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Lebanese Republic

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Introduction

1. Lebanon is a democratic State with a parliamentary system, in which the diverse spectrum of Lebanese society is represented in a consensual system of government that affords appropriate representation to all of its 18 sects at the decision-making level. It has a free economic system, based on individual enterprise and free competition. Since the declaration of independence on 22 November 1943, Lebanon has sought to maintain this consensual form of government, which is a model.

2. The establishment of the Zionist entity on Palestinian territory, Israel's forcible expulsion of Palestinians from their homes and land and its denial of their right to return to the homes from which they were driven by armed force led to the outbreak of the Arab-Israeli conflict, which has created a series of crises and problems in the Middle East.

3. These crises have had repercussions on the situation in Lebanon. Lebanon has been subject to repeated, devastating invasions and attacks by Israel since its establishment. The most notable took place in 1973, 1978, 1982, 1986, 1993 and 1996 (the first Qana massacre, when Israel deliberately bombed a United Nations base, killing some 110 Lebanese civilians and causing casualties among members of the United Nations peacekeeping forces in Lebanon), then the major attack on Lebanon during July and August 2006. All of these attacks have caused large numbers of deaths and injuries. They have also caused massive destruction of vital civilian infrastructure and civilian areas and left cluster munitions dispersed over agricultural land, preventing farmers from enjoying their right to housing and working the land.

4. Following these attacks, the United Nations issued a number of resolutions, notably United Nations Security Council resolutions 425 (1978), 426 (1978) and 1701 (2006) and Human Rights Council resolution S-2/1 of 11 August 2006. All Israel's attacks on Lebanon have constituted flagrant violations of human rights, notably the right to life, the right to housing and the right to development and the right to a healthy environment, and have obstructed efforts by Lebanon to promote human rights.

5. The war that broke out in Lebanon in 1975 and ended in 1989 left the country in a state of political, economic and social instability. In addition, it had a catastrophic impact on Lebanon's human and material capacities and hindered the development necessary for human rights.

6. Since 1990, the Government has formulated plans to reconstruct and strengthen State institutions, and embarked upon an ambitious reform programme to develop Lebanon's economic infrastructure, modernize its public institutions and stimulate the national economy. Since 1990, successive Governments have worked to promote respect for human rights as constitutional rights that must be protected.

Methodology

7. The present report was prepared in accordance with paragraph 5 (e) of United Nations General Assembly resolution 60/251 establishing the Human Rights Council, in accordance with the general guidelines adopted by the Human Rights Council and based on Lebanon's obligation to respect all human rights principles, instruments and covenants that seek to safeguard human dignity, to achieve equality, social justice and equality of opportunity for all, to create a better life and greater stability and to enhance Lebanon's international standing. It was produced in conjunction with national institutions and civil society organizations in order to highlight Lebanon's human rights efforts and commitment

to enforce national laws and the international agreements that it has ratified, and to describe the human rights situation on the ground through the universal periodic review mechanism.

8. Lebanon drafted a plan of action¹ for the preparation of the report based on the universal periodic review mechanism and in accordance with the norms, criteria, objectives and principles of the review as defined by the Human Rights Council. The plan reflects, first and foremost, Lebanon's determination to abide by and implement its international obligations in accordance with best practices, promoting human rights more widely and engaging freely and responsibly in wide-ranging cooperation and partnership with all sectors of society and stakeholders.

9. It is in the above context that the Lebanese Republic submits its initial report, in which it reviews achievements, studies possible challenges and sets out a future plan of action to strengthen and build on existing achievements. The methodology and process followed in the preparation of the present report is based on the view that the universal periodic review is not a single event but a process that will involve a number of activities during the coming four years.

I. Lebanon's human rights obligations in accordance with domestic legislation and international instruments

A. The Constitution

10. An entire chapter of the Lebanese Constitution is dedicated to defining the rights and duties of Lebanese citizens (Part A, chapter II). Articles 7 to 15 guarantee the State's obligation to protect a number of basic rights and public freedoms, in particular equality before the law in the enjoyment of civil and political rights; personal liberty; freedom of conscience and belief; freedom of education; freedom of expression, orally or in writing; freedom of assembly and freedom of association. Under the heading "Rights and duties of the citizen", these articles amount to a bill of rights and with constitutional status.

11. The preamble to the Constitution — which the Constitutional Council has resolved to consider an integral part of the Constitution, in that the principles therein enjoy the same constitutional status as the Constitution itself — provides that "The Lebanese Republic is a parliamentary democracy based on respect for public freedoms, in particular freedom of opinion and belief, social justice and equality of rights and duties for all citizens, without discrimination."

12. Moreover, the preamble to the Constitution expressly stipulates Lebanon's commitment to the Charter of the United Nations and the Universal Declaration of Human Rights. In addition, the Constitutional Council considers that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights complement the Universal Declaration of Human Rights.

B. Lebanon's obligations under international human rights law

13. Lebanon participated in drafting the Universal Declaration of Human Rights in 1948 and has acceded to a number of international human rights conventions and protocols,

¹ تمت دعوة الوزارات المعنية لاجتماع بعد تحديد مندوبين عنهم ونقطة اتصال بوزارة الخارجية والمغتربين ونظمت ورشة عمل بالتعاون مع الأمم المتحدة بحضور الممثل الإقليمي للمفوضية السامية لحقوق الإنسان وعرضت آلية الاستعراض الدوري الشامل على أصحاب الشأن من السلطات التنفيذية والتشريعية والقضائية وغيرها من المؤسسات الحكومية وغير الحكومية لإبداء الرأي وإشراكهم في إعداد هذا التقرير.

including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights on 1 September 1972. Moreover, it acceded to the International Convention on the Elimination of All Forms of Racial Discrimination on 12 November 1971² and the Arab Charter on Human Rights in 2008.

14. Under the treaties to which it has acceded, Lebanon is obliged to submit periodic reports to the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of the Child. It is also preparing reports for submission to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. It has yet to submit its initial or periodic report to the Committee against Torture in respect of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The competent authorities are engaged in preparing these reports, emphasizing Lebanon's commitment to the responsibilities that it has assumed by acceding to these instruments.

