



الهيئة الوطنية لحقوق الانسان

المتضمنة لجنة الوقاية من التعذيب

National Human Rights Commission

including the committee for the prevention of torture

**The National
Human Rights Commission**
including the Committee for
the Prevention of Torture
LEBANON

**ANNUAL REPORT
2022**



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The annual report of the National Human Rights Commission including the Committee for the Prevention of Torture¹

Summary

The current report constitutes the annual report of the National Human Rights Commission that includes the Committee for the Prevention of Torture for the year 2022, pursuant to the provisions of Law No. 62 of October 27, 2016 (establishing the National Human Rights Commission, which includes the Committee for the Prevention of Torture) and its amendments², particularly article 15, paragraph D, which stipulates that each of the Commission and the Committee, within their respective competences, shall prepare a unified report, which includes their annual programs, their achievements, and the difficulties they faced, and that the Commission shall submit to the Presidency of the Republic, the Parliament, the Presidency of the Council of Ministers, and the President of the Higher Judicial Council such unified report, which shall be published in the Official Gazette, and it shall be up to the Parliament to discuss this report. The report is careful not to include any personal or detailed data that reveals the identity of the victims or witnesses without their consent. The Commission was established to protect and promote human rights in accordance with the standards contained in the Lebanese Constitution, the Universal Declaration of Human Rights, international conventions and treaties related to human rights, and Lebanese laws consistent with these standards, in addition to performing the special tasks specified in this law. In this regard, it may communicate independently with international and local bodies concerned with human rights.

This report concludes that there are reasonable reasons to believe that the decrees regulating the Commission, which were not approved by the successive Lebanese authorities since its formation in 2018, the amendments that affected its basic law through the Budget Law for the year 2020, and the repeated attempts by the Ministries of Finance and Justice, especially during the third government of Najib Mikati, which is the seventy-seventh Lebanese Government after independence and the fourth under former President Michel Aoun, aimed, intentionally or unintentionally, to harm its independence by proposing amendments to its internal and financial system, obstructing the approval of the contractors' and staffing system, and refusing to issue a decree allocating one of the abandoned and closed public buildings in its favor, which constitutes a flagrant violation of International Human Rights Law, binding international conventions and the Lebanese laws in force, and a violation of the Paris Principles that sponsor the establishment of independent National Human Rights Commissions, which reflects the authority's failure to respond to successive disasters, especially in terms of respecting human rights in Lebanon. Activating the role of the National Human Rights Commission, which includes the Committee for the Prevention of Torture, is more important than ever.

1. This report was submitted after the deadline to include the latest developments. The preparation of this draft report was graciously supported by the United Nations Development Program, and the project "ACT Lebanon - Advance Counter Terrorism for Lebanon Security" funded by the European Union and implemented by the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP) and CIVIPOL.

2. <https://nhrc.lb.org/publicity/23>

In the light of the available data, this report examines the reality of human rights in terms of mechanisms for monitoring, protecting, and promoting human rights in Lebanon, the disruption of the judiciary and its repercussions, the disruption of security and its repercussions, discrimination against the most vulnerable groups, and the collapse of economic, social and cultural systems.

The report concludes that the Lebanese authorities have failed to address economic and social rights, which have been affected by the economic and monetary crisis in the country, leaving the population without adequate access to health care, water, and other services. Impunity continued to protect perpetrators of torture and other crimes. Defamation laws have been used against critics of the authorities. Migrant workers, especially domestic workers, are still subject to abuse under the discriminatory sponsorship system. Women continue to face discrimination in law and practice. The authorities have intensified hate speech and deported Syrian refugees to Syria, despite the risks of flagrant human rights violations there. The authorities have banned annual activities set up by organizations advocating for people of diverse sexual orientations and gender identities.

