. Retrieved from:

https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/the_taif_agreement_english_version_.pdf (accessed 28.04.2020).

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https://english.aawsat.com//home/article/1352646/lebanon%e2%80%99s-sunnis-rally-behind-pm-designate-hariri.

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