15. International treaties and conventions constitute an important part of Lebanon's international obligations in that they have higher authority than domestic law and are applied accordingly, as required by the courts.³

C. Institutional framework for the promotion of human rights

16. Lebanon has taken a number of steps and introduced a number of initiatives to better protect human rights at various levels including institutional and legislative levels. At the structural level, the Ministry of Justice has drafted a bill on the establishment of a directorate general of human rights. In addition, the Directorate General of the Internal Security Forces established a human rights section in the Office of the Inspector General, in addition to a committee, composed of Internal Security Forces officers, on strategic planning and human rights.

17. The National Commission for Lebanese Women was established in 1995, pursuant to the resolutions adopted by the Fourth World Conference on Women in Beijing; the Higher Council for Childhood was established in 1994 under the Ministry of Social Affairs; a National Commission for Persons with Disabilities has also been established.

² ستذكر هذه الاتفاقيات عند بحث الحقوق والحريات المتعلقة بها تباعاً.

³ المادة 2 من قانون أصول المحاكمات المدنية.

18. The Lebanese parliamentary committee on human rights was established to address legislative and regulatory issues, study the proposals and bills referred to it by the Government and parliament, and submit reports and proposals promoting civil, political, economic and cultural rights in Lebanon. It set about preparing the National Action Plan for Human Rights by organizing workshops on civil, economic, political and social rights in cooperation with the United Nations Development Programme (UNDP) office in Beirut, public bodies and civil society groups. The workshops gave rise to background studies on all of the above rights, and the studies will form the basis for the National Action Plan for Human Rights in accordance with the recommendations of the World Conference on Human Rights held in Vienna in 1993. The National Plan of Action for Human Rights will be discussed with the Lebanese Government and civil society with a view to its final adoption by the Chamber of Deputies. The Government hopes to establish a national commission on human rights in accordance with the Paris Principles.

D. Cooperation with human rights mechanisms

19. In the context of cooperation with human rights mechanisms, Lebanon hosts the Regional Office of the United Nations High Commissioner for Human Rights (OHCHR). Although Lebanon has not extended an open invitation to all special rapporteurs and mandate holders in the field of human rights, it is willing to cooperate with any special rapporteurs who wish to visit. It recently received a number of rapporteurs, including the Special Rapporteur on trafficking in persons, especially women and children, Ms. Sigma Huda, who visited Lebanon in February 2005, and the Commission of Inquiry on Lebanon, established by Human Rights Council resolution S-2/1 of 11 August 2006 entitled "The grave situation of human rights in Lebanon caused by Israeli military operations".⁴ Lebanon also received the Subcommittee on Prevention from 24 May to 2 June 2010 and ensured that it had access to all the places of detention that it requested.

II. Promotion and protection of civil and political rights in Lebanon

20. Lebanon enjoys a considerable number of public freedoms that the judiciary seeks to uphold in accordance with the safeguards provided for in the law for judges and litigants; the judiciary is independent, under a constitutional system based on the separation of powers. The Lebanese Constitution enshrines a number of public freedoms and civil rights which ensure that social justice and equality for all Lebanese citizens are maintained, without distinction, and which the Lebanese Government follows with close interest.⁵

21. The major challenges facing Lebanon in this field are reviewed below, in addition to a number of freedoms, primarily freedom of information, freedom of association and freedom of expression through elections.

⁴ كما استقبل أيضاً المقرر الخاص المعنوي بحالات الإعدام خارج نطاق القضاء أو بإجراءات موجزة أو تعسفياً السيد Philippe Alston، المقرر الخاص المعنوي بحق كل إنسان في التمتع بأعلى مستوى ممكن من الصحة البدنية والعقلية السيد Paul Hunt، المقرر الخاص المعنوي بالنازحين داخلياً السيد Walter Kalin، المقرر الخاص المعنوي بالسكن اللائق كعنصر من عناصر الحق في مستوى معيشي مناسب السيد Miloon Kothari الذين زاروا لبنان على أثر العدوان الإسرائيلي عليه في أيلول/سبتمبر 2006. كما استقبل لبنان المقرر الخاص المعنوي بالحق في الغذاء، الذي زار لبنان إثر العدوان الإسرائيلي على لبنان في أيلول/سبتمبر 2006.

⁵ نص الدستور اللبناني على هذه الحريات والحقوق لا سيما الحق في الجنسية والحرية والمساواة وحرية المعتقد وإبداء الرأي وحرمة المنازل.

A. Prevention of torture

22. Lebanon acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2000. The Convention requires law enforcement institutions to respect human rights and to prevent the use of excessive force in the course of their work. Lebanon acceded to the Optional Protocol to the Convention in 2008.

23. Lebanon has a number of laws that promote respect for human rights during investigations. The Code of Criminal Procedure, as amended by Act No. 359 of 16 August 2001, defines the rights of all suspects under investigation. These rights, such as the right to legal counsel and the right to see a physician, are read out to suspects or accused persons. Officers who violate investigation procedures are subject to prosecution, and magistrates must take into account the principle that suspects must not be questioned under duress and ensure that his testimony is not subject to any external influences, whether psychological or physical.

24. Although some forms of torture are defined in the Criminal Code, the Code does not cover all such crimes as set out in article 1 of the Convention against Torture. The Ministry of Justice has made efforts to review and amend the Code so that it defines the crime of torture in conformity with the Convention and establishes penalties for perpetrators of torture.

25. The Lebanese judiciary has issued rulings in accordance with the Convention against Torture against the deportation of asylum-seekers who have entered Lebanon illegally for fear that they may be subjected to torture in their country of origin.

26. With regard to procedural measures, the Directorate General of the Internal Security Forces has issued numerous memorandums emphasizing that abuse of prisoners and detainees, in particular juveniles, during interrogations is prohibited and that those who violate this rule are liable to prosecution or disciplinary measures. Human rights has been introduced as a topic in security forces training curricula, in order to raise awareness among personnel and enhance understanding of the relevant laws and conventions. In addition, the Directorate General of the Internal Security Forces has participated in a number of human rights workshops and has posted notices informing detainees of their rights in numerous police custody facilities and police stations. It is currently developing a code of conduct for Internal Security Forces personnel and will issue a booklet on the code of conduct.

27. The Lebanese Government is committed to combating torture as a matter of the utmost importance, as evidenced by Lebanon's accession to the Optional Protocol to the Convention against Torture and its facilitation of the visit of the Subcommittee on Prevention in May 2010.