The report also documents the activities carried out by the Commission and the Committee following the protests of October 17, 2019, and in response to the repercussions of the Beirut Port blast in August 2020 and to the outbreak of the Covid 19, and the activities carried out by the Commission within the framework of interaction with the ten bodies established under the treaties and the bodies established under the Charter of the United Nations, especially the Human Rights Council, the Special Procedures and the Universal Periodic Review, and with the international organizations and national, regional and international civil society organizations and official authorities, and the activities that were carried out by the Committee for the purpose of preventing torture.³

First:

Introduction

1. Lebanon acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by virtue of Law No. 12 of September 5, 2008. In the application of Article 17 of this law, the state committed itself to create an independent national mechanism to prevent torture through the establishment of the National Commission for Human Rights, including the Committee for the Prevention of Torture on the basis of Paris Principles, which sponsors the mechanisms for the establishment and work of national human rights institutions. The Law No. 62 was ratified on October 27, 2016 (establishing the National Human Rights Commission, which includes the Committee for the Prevention of Torture). The Commission was formed by Decree No. 3267 of June 19, 2018, and the Committee was formed by Decree No. 5147 of July 5, 2019.

³ The views and opinions expressed in this report are those of the National Human Rights Commission including the Committee for the Prevention of Torture and do not necessarily represent the views of the United Nations, including the United Nations Development Programme, or the Member States of the United Nations, nor do they represent the views of the European Union and its Member States.

2. According to the law of its establishment, the Commission's role is to "protect and promote human rights in Lebanon in accordance with the standards set forth in the Constitution, the Universal Declaration of Human Rights, international conventions and treaties relating to human rights, and Lebanese laws consistent with these standards." It is an independent body, and its members have several guarantees. According to the Global Alliance of National Human Rights Institutions (GANHRI) in accordance with the Paris Principles,⁴ among the responsibilities of the National Human Rights Commission is to prepare an annual report on the situation of human rights in the country, including its annual program, its achievements, and the difficulties it faced. The Commission shall submit the report to the Presidency of the Republic, the Presidency of the Parliament, the Presidency of the Council of Ministers, and the President of the High Judicial Council, and it shall be published in the Official Gazette. It is up to the Parliament to discuss this report. The report is keen on not including any personal or detailed data that disclose the victims' or witnesses' identity without their consent.

3. Monitoring the human rights situation within the country is a key responsibility for every National Human Rights Institution (NHRI). The aim is to document and provide remedies for human rights violations that have occurred and to promote the reform of laws, policies, and practices that prevent human rights violations from occurring. The Paris Principles state that NHRIs should prepare "reports on the national situation with regard to human rights in general, and on more specific matters." Through monitoring and reporting, NHRIs can bring to the government's attention situations in any part of the country where human rights are being violated and suggest initiatives to put an end to such situations and, when necessary, give an opinion on the government's positions and reactions. National human rights institutions carry out monitoring work through research and investigation. This often includes seeking information from State departments, civil society organizations, victims of human rights violations, media reports, and other sources.

4. A few months after the formation of the National Commission for Human Rights, including the Committee for the Prevention of Torture, Lebanon witnessed one of the largest popular protests, as demands emerged to stop economic and social violations, to activate state institutions and to hold accountable those responsible for the rampant corruption in the country. A week after the start of the protests, Lebanon witnessed one of its biggest economic crises, which led to the collapse of the state sectors one after another, along with the spread of the COVID-19 pandemic. Human rights violations have become a daily sight in light of the disruption of state institutions along with the collapse of state institutions as a result of the economic crisis and the largest security incident to occur in Lebanon as a result of the Beirut port explosion on August 4, 2020. More than 200 victims lost their lives and more than 7,000 were injured. The explosion almost completely destroyed the vicinity of the port and affected a large residential and commercial area.

4. <https://ganhri.org/monitoring-and-reporting-nhris>

5. The National Human Rights Commission, which includes the Committee for the Prevention of Torture, faced obstacles from successive Lebanese governments to prevent it from being activated and from carrying out its role. Events accelerated between the formation of the Commission and the drafting of this report, during which successive Lebanese authorities failed to respond to disasters, especially in terms of respect for human rights in Lebanon. The activation of the role of the National Human Rights Commission, which includes the Committee for the Prevention of Torture, and the various independent national institutions, has become more important than ever. These obstacles were represented in the failure to provide a permanent headquarters for the Commission using the vacant headquarters owned by the Lebanese state, despite the repeated reviews of the General Secretariat of the Council of Ministers since mid-2018, the date of appointment of the members of the Commission. The same applies to the rest of the independent national bodies established by laws, especially the National Anti-Corruption Commission established by Law 175/2020 on May 08, 2020 (combating corruption in the public sector and establishing the National Anti-Corruption Commission), and the National Commission for Missing and Forcibly Disappeared persons established by law 105/ 2018 of November 30, 2018 (The Missing and Forcibly Disappeared).

6. Corruption in Lebanon has become like an epidemic disease that spreads, expands, and makes a great impact everywhere and throughout the country. It has become a burden on public finances and opportunities for economic growth and undermines the ability of Lebanese to live a dignified life. In addition, corruption privileges the principle of appointment over the principle of competence in order to achieve the principle of equal opportunities in the field of work, at the level of all sectors. Lebanon scored twenty-eight points out of one hundred points on the Corruption Perceptions Index issued by Transparency International, which is worse than the regional average of thirty-four and a half for Arab countries, and the global average of forty-three points. Since 2011, efforts have been made to develop a national anti-corruption strategy that was eventually approved by the Council of Ministers in May 2020 for a period of five years (2020-2025). This strategy included seven axes, at the forefront of which was the formation of the National Anti-Corruption Authority and the strengthening of its role. Law No. 175 of May 8, 2020, was issued aimed at combating corruption in the public sector and establishing the National Anti-Corruption Authority. This was followed nearly two years later, on January 24, 2022, by the issuance of a decree appointing its members. Since the appointment of its members in February 2022, the Commission has been and still is struggling to achieve the following: (a) Allocating an official headquarters: It waited until the beginning of April 2022 for the Lebanese government to allocate the old offices of the Ministry of Culture for the National Commission's use. However, these offices lack the infrastructure and supplies, including electricity, internet, water, sanitation and technological equipment, which prevents the Commission from performing its tasks efficiently. (b) Organizational Decrees and Rules of Procedure: In accordance with the law establishing the Commission, the latter completed its organizational decrees and rules of procedure within the three-month period following its appointment. The relevant documents have been shared with the State Shura Council for approval. However, the latter requested to share with the Civil Service Council

for review, which is contrary to the law. Nevertheless, as of this date, the documents are still under review and have not been approved, leaving the Commission unable to appoint its own executive body. (c)The budget: According to the provisions of the law, a budget of ten billion Lebanese pounds is allocated to the Commission for the first operational year. However, approval was not obtained to transfer 6 billion Lebanese pounds to the National Commission until August 26, 2022, but as of today, only 2 billion Lebanese pounds have been transferred. It should be noted that with the depreciation of the Lebanese pound due to the financial collapse, the budget will not allow the Commission to speed up its operations and form its executive body.

7. During the civil war in 1975, nearly 17,000 people from various parties and backgrounds went missing throughout Lebanon, and the parties of the civil war were held responsible in one way or another for these disappearances. The concern about revealing their fate, tracking them down, discovering the places of detention, exhuming mass graves and finding the whereabouts of their remains continues to this day. This issue has several repercussions, whether for the social fabric of societies, for the ability to achieve reconciliation and move forward, or for the economic and social well-being of entire groups. In addition, it exacerbates the individual suffering of the involved parties and has a significant impact on those who continue to search for answers. More than three decades after the end of the Civil War, Parliament passed Law No. 105 related to missing persons and the forcibly disappeared in November 2018, which enshrined the right to know to the families of the missing and forcibly disappeared. The National Commission for Missing Persons and the forcibly disappeared was formed pursuant to Decree 6570 of July 3, 2020 and Decree 7633 of April 13, 2021. The National Commission is similar to the National Human Rights Commission and the National Anti-Corruption Commission. Despite the passage of two years since its formation, it is still awaiting the completion of the appointment of the commission's members by replacing the resigned members, and providing the necessary resources for its continuity, in addition to providing an independent official headquarters, and supporting it with specialized and efficient human staff.