28. The Ministry of Justice has established a committee to draft legislation on the establishment of an independent national mechanism for the prevention of torture, in accordance with article 17 of the Optional Protocol. The committee has submitted its summary findings and the competent authorities are currently considering the options available, namely, whether to establish a national mechanism or national body for the protection of human rights, in accordance with international standards, with a mandate that includes combating torture.

B. The death penalty

29. The Criminal Code provides for the death penalty in cases specified in article 549 and the Lebanese courts apply these principles when the conditions are met. However, the

courts often acknowledge extenuating circumstances and commute the death penalty to life imprisonment.

30. The executive has for a number of years imposed an effective moratorium, in that it has tended not to put decisions ordering the death penalty or hard labour into effect.

31. The Ministry of Justice drafted and submitted a bill to abolish the death penalty in 2008. It launched a broad awareness campaign and invited all political parties to convene meetings on the subject; however, divergent views remain to be reconciled.

32. The Ministry is making preparations for an international conference on the abolition of the death penalty, to be held in Beirut on 10 October 2010. A number of leading legal thinkers will attend and participate in the conference.

33. It should be noted that the death penalty and life imprisonment are not imposed upon juveniles, pursuant to article 15 (2) of Act No. 422 of 2002, which provides that “where the crime is punishable by death or life imprisonment with hard labour, the sentence shall be reduced to 5 to 15 years’ imprisonment”.

C. Prisons

34. Prisons, including pretrial detention facilities, face numerous problems, chiefly overcrowding, increases in detainee numbers and the absence of a specialized department for regular prisons. The executive branch, which is now attending to these problems, has established a ministerial committee to find solutions to the situation.

35. In 2008, Lebanon began to implement a five-year plan to transfer prison administration from the Ministry of the Interior to the Ministry of Justice by 2012, in accordance with recognized standards. The Lebanese Government emphasized its commitment to this plan in its ministerial statement for 2009.

36. The Ministry of Justice has prepared a draft decree on the organization and operation of the Prisons Directorate, which will make the transition to Directorate General for Prisons administered by a specialized body headed by an official nominated by the Minister of Justice and appointed by decree. The Directorate General’s mandate will include the rehabilitation and equipment of existing prisons and the establishment of new prisons. It would also be mandated to draft a comprehensive penal policy, taking into account modern scientific theories. At present, efforts are being made to ensure that the decree is adopted, as this will lead to qualitative progress in tackling the problems in prisons.

37. The Council of Ministers adopted a resolution in December 2009 establishing two additional prisons, that will be subject to criteria to be determined by a special committee.

38. The International Committee of the Red Cross, supervised by the Ministry of Justice, prepared a field study on health in prisons in the context of the transfer of responsibility for health in prisons from the Ministry of the Interior to the Ministry of Health.

39. New measures are being developed to improve and promote humane living conditions in Rumiyah prison. Primarily, these include the distribution of a booklet setting out the rights and duties of detainees and convicts and explaining prison inspections during prison visits by judges to enforce the law, the preparation of a guide to prison inspections, and allowing the International Committee of the Red Cross to visit prisons and train prison staff.

40. Civil society also participates in initiatives to improve the prison situation, such as a project for the psychological rehabilitation of prisoners in northern Lebanon.

41. The Ministry of Justice is working to expedite trials and eliminate delays. It is also working to expedite investigations involving persons held in pretrial detention in order to limit the time spent in detention where possible, in view of the need to reduce prison overcrowding. It has constantly encouraged application of Act No. 436 of 2002 on the reduction of sentences in certain cases, in particular for good behaviour.

D. Action against human trafficking

42. Lebanon acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2005.

43. Lebanon has not yet implemented the Protocol because of the difficult conditions that have prevailed in recent years; consequently, current domestic legislation does not yet accord with the Protocol. Nevertheless, although domestic laws implementing the Protocol have not been promulgated, many of the acts that it covers are prohibited under the Lebanese Criminal Code, including kidnapping, coercion by means of violence or threat, and sexual abuse.

44. In 2005, the Minister of Justice launched a project to prevent and combat trafficking in human beings in Lebanon and established a national commission for this purpose, chaired by a judge and including representatives of the Ministry of Justice, the Ministry of Interior and Municipalities and civil society. The Commission conducted a study with the United Nations Office on Drugs and Crime showing the extent to which Lebanese legislation was in conformity with the United Nations Convention against Transnational Organized Crime and formulated recommendations on prevention and combating trafficking in persons.

45. The Lebanese Government is working to prevent trafficking and ensure that the victims of trafficking are protected. A memorandum of understanding was signed on 12 January 2005 with two non-governmental organizations to set up temporary accommodation for women victims of human trafficking and foreign workers who are victims of exploitation while arrangements are made for their voluntary return to their home countries.

E. Enforced disappearance

46. Lebanese law provides that personal freedom shall be protected and that no person may be arrested except as provided by law. The Criminal Code prohibits the arrest of any person by an official without a court order and the Code of Criminal Procedure establishes penalties for judicial officials who violate the rules relating to detention and investigation. Moreover, the Criminal Code provides that any person who deprives another of his liberty shall be liable to a penalty of life imprisonment with hard labour.

47. An estimated 17,000 persons are missing in Lebanon as a result of the successive wars that have befallen the country. Lebanon has signed the International Convention for the Protection of All Persons from Enforced Disappearance and intends to ratify it. The ministerial statement of 2009 specifies that “the Government will work on Lebanon’s accession to the International Convention for the Protection of All Persons from Enforced Disappearance adopted by the United Nations. It will give special attention to the issue of persons subjected to enforced disappearance in Lebanon and abroad, in order to account for them and so honour that memory, in order to promote national reconciliation and to respect

the right of their families to know. It will consider establishing a national body to deal with various aspects of enforced disappearance”.⁶

F. Information

48. Freedom of opinion, information and the press are protected by law. The Ministry of Information monitors these freedoms and ensures that they are properly upheld in accordance with the relevant laws and decrees.

49. Emphasis is placed on two criteria in the adoption of legislative and regulatory options relating to information issues in Lebanon; the first criterion is the principle of freedom and minimal restriction, while the second criterion is that only post facto and not prior censorship may be imposed.