8. Obstacles have persisted in not allocating a budget for the Commission from the date of its establishment until the issuance of Budget Law No. /10/ dated November 15, 2022. A budget of /7,696,450/ Lebanese pounds was allocated under a separate section and chapter.⁵ It has not yet been transferred to the Commission's account at the Banque du Liban.⁶ The Commission is active through individual voluntary initiatives of its members who, to date, have not received any salary since the date of their appointment. The Minister of Justice proposes monthly compensation to the members of the Commission, which is very low and does not equal the proposed daily compensation by comparison between the exchange rate of 1515 Lebanese pounds to one dollar, and the current exchange rate. The failure to activate the work of the Commission and the Committee was not limited to the allocations decree. The State Shura Council and the Ministries of Justice and Finance tried to revoke some of the

5. <https://nhrc.lb.org/publicity/20>

6. <https://nhrc.lb.org/publicity/17>

powers of the Commission in order to undermine the principle of its complete independence, which in the future will affect its accreditation and classification in the “A” category within the Global Coalition of Independent National Human Rights Institutions.

9. The Shura Council, through the Administrative Chamber headed by the President of the Council, proposes a reduction in the powers of the Commission, which are determined by law and internal regulations, especially the power to monitor violations of international humanitarian law, in contravention of the law of its establishment. The Minister of Justice pursued the same approach, objecting to the Commission’s role in monitoring violations of children’s rights and combating human trafficking, considering that these powers contradict the work of the judicial police, in a clear violation of the most basic rules and principles of human rights. The Ministry of Finance amended the formulas for tabulating the authority’s budget, so it placed it under the Prime Minister’s office within the general budget, as if the institution belongs to the guardianship of the Presidency of the government, and obstructed the allocation of a budget for the Commission and tried to introduce articles into the financial system of the Commission that give the Minister of Finance the right to exercise prior control in violation of the law, which would have deprived the Commission of its financial independence.

10. Unfortunately, the Lebanese state did not provide the Commission with the required capabilities to achieve the purpose for which it was established, as many ministries and departments acted contrary to all of this with the aim of obstructing its legal order. As a result, the members of the Commission are more concerned with providing a permanent headquarters, ratifying the Commission’s regulations, obtaining a budget, and maintaining its independence instead of conducting activities that would improve the situation of human rights in Lebanon.

11. So far, the Council of Ministers has not approved the financial and administrative regulations, the allocations decree, and the Commission’s personnel system decree. However, despite all the difficulties and obstacles, the Commission was able, with the individual effort of the members and the support of some donors, to make a qualitative leap in the field of human rights through organizing and participating in national, regional and international activities concerned with the protection and promotion of human rights. On the occasion of the International Human Rights Day for the year 2022, the Commission’s position was recorded under extremely complex circumstances, noting a sharp decline in Lebanon’s human rights record, especially the disruption of justice and the outcome of the investigations in the Beirut Port explosion crime file and other files. The security situation has decreased on all levels, and marginalization, exclusion and discrimination to which marginalized groups are exposed, hate speech and the forced deportation of Syrian refugees have increased.

12. As of the date of writing this report, the human rights situation in Lebanon is deteriorating, and the foundations of the state’s structure are gradually collapsing. The closure of its various facilities, especially the courts and financial and real estate departments,

continues and the Presidential and municipal elections are being postponed in violation of the Constitution, international human rights law, and relevant international conventions. The necessary legislative, executive and security reforms to strengthen the rule of law are far from being implemented. In this disastrous context, individuals and institutions implicated in allegations of torture and arbitrary detention remain unaccountable. The civic space continues to be restricted, while activists and journalists are pursued.

Secondly:

The Methodology

13. This report aims to present the situation of human rights in Lebanon from the date of the formation of the Commission until the end of the year 2022, taking into account the international and national legal framework for human rights. The report reviews local laws and international conventions and evaluates the status of basic rights that the National Human Rights Commission works to consecrate, either by urging the adoption of laws or implementation decrees or by monitoring violations with the aim of not repeating them. The report also reviews official documents, positions and statements issued by the executive and legislative authorities in general, as well as studies and/or publications and/or statements and/or circulars of the relevant ministries, judicial authorities, security agencies, national bodies, and civil society associations, with reference to the absence of quantitative data on some rights.

14. In this report, the term “Commission” will be used to refer to the National Human Rights Commission which includes the Committee for the Prevention of Torture, and the term “Committee” will be used to refer to the Committee for the Prevention of Torture.

15. Law No. 62/2016 defines the functions of the National Human Rights Commission as follows: The Commission works to protect and promote human rights in Lebanon in accordance with the standards set forth in the Lebanese Constitution, the Universal Declaration of Human Rights, international conventions and treaties related to human rights, and Lebanese laws that are consistent with these standards, and performs the special tasks specified in this law. In this regard, it may communicate independently with international and local bodies concerned with human rights. In particular, the Commission is entrusted with the following tasks:

- (a) Monitoring Lebanon’s compliance with human rights and international humanitarian law and preparing and publishing special or periodic reports on them.
- (b) Contributing independently to drafting reports that shall be submitted by the Lebanese state.
- (c) Expressing an opinion on everything on which the Commission is consulted by the competent authorities, or that it initiates with regard to respecting human rights standards. It may, on its own initiative, express its opinion on all legislation, decrees, decisions, projects and policies followed in this regard.

- (d) Receiving complaints and notifications related to human rights violations, and contributing to addressing them through negotiation and mediation, or through prosecution.
- (e) Contributing to spreading the culture of human rights and stimulating the implementation and development of human rights education programmes.

16. Law No. 62/2016 defines the tasks of the Committee for the Prevention of Torture as follows: The Committee for the Prevention of Torture works within the Commission to protect the rights of the detained and persons who are deprived of their freedom in accordance with the provisions of this law, and in accordance with Lebanon's obligations under the Optional Protocol to the Convention against torture and other cruel, inhuman and degrading treatment." The Committee, in the sense of the Optional Protocol to the Convention against Torture, assumes the functions of the national preventive mechanism, in order to protect the rights of those detained and deprived of their liberty, and it has an independent legal personality in everything related to torture and its prevention. The committee or whomever it delegates among its members and accompanying staff or contractors, have the absolute power to enter and visit all places of deprivation of liberty, their installations and facilities in Lebanon without any exception, with the aim of protecting the persons present therein from torture and other cruel, inhuman or degrading treatment or punishment and from arbitrary arrest and cooperation with and dialogue with the competent authorities., in order to activate and develop laws and regulations related to detainees and places of deprivation of liberty. The Committee or whomever it delegates among its members can:

- (a) Carry out periodic or unannounced visits at any time to places of deprivation of liberty without prior notice and without the need for permission from any administrative or judicial authority or any other party.
- (b) Conduct group or private interviews in private with persons deprived of their liberty, free from any censorship, and in the presence of a Translator if necessary.
- (c) Meet with any other person who may provide relevant information or assistance that the Committee deems necessary, and to exercise an unrestricted power to obtain information in a confidential manner as required by the work of the Committee. It does not publish any of the information without the consent of the owner or source of the information.
- (d) Receive complaints or interview requests from the aforementioned, or conduct medical examinations. Article 27/b of Law No. 62/2016 also authorizes the Committee for the Prevention of Torture to communicate directly with the United Nations Subcommittee on the Prevention of Torture and to provide it with information when necessary, and to meet with it periodically or whenever necessary.