50. The Press Act of 1962 provides that freedom of the press, publication and distribution are guaranteed and may be restricted only by public laws; restrictions may be imposed only under exceptional circumstances such as war, civil war, disturbances or threats to public order, security or safety, or in the event of a disaster. The Television and Radio Broadcasting Act of 1994 establishes the freedom and democracy of the media, in particular given their role in the expression of different views. Efforts are being made at the parliamentary level to reconsider this Act with a view to developing and promoting freedom of information, in particular press freedoms.⁷

G. Freedom of association

51. Lebanese citizens are guaranteed freedom of association under the Constitution, by positive legislation and by practical application of the law. Lebanese non-governmental organizations are key partners in the State’s policy of safeguarding and protecting the rights of nationals and non-nationals. Under the Associations Act of 1909, no prior authorization is required to form an association but the relevant administrative authorities must be notified in order for it to be recognized as a legal entity, provided that it respects public order, public morals and State security. Such a declaration is known as “ilm wa khabar”, or public notice.

52. The principle of freedom of association applies to all stages in the life of an association, which can be dissolved only by a decree issued by the Council of Ministers.

53. The principle of freedom of association has repeatedly been reaffirmed, notably by Consultative Council decision 135/2003–2004, which also invalidated the Ministry of the Interior circular that sought to restrict freedom of association. A conference was held in December 2009 to mark the centenary of the Associations Act of 1909, at which the Ministry of the Interior undertook to develop the Act, punish violations and review laws that were not in conformity with international standards in this field, in order to preserve freedom of association.

54. The Ministry of Labour is also working on promoting and developing trade union action in line with international standards, in particular with regard to promoting social dialogue and the right to organize.

⁶ أصدر قاضي الأمور المستعجلة في بيروت قراراً قضى بحماية أماكن يمكن أن يكون فيها مقابر جماعية في بيروت.
⁷ من بين الحقوق الأخرى التي تسعى الدولة لإقرارها حق الوصول إلى المعلومات.

H. Democratic elections

55. The preamble to the Constitution guarantees freedom of opinion and belief and states that the people are the source of authority and sovereignty, which they exercise through the constitutional institutions. Lebanon holds periodic successive parliamentary, municipal and mayoral elections. The parliamentary elections of spring 2005 and spring 2009 were monitored by civil society institutions and a number of Arab and international observers; the Government and the military and security forces were commended for the successful conduct of the elections, while calls for comprehensive reform of the legal framework and for the application of the law on electoral information, prohibiting the use of public places for electoral campaigning, remain. Significant progress was also recorded, in comparison with previous years, in the observance of international standards, in particular the neutrality of the political authority entrusted with organizing the electoral process.

56. The Minister of Interior and Municipalities, Ziad Baroud, received the 2010 United Nations Public Service Award at the United Nations conference in Barcelona, for his innovative approach to the 2009 parliamentary elections and use of transparent modern mechanisms. Moreover, municipal and mayoral elections were held in the spring of 2010. Lebanon is currently drafting a new electoral law for future parliamentary, municipal and mayoral elections, with a view to establishing correct representation that reflects ballot box results and is consistent with Lebanon's cultural specificities, in terms of administrative divisions and rules.

57. In its ministerial statement, the Lebanese Government undertook to review the Parliamentary Elections Act, taking into account the rules that guarantee coexistence among the people of Lebanon and ensure that the various population and age groups are represented correctly and effectively, and to reform the organization and monitoring of elections.

III. Promotion and protection of economic, social and cultural rights

58. The State's concern with social issues is clearly expressed in the preamble to the Constitution, as is its commitment to assuming its full responsibilities towards citizens by securing social justice and equality and balanced social development for all regions.

59. The Lebanese Government presented its economic reform programme at the Paris III conference in 2007. The programme included ambitious targets to tackle sources of weakness in the Lebanese economy, essentially by reducing the high level of public debt, encouraging growth and creating employment opportunities while also reducing the impact of such measures on the least able groups by means of a parallel social action programme.

60. The programme proposes to alleviate poverty, improve health and education indicators, increase the effectiveness of social spending, reduce gaps between regions to the extent possible and better distribute allocations to the regions.

61. The Government has established a ministerial committee to coordinate the efforts of the various ministries concerned with social affairs, draw up a medium-term comprehensive social development strategy and formulate broad social sector priorities. The strategy will include a reduction in overlap in the social services and benefits offered by different ministries; consolidation of funds under a single system and transparent management; the design of mechanisms to improve the effectiveness, coverage and impact of the current social security net; and the expansion and improvement of the efficiency and quality of basic health services.

62. Lastly, the programme includes proposals for comprehensive reform of the education sector and improved education policymaking and planning capacity in the Ministry of Education.

A. Improvement of working conditions

63. In its 2009 ministerial statement, the Government pledged to seek to ensure that the benefits of economic growth reached all sectors of Lebanese society and all regions of Lebanon equally. Above all, this would entail combating poverty and reducing economic and social disparities among the Lebanese. The Government also pledged to develop a social policy that would contribute to securing citizens' basic needs and improve the effectiveness and quality of social services, the better to reach the most vulnerable social groups. It established the National Employment Office, to make job opportunities available and combat unemployment.

64. Labour relations are regulated by the Labour Code and the Contracts and Obligations Code, which define the concept of an employment contract. Numerous amendments have been made to the Labour Code of 1946 between 1962 and 2000. At present, changes are being considered to match international legislation and the economic and social changes that have taken place at the global level. Moreover, a new Labour Code is being drafted to consolidate legislation on labour issues, to take into account the case law of the labour courts and to foster cooperation between employers and employees so as to increase productivity and incomes.

65. Labour law is drawn from various different sources: traditional sources such as the Constitution, international conventions, laws and other legislative texts, and professional sources such as collective labour contracts. It is deterrent by nature; those who violate labour law are liable to criminal penalties. Labour law provisions are binding and form part of public order legislation.

66. The Ministry of Labour is working on a bill on retirement, social protection and security in old age. A national commission, chaired by the Ministry of Labour and including representatives of the Social Security Fund, the Ministry of Health and the Ministry of the Environment, local universities, the Confederation of General Workers of Lebanon (CGTL) and the Association of Lebanese Industrialists, has been established to consider and draw up a table of occupational accidents and diseases. The Ministry of Labour contributed to the International Labour Organization (ILO) decent work and working women's issues project, in order to define the concept of decent work and identify the international conventions that support associated issues, including equitable pay and maternity protection.