17. Law 62/2016 establishes a broad and general mandate covering all geographical areas in Lebanon, all types of violations and abuses, no matter how serious they are, and all actors. The commission considered that its mandate comprises violations and abuses, including violations of international humanitarian law, encompassing continuous violations initiated prior to the law establishing it, such as enforced disappearance. It further considered that its mandate includes violations and abuses committed on Lebanese territory, including territorial waters, and actions that began outside the Lebanese borders but were completed within Lebanese territory.

18. Since its inception, the Commission has promoted factual evidence and legal analyses regarding the involvement of individuals and institutions, especially military, security, administrative and judicial, in the violations and abuses it documented. In this regard, the Commission figured out that crimes of systematic torture were committed against detainees in places of detention of the military and security agencies. These agencies have received technical, logistical and financial support from the European Union and its member states in order to protect and promote human rights in places of deprivation of liberty, but these resources have not been invested effectively and torture has remained widely practiced in prisons, police stations and other places of deprivation of liberty. The list of places of deprivation of liberty in Lebanon under the jurisdiction of the National Human Rights Commission, which includes the Committee for the Prevention of Torture, includes:

- (a) Places of deprivation of liberty under the authority of the General Directorate of Internal Security Forces - Ministry of Interior and Municipalities, provided that they are transferred to the Ministry of Justice in a timely manner (Council of Ministers Resolution No. 34 of July 3, 2012). This includes prisons, detention centres pending investigation, police stations, juvenile institutions, temporary detention centres at border crossings, airports and seaports, and investigation centres affiliated with the Information Division of the Internal Security Forces.
- (b) Places of deprivation of liberty under the jurisdiction of the General Directorate of the General Security - Ministry of Interior and Municipalities. It includes prisons, temporary detention places, refugees' detention centres, shelters for migrants and survivors of human trafficking, and temporary detention centres at land border crossings, airports, and ports.
- (c) Places of deprivation of liberty under the authority of the General Directorate of State Security of the Supreme Council of Defence. This includes temporary detention centres and interrogation centres.
- (d) Places of deprivation of liberty under the jurisdiction of the General Directorate of Customs of the Ministry of Finance. This includes temporary detention facilities at land border crossings, airports and seaports.

- (e) Places of deprivation of liberty under the authority of the Lebanese Army - Ministry of National Defence. It includes prisons and temporary detention centres, including military barracks, detention centres affiliated with the Military Police, and interrogation centres affiliated with Military Intelligence.
- (f) Places of deprivation and/or restriction of freedom that are under the authority of the security forces charged with the protection of the Parliament, consisting of Parliament Police, the Internal Security Forces, and a squadron of the Lebanese Army. This includes temporary detention centres and interrogation centres.
- (g) Places of deprivation and/or restriction of freedom under the authority of governmental and non-governmental organizations, under the supervision and/or under contract with the Ministry of Public Health. This includes hospitals, psychiatric clinics, quarantine places, centres for the elderly (including dementia patients), drug treatment centres, treatment centres for alcoholics and any other treatment centres that include deprivation or restriction of liberty.
- (h) Places of deprivation and/or restriction of freedom under the authority of governmental and non-governmental organizations, under the supervision and/or under contract with the Ministry of Social Affairs. These include orphanages and associations, boarding schools for persons with special needs, shelters for survivors of gender-based violence, shelters for survivors of human trafficking, shelters for members of the lesbian, gay, bisexual, transgender and intersex community, shelters for survivors of violence, centres and homes for the elderly.
- (i) Places of deprivation and/or restriction of freedom under the authority and/or supervision or management of diplomatic missions in Lebanon, including shelters for migrant domestic workers, shelters for survivors of gender-based violence, shelters for survivors of human trafficking, or any other shelter established by embassies and/or consulates for migrant domestic workers inside or outside the embassies' premises. Taking into account the restrictions on accessibility in light of the relevant provisions of international law, in particular those contained in the Vienna Convention on Diplomatic Relations, 1961 (Vienna on April 18, 1961) and the Vienna Convention on Consular Relations, 1963 (Vienna on April 24, 1963).
- (j) Places of deprivation and/or restriction of freedom under the authority of governmental and non-governmental organizations, under the supervision of the Ministry of Education and Higher Education. This includes orphanages, associations that look after them, and other types of boarding schools.

19. Monitoring and investigation of complaints by the Commission was based on three objective criteria: (First) the seriousness of the violations and their widespread or systematic nature, (Second) violations, abuses and crimes against vulnerable groups that are exposed

to multiple forms of abuse, (Third) violations and abuses that impede especially Lebanon's transition to the rule of law and ensuring that elections are held within the specified time limit or within a reasonable time limit in the event that the constitution or the law does not provide for a specific time limit.

20. In line with its established law, the Commission also investigated sexual and gender-based violence and violations and assaults against women. Particular attention was paid to the gender dimensions of the identified violations and abuses. Gender equality is a prerequisite of international human rights law, and NHRIs should be proactive in meeting this requirement in their work and in the way they do so. Gender mainstreaming is an important strategy for achieving gender equality. The National Commission for Human Rights defines gender mainstreaming as “the process of evaluating and activating the effects on women and men as a result of any planned work, activity, advice, policies, programs and budgets in the context of its work.” Therefore, a gender mainstreaming strategy involves identifying and addressing the experiences, issues and solutions for women and men in different ways. This has clear implications for the way the NHRC selects and then conducts investigations. The investigations aim to address the violation of human rights and eliminate injustice. Many NHRC investigations will have specific implications for the rights of women and girls.

21. Investigative and reporting activities were based on the agency's commitment to safeguarding the welfare and safety of the individuals and groups with whom it interacted, and the agency's personnel strictly adhered to the “do no harm” principle in all of their activities. The Commission did not conduct an interview with anyone without their consent, and sought consent from sources for their information to be used and shared in the Commission reports and with external stakeholders. The identities of the victims and witnesses were disclosed in this report with their knowledge and after obtaining secondary approval.

22. The Commission applied the criterion of “reasonable grounds to believe” in evidence when making factual and legal decisions about patterns, incidents, and situations. This criterion was considered to be met when obtaining a reliable set of preliminary information, confirmed by at least one other independent source, which would lead a reasonable and prudent person to believe that patterns, incidents, and situations have occurred. At least one source of reliable information and another independent and reliable source were relied upon to verify the incidents and individual cases mentioned in this report. The evidentiary standard was considered to be met for violations involving torture and cruel, inhuman or degrading treatment and the circumstances under which such violations occurred, when detailed, reliable and credible information from direct sources was available and corroborated by evidence demonstrating patterns of similar investigative incidents.

Third:

Key findings on violations and abuses of international human rights law and international humanitarian law

A. Disrupting the judiciary in Lebanon and its implications

23. One of the most important reasons for the disruption of the judiciary was seen in the fluctuating strike of judicial assistants and the reluctance of judges. Since the crisis began in October 2019, voices of the judiciary became very loud, denouncing the impact of this crisis on the living and working conditions of judges. Although the judges and judicial assistants resorted to reluctance during this period for a few days, the most recent reluctance, which began on August 17, 2022, lasted for more than five months, constituting the longest period during which reluctance has taken place in Justice Palaces, in addition to the unprecedented reluctance of the Public Prosecution judges.

24. Several statements were issued by the High Judicial Council, the State Shura Council, in addition to the Judges Association, dealing with the reasons for what they considered “forced suspension from work”, as the judges denounced the practical conditions in the Justice Palaces. These conditions included the availability of stationery or the accumulation of files, in addition to the problem of cleanliness due to the discontinuation of cleaning services in light of the inability to pay. As for the financial aspect, the judges expressed a loss of purchasing power in light of the deterioration of the national currency, like all Lebanese. The judges also basically denounced the continuous exposure of judges and the unjustified interference with the work of judges, from different entities. The judges attributed the disruption of the judiciary to the failure to pass the law on the independence of the judiciary to this day, and the failure to approve the guarantees that enshrine such independence. On the other hand, the judicial assistants demanded correction of their wages and an increase in transportation allowances, just like judges, in addition to improving the social benefits that they lack as a result of not receiving them in hospitals or conducting examinations in laboratories at the expense of the State Employees’ Cooperative, in addition to the absence of school aids.