67. The Chamber of Deputies has adopted 51 international labour conventions, including 7 of the 8 core conventions. The ILO is of the view that member States must respect and seek to strengthen its principles. Lebanon has also adopted seven Arab labour conventions.

(a) Child labour

68. With regard to the conformity of domestic legislation with the international labour conventions that Lebanon has ratified (C182 in 2001 and C138 in 2002), the Government has amended some labour laws with a view to ensuring optimum safety conditions for children. It has specified the minimum working age according to occupational hazard and categorized the most hazardous industrial jobs for children. It has also prohibited discrimination based on gender and created an option whereby children can benefit from

payments due to one of their parents from the National Social Security Fund and the State Employees' Cooperative.

69. A national strategy against child labour was announced, based on the national study prepared by the Ministry of Labour in cooperation with ILO and the Research and Advisory Foundation. A national committee to combat child labour was formed on 19 February 2005; its mandate was to prepare and implement programmes, plans and projects to combat child labour in coordination with ILO and the International Programme on the Elimination of Child Labour (IPEC).

70. A special unit was created in the Ministry of Labour to tackle child labour, to issue booklets explaining the reasons for the unit's creation and areas of work, to establish a database on child labour and to create a website on the issue. It has produced a guide specifically for labour inspectors, "Combating child labour", to prepare and equip labour inspectors to identify and tackle conditions that are not consistent with international labour standards or domestic legislation on child labour.

(b) Migrant workers

71. The Aliens Act provides that every foreigner wishing to enter Lebanon in order to work must obtain prior approval from the Ministry of Labour and a visa from the Directorate General of Public Security. Moreover, every foreign worker must sign a contract of employment with his or her employer, who is also required to arrange for the necessary medical examinations, provide mandatory health insurance, deposit a bank guarantee and undertake to provide a ticket for the employee's return to his or her home country.

72. The improvements that have been made include the Minister of Labour's decision of 2009 establishing new provisions for a unified insurance contract to protect foreign labour. Consultations are also under way on a bill to grant domestic workers annual leave, and providing for cooperation with social workers to monitor the conditions in which domestic employees work.

73. The Directorate General of Public Security periodically conducts surveys to establish the real situation of all female foreign workers, coordinates with their national embassies as necessary and takes vigorous action in cases of ill-treatment of any kind. The Directorate General acts swiftly to investigate all allegations of torture, trafficking and so forth.

74. The National Steering Committee (composed of representatives of the Directorate General of Public Security, the Ministry of Social Affairs, the Ministry of Labour, civil society, ILO, the OHCHR Regional Office in Beirut and some embassies of labour-exporting countries) recently introduced a unified employment contract for women domestic migrant workers that sets out their rights and duties to their employers clearly.

B. The right to education

75. Under Act No. 686 of 1998, elementary education up to the age of 12 is free and compulsory. However, the implementing legislation has not yet been promulgated. A bill to raise the age at which compulsory schooling ends to 15 years is before the general body of the National Assembly.

76. The Ministry of National Education and Higher Education, in collaboration with the United Nations Educational, Scientific and Cultural Organization (UNESCO), started preparing the national education plan, Education for All, which covers a 13-year period from 2003–2015. The plan includes expanding and improving early childhood care,

ensuring that good, free compulsory schooling is available to all children at the primary school level, and providing literacy programmes and functional literacy programmes for school dropouts. Moreover, the plan includes developing structures and approaches appropriate to teaching children with disabilities. The provisions of the Convention on the Rights of the Child have been incorporated into the educational materials for the third year of each stage or cycle of basic education; they have yet to be incorporated in the first and second years of each cycle.

77. In an effort to modernize and develop public education, the Centre for Educational Research and Development has been working since 1994 to incorporate the human rights concepts inspired by the Universal Declaration of Human Rights and the relevant agreements signed by Lebanon into educational curricula and textbooks, in a manner appropriate to Lebanon's specificities. It has in particular sought to incorporate human rights into national and civic educational curricula and textbooks as a consolidated, compulsory topic in both public and private schools.

C. The right to culture

78. The right to culture is enshrined in law, and the Ministry of Culture was established in 1993 as an affirmation of the importance of culture. The Ministry's functions and powers include promoting and revitalizing cultural activity, supporting creativity and caring for monuments, heritage and historical property.

79. Lebanon is an active member of UNESCO and has ratified most of the relevant international conventions, including those on the protection of heritage. It has also signed the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which remains to be approved by the Chamber of Deputies.

D. The right to housing

80. Every Lebanese national has the right to reside in and enjoy any part of Lebanon in accordance with the law. However, Lebanon is facing a housing crisis as a result of successive wars and the resultant forced population displacements. The State has spent considerable sums of money to resolve this crisis and return displaced populations to their lands and homes. It should be noted that according to United Nations data, Israel dropped some four million cluster bomblets on Lebanon in its attack against Lebanon in July and August 2006. While some bomblets exploded, it is estimated that more than one million did not. These remain, and their impact is comparable to that of landmines. This unexploded ordnance has caused many deaths, injuries and amputations among Lebanese civilians. Moreover, it prevents farmers from exploiting the land from which they make their living (as stated in the report of the Commission of Inquiry on Lebanon, established by the Human Rights Council, which visited Lebanon in 2006). The Government has made considerable efforts to clear these mines, which cause daily tragedies for the inhabitants of the south, and expects the international community to continue supporting its efforts to do so.

E. The right to health

81. Despite worsening economic conditions, the role and intervention of the State in fields such as health education and the early detection of certain diseases should be noted. The State has allocated 12 per cent of the public budget to health. Some 93 per cent of the population of Lebanon have public health insurance while 7 per cent have private health

insurance. The Ministry of Public Health ensures that persons in need who lack public health insurance are covered, by arranging health services and treatment either through private hospitals (by means of special model contracts) or public hospitals that offer services at a rate below-private-sector rates, in addition to providing basic health-care services. Although health indicators continue to improve, the Lebanese health system remains beset by numerous problems, including the high cost of health services, the fact that health services operate under a free market economy and absence of a health map. The Government is attempting to tackle these problems by ensuring equitable and fair access to health services at the lowest possible cost, while maintaining quality in accordance with international standards. The Minister of Health recently launched a unified health card programme.

IV. Women's rights

82. The Lebanese Constitution establishes that all citizens are equal before the law. Article 7 affirms that all Lebanese citizens are equal before the law, enjoy the same civil and political rights and are bound by the same public obligations and duties and that no advantage shall be accorded to one person over another except on the basis of merit and aptitude.

83. Furthermore, numerous positive laws prior and subsequent to Lebanon's accession to the Convention on the Elimination of All Forms of Discrimination against Women in 1997 explicitly provide for equality or prohibit discrimination on any grounds, including sexual discrimination. Those who monitor legislative developments will have observed the legislature's clear desire in recent years to eliminate discrimination. One of the most significant steps was the ratification of the Convention on the Elimination of All Forms of Discrimination against Women pursuant to Act No. 572 of 24 July 1996, with reservations to article 9, paragraph 2, on nationality, to article 16, paragraphs 1 (c), (d), (f) and (g), relating to issues of personal status, and to article 29 on conflict resolution.

84. The underlying reasons behind the reservations, particularly those relating to personal status, is that all Lebanese are not subject to one personal status law. However, every Lebanese citizen is subject to his religious community's legislation and courts. There is a constitutional context to this legislative and judicial diversity with regard to personal status that is based on social values and has its roots in the establishment and stabilization of Lebanon as a political entity.

85. The following are the official bodies mandated to monitor various matters relating to women: the National Commission for Lebanese Women, under which were formed the Convention Committee in 2005, the Women's Affairs Section in the Ministry of Social Affairs and the Parliamentary Committee on Women and Children.

86. With the exception of personal status laws, provisions that discriminate against women are being systematically eliminated from Lebanese legislation. For example, the Social Security Act was amended in 2002 to give men and women equality. Article 26 of the Labour Code was amended in 2000 to increase the maternity leave period and to prohibit the dismissal of women from service during pregnancy and maternity leave. The Chamber of Deputies has before it a bill on the application of full equality in the social security system and under tax law.

87. Although the law gives women and men comparable legal capacity for concluding contracts and property management, the Code of Commerce restricts the right of a wife to recover her assets from her husband's bankruptcy. A bill to revoke those provisions has been submitted to the Chamber of Deputies for approval.

88. With regard to litigation and the right to prosecution and defence, Lebanese law guarantees the full equality of men and women before the law from the age of 18 years. The law has made no distinction between the testimony of a woman and a man since women were recognized as competent to testify in the Land Registry in 1993.

89. The law gives women and men the right to legal aid, compensation and the separation of marital assets regime. Alimony and inheritance rights are governed by personal status law.

90. Administrative measures have been taken to ensure that women have more rights. Among the most important of these are the integration of reproductive health into primary health care (pursuant to a decree issued in 2003), and the temporary special measure relating to nationality (the Directorate General of Public Security grants residence permits to some groups, including the children of a Lebanese mother, and free, three-year, renewable courtesy residence permits for the children of a Lebanese mother regardless of the nationality of the husband, pursuant to a decree issued in 2003). The national "Education for All" plan emphasizes the need to take measures that will encourage progressive positive discrimination in favour of women in order to bridge the gender gap in education. In addition, measures have been adopted to give women a specific level of representation in sports federations.

91. There has also been progress in legal provisions in some family courts and in court judgements giving women greater rights to custody, alimony and compensation. A number of family issues have been tackled by means of bilateral agreements reached outside the scope of the personal status laws.

92. With regard to executive power, in its 2005 and 2009 ministerial statements the Lebanese Government undertook to strengthen the role of women in public life (at the level of appointments to leadership positions) as it has undertaken to do under international conventions, to adopt a plan of action to combat violence against women, to conclude discussion of the bill on the protection of women from domestic violence and to formulate policies and legislation to combat trafficking in women and children. It has also emphasized and undertaken to strengthen the role of the national women's machinery.

93. Since 1953, Lebanese women have enjoyed full political rights, which they exercise through voting in equal proportions to men. Because, however, of tradition and certain features of the Lebanese political system, only a few have entered the political arena by running for office in representative bodies. Nonetheless, women have worked at all levels in party politics, including in leadership roles.

94. Since 2004, successive Governments have included women ministers. At the administrative level, a number of women have been appointed as directors general, as ambassadors in the foreign service and as judges in all fields including juridical, financial and administrative.

95. With regard to violence against women, the Ministry of Justice has prepared and submitted a bill to the Chamber of Deputies on protecting women from domestic violence, including any act or threat of violence or deprivation of liberty, whether occurring inside or outside the family home, committed by a family member that results in physical, sexual or psychological harm or suffering to women.

V. Rights of the child

96. Lebanon ratified the Convention on the Rights of the Child on 30 October 1990. Since then it has worked to implement the principles and provisions of the Convention through the programmes and projects undertaken by government departments and non-

governmental organizations. It has introduced numerous legislative changes to make domestic legislation more consistent with the principles of the Convention. It has undertaken to submit all of its periodic reports to the Committee on the Rights of the Child.

97. The Higher Council for Childhood, established in 1994, is the national framework for monitoring implementation of the Convention on the Rights of the Child in coordination with the public and private sectors and international organizations. The Council is presided over by the Minister of Social Affairs; its members include representatives of the public children's agencies and of non-governmental organizations.

98. Some government departments have specialized units for children, including the Department for Minors in the Ministry of Justice, the Child Labour Unit in the Ministry of Labour, the Social Care Department in the Ministry of Social Affairs. These in turn contain the Department of Juvenile Protection, the Parliamentary Commission on Women's and Children's Rights and the National Committee for the Elimination of Child Labour.

99. In the absence of a comprehensive social development plan, no national strategy for children has been formulated to date. However, sectoral plans have been drafted and will form an essential component of a strategy for protection from and prevention of all kinds of abuse and neglect, early childhood, children's participation and the protection, rehabilitation and reintegration of street children. Civil society is the main active partner in the Higher Council for Childhood, which responds to the needs of marginalized groups, in particular children.

100. The Lebanese authorities, in particular the Ministry of Justice and the Ministry of the Interior, have sought to rise to the challenge and address children's basic needs, especially with regard to juvenile justice.

101. The Protection of Juvenile Offenders at Risk Act was promulgated on 6 June 2002. The Act represents a milestone in that it ensures that children have legal protection and highlights the need for help in the rehabilitation of juveniles. Moreover, it emphasizes the need to protect juveniles from deviance, the need for fair and humane treatment and the need to distance them from judicial proceedings to the extent possible through the adoption of non-custodial educational measures. In addition, it underscores the need to find amicable solutions and to adopt the best interests of the child as the standard. Moreover, it calls attention to the need to expand the powers of judges in a manner that will serve to reform juveniles and protect them from risk, and to require the presence of legal counsel at all stages of a juvenile trial conducted by an independent tribunal. Furthermore, the Act gives children the right to lodge a complaint.

102. Practical steps have been taken to keep pace with legislation. The Department for Minors in the Ministry of Justice has been strengthened and had a web page designed for it. Professional capacities have been developed in the field of juvenile justice through periodic meetings of juvenile judges, public prosecutors and investigating magistrates. The topic of juvenile law has been expanded in the Institute of Judicial Studies curriculum and juvenile justice has been incorporated into Internal Security Forces Institute curricula. Information and awareness campaigns involving the issuance of publications aimed at juvenile offenders and child victims of crime have been directed at others concerned with juveniles. Standards in detention centres have been upgraded and a reform institute for female juveniles has been introduced. In addition, through partnership and coordination with non-governmental organizations it has been possible to keep pace with developments in juvenile justice and tackle the situation.

103. Although positive steps have been taken, there is a notable dearth of institutions to implement reforms and a lack of implementation procedures and monitoring mechanisms with which to enforce and monitor the legislation, which as a whole is in conformity with international treaties and complies with human rights principles.

104. With regard to the protection of children from all forms of violence, abuse and neglect, Act No. 422 of 2002 defines children at risk as those at risk of sexual assault or of physical violence beyond the limits accepted by custom as non-injurious. The Lebanese Criminal Code provides for the protection of children from all forms of sexual abuse and imposes penalties on the perpetrators of sex crimes, particularly in cases involving the abuse of a minor.

105. The Higher Council for Childhood established a coordinating committee for this purpose, with members from all relevant government departments and non-governmental organizations. The committee has drafted a national prevention and protection strategy for children and a bill to create national child protection mechanisms. The greatest challenge in enacting laws to eliminate crimes committed in the name of honour is that the victims are frequently children.

106. At the procedural level, a special room has been established at the Palais de Justice for questioning child victims of sexual exploitation. The Ministry of Justice has contracted an association specializing in psychological treatment to help child victims recover psychologically and reintegrate them into society. A hotline to receive children's complaints is in the process of being established.

107. In 2002, Lebanon ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

108. The Higher Council for Children recently conducted a comparative study of Lebanese legislation and the relevant international children's rights instruments. The study will form the basis for draft legislation or amendments to existing legislation building on and improving current measures and procedures pertaining to childhood, and reviewing the minimum working age for children.

VI. Persons with disabilities

109. In 2000, the Chamber of Deputies adopted Act No. 220 of 2000 on the rights of persons with disabilities, which aims to secure their rights at a number of levels. The Ministry of Social Affairs monitors the implementation of all disability-related matters and coordinates with those concerned. Progress has been made on a number of fronts, including the issuance of a disabled person's identity card and the creation of the National Committee for the Disabled, in addition to the Committee for Health Services, Rehabilitation and Support Services for Disabled Persons. Moreover, the Ministry of Health has adopted a comprehensive hospitalization coverage mechanism. Those diagnosed with learning difficulties are monitored and programmes for children with learning difficulties are run in cooperation with specialized institutions.

110. The Special Needs Education Committee has been created and is headed by the Ministry of National Education. During the past three years, the Committee has taken measures to facilitate access to formal examinations for persons with disabilities.

111. The above efforts have led to marked developments in legislative and administrative terms and in terms of services and infrastructure enabling persons with disabilities to enjoy their full rights without discrimination in the same way as other citizens. However, the enjoyment of many rights remains subject to regulations and budgetary considerations and depends on the activities of certain committees — such as the Right to Transport Committee and the Right to Work Committee, which is developing mechanisms to ensure that every person with a disability does, in reality, have the right to work — on compliance with the decree on unemployment compensation, and on the support of the National Employment Office (provision of training and rehabilitation for persons with disabilities).

112. Lebanon participated in drafting the International Convention on the Rights of Persons with Disabilities adopted by the United Nations General Assembly in December 2006, and signed the Convention and the Protocol thereto on 14 June 2007. It undertook to accede to both instruments in the 2009 ministerial statement.

VII. Palestine refugees

113. Lebanon is committed at the national and humanitarian levels to the right of the Palestinian people to return to the occupied Palestinian territories and establish an independent state with Jerusalem as its capital. It is also committed to the right of the Palestinian people to self-determination by all means recognized by international conventions and by human rights.

114. The State bears its humanitarian, social and moral responsibilities in fulfilling its duties towards Palestinians residing in Lebanon. However, it is committed to rejecting settlement, as set out in the preamble to the Constitution, and emphasizes that it is the responsibility of the international community to secure the return of the Palestinian people to their land.

115. Since 2005, Lebanon has developed a new vision for dealing with Palestine refugees that is committed to respecting the sovereignty, independence and stability of Lebanon and to rejecting any form of settlement. Lebanon is committed to ensuring a decent life for Palestine refugees and to supporting their steadfast insistence on their right to return to their homeland, Palestine, with the cooperation of the international community. Moreover, it is committed to deepening its partnership with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The partnership with Lebanon is of crucial importance, as the Agency does more than serve humanitarian needs; its very existence is a political expression of our shared international responsibility for the refugee issue.

116. The current Government of National Unity emphasized this policy in paragraph 11 of its ministerial statement and undertook to continue to work to provide Palestinians residing in Lebanon with human and social rights, so winning the confidence of the Chamber of Deputies.

117. The Lebanese-Palestinian Dialogue Committee was created in 2005. The Committee is a working group comprising representatives of various ministries concerned with Palestine refugees in Lebanon and its main office is located in the Prime Minister's Office. It is mandated to hold talks with representatives of the Palestinian side, of the United Nations and of the States concerned, in order to tackle the economic, social, life and security issues associated with Lebanese-Palestinian relations and the Palestinian presence in Lebanon.

118. Since its establishment four years ago, the Committee has played a positive role in improving Lebanese-Palestinian relations and applying government policy towards Palestine refugees in Lebanon. Its various achievements include action on the issuance of identification cards for undocumented refugees, in cooperation with the Palestine Liberation Organization (PLO) representative office, UNRWA, civil society organizations and the Directorate General of Public Security in the Ministry of the Interior and Municipalities. The Government's camp improvement initiative was launched through the Committee in cooperation with UNRWA and PLO. The Committee has encouraged dialogue between Lebanese and Palestinian civil society on the one hand and with all political parties on the other hand, and has created a network of Palestinian and Lebanese non-governmental associations in Lebanon in order to promote communication and coordination between them.

119. Perhaps the most significant of these achievements is the Government's initiative in 2006 to improve the lives and living conditions of Palestine refugees in camps. A number of the most urgent projects that would tackle the needs of refugees in all camps and gatherings in Lebanon were identified by UNRWA, at the Government's request. The Government holds periodic meetings with donor State representatives in order to develop cooperation on funding projects under this initiative.

120. In September 2007, once the situation in Nahr al-Barid camp had been resolved through cooperation in support of the defence of both Lebanon and Palestine by the Lebanese army and security forces, the Lebanese Government called for a donor conference to be held in Beirut with the aim of reconstructing the camp; that conference was followed by the International Donor Conference held in Vienna on 23 June 2008, at which donor States pledged an initial amount to launch a workshop on reconstruction of the camp.

121. Reconstruction of the Nahr al-Barid camp, with UNRWA helping to provide resources and funding, continuation of the relief and recovery programme, and the support of our fellow Arabs and the international community are leading priorities for the Lebanese Government and the Lebanese-Palestinian Dialogue Committee. So too is working to secure qualitative change in the situation of Palestine refugees by discussing strategies that will encourage the international community to fulfil its obligations to better respond to the needs of Palestine refugees in Lebanon and in UNRWA's five areas of operation.

122. With regard to the economic rights of Palestine refugees, including the right to work, the Minister of Labour issued a decree in 2005 allowing Palestinians residing in Lebanon to practise many professions formerly restricted to Lebanese nationals. A committee composed of representatives of the Ministry of Foreign Affairs, the Ministry of Labour, UNRWA, ILO and international, Palestinian and Lebanese civil society was established to study Lebanese legislation governing the employment of Palestinians, ways of amending it, and projects that could help to increase employment opportunities under applicable laws.

123. The Parliamentary Committee on Administration is discussing the question of Palestinian rights. It is expected that three bills will be adopted, under the umbrella of a preliminary majority understanding on a joint paper granting Palestinian refugees the right to work and the associated rights.

VIII. Refugees

124. Lebanon hosts some 400,000 Palestine refugees on 10,452 square kilometres, which is a small area for its population. As it is not able to absorb more refugees under current economic and political circumstances, it can provide only temporary protection, pending resolution of their cases and resettlement in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR).

125. There are refugees of various nationalities in Lebanon, in particular Iraqi refugees. The Directorate General of Public Security signed a memorandum of understanding with the UNHCR Regional Office in 2003 defining a framework for cooperation between Lebanon and UNHCR. The aim of the memorandum is to limit the process of resettlement to a third country for refugees temporarily in Lebanon to nine months from the date on which they are granted temporary asylum. The limits of cooperation are drawn at settlement. Although the Lebanese Constitution affirms the human rights principles set out in international legislation, the preamble excludes the resettlement of refugees in Lebanon.

126. The Directorate General of Public Security applies international standards on refugees, the most important of which is the principle of non-refoulement whereby States may not forcibly return asylum-seekers to countries where their lives are at risk and may only expel them by decision of a competent authority. The Directorate General implements administrative and judicial measures to prevent torture under any circumstances whatsoever and is constructing a prison for foreigners. The Lebanese judiciary has issued a number of decisions refusing to deport refugees when doing so would have put their lives at risk.

127. With regard to the humane treatment of refugees, the Directorate General of Public Security cooperates with charitable associations that provide assistance in kind and medical assistance to detainees in detention centres.

128. The children of refugees have the right to attend Lebanese schools. The UNHCR Regional Office in Beirut covers the costs of their education and is responsible for providing food and health assistance to refugees and their families.

129. The Directorate General of Public Security signed an agreement with the International Centre for Migration Policy Development on 11 March 2002 to help the Government return illegal immigrants to their country of origin. The agreement also allows the International Organization for Migration to open an office in Lebanon.

Conclusion

130. Respect for human rights and fundamental freedoms is a strategic choice that Lebanon has made for compelling reasons, in order to avoid being cut off from the global mainstream. That choice has been affirmed by the inclusion of the principles underlying human rights and fundamental freedoms at the core of Lebanon's Constitution and legislation. The path of progress, growth and stability for Lebanon therefore lies in making a genuine commitment to protecting human rights and guaranteeing fundamental freedoms.

131. Although Lebanon entered an unstable phase in 2005, which delayed and adversely affected human development projects intended to enhance human rights protection, it has resolved to maintain the accomplishments already made in the field of human rights and to continue to improve through the adoption of best international human rights practices.

132. There is no doubt that Lebanon, like other countries, has to contend with various challenges and difficulties in order to promote human rights. The challenges that it is intent on tackling are the following:

- The creation of additional mechanisms to protect human rights, keep pace with national and international developments and bring laws and regulations up to date
- Efforts to regulate labour relations in a framework that safeguards dignity and rights and is consistent with international standards, in particular with regard to ancillary or domestic workers
- Efforts to deal with human trafficking offences by studying international best practice in this area, by developing and improving domestic legislation in conformity with international standards, by establishing institutions and agencies to deal with human trafficking offences and by strengthening cooperation with international organizations and bodies
- Improving the conditions of Palestine refugees in Lebanon, to the extent possible given the available resources, pending their return at the earliest opportunity to their homeland, Palestine

- The Lebanese Republic is keen to benefit from the discussion of its initial report before the Human Rights Council, adopting best practices with regard to the protection and promotion of human rights and building national capacities for the purpose
-