The demand for improving Justice Palaces was a common demand among all stakeholders, including judges and judicial assistants, as well as lawyers. Between the strike and retreat or stopping work due to the inability to perform tasks, the trials were almost completely disrupted, negatively affecting detainees in pre-trial detention, which reached 79%, according to the Minister of Interior.⁷ This proportion of detainees raises serious concern given the overcrowding in prisons, and the health and economic crises that the country suffers from. This has stemmed from the failure to implement the Law No. 138/2019, replacing some penalties with social work penalties.

7. <https://cutt.ly/56bs8Gf>

25. With the retreat of some judges of the Public Prosecution Office, which represents the public interest, the holder of the right is now unable to file a complaint. In addition, the judicial police expressed their concern about their inability to open records in the absence of permission from the Public Prosecution, which paralyzes the principle of accountability and paves the way for security chaos. In addition, the lack of capacity to file judicial complaints or to obstruct proceedings also raises concerns about the aggrieved party resorting to informal methods of justice, including the use of political and religious references for conflict resolution.

26. The judiciary suffers from a lack of competence among judicial formations, considering the key role played by the executive authority in this field. Additionally, there is the absence of any comprehensive mechanism for evaluating the performance of judges and courts in Lebanon, with the failure of the judicial inspection to play an effective role at this level. The last judicial formations were approved in 2017, and the new formations decree has been fluctuating between the judiciary and executive powers since 2019.

Obstacles to the adoption of laws on the independence of the judiciary

27. The Lebanese Parliament, and in particular the Administration and Justice Committee, is studying two draft laws on the independence of the judiciary. The first relates to the independence of the judicial justice, while the second relates to the independence of the administrative judiciary. This development constitutes the first step towards reforming the judiciary in Lebanon and strengthening its independence. The importance of these two laws, if approved in accordance with international standards, is ensuring the independence of the institutional and individual judiciary. The judiciary calls for increasing the judge's guarantees in order to make decisive and bold decisions free from any political and sectarian interference.

28. A coalition of civil society organizations proposed a law on the independence of the judicial justice. The law was presented to Parliament in September 2018 and amended in several stages. It was completed by the Administration and Justice Committee on December 21, 2021, to be presented to the General Assembly of the Parliament on February 21, 2022 for voting. However, the Minister of Justice requested a time limit in order to express his opinion on the draft law before voting on it, and was then given a month to complete it. However, the Minister wrote to the European Committee for Democracy Through Law, known as the Venice Committee, in March 2022, to obtain its legal opinion on the project. Indeed, the committee issued its observations in June 2022, refuting the main points that guarantee the independence of the judiciary in light of international standards. However, the minister did not submit his observations to parliament before November 2022—that is, after nine months. The Minister of Justice's remarks overlook those of the Venice Commission, in a retraction of the previous commitments he had announced.

29. Subcommittee emanating from the Administration and Justice Committee, in charge of examining legislative proposals on the independence of the administrative judiciary. The

first one was prepared by civil society organizations and submitted to Parliament in March 2021. As for the second, it was drafted by the President of the State Shura Council, Judge Fadi Elias, and submitted to Parliament in July 2021. Although the Subcommittee is examining the two proposals in parallel, the study is proceeding very slowly. It would have been more useful to have the two laws drafted on the independence of the administrative and judicial justice in parallel, given the common denominators between these two branches of the judiciary. Despite the United Nations agencies and a number of donor countries periodically urging Lebanon to adopt the law on the independence of the judiciary, especially considering the judiciary's unprecedented circumstances, the process of adopting these two laws is slow and subject to political distractions, with a refusal to make it public and inclusive.

30. The Commission considers that the Minister of Justice may not issue circulars to the judges. The High Judicial Council is not considered an executive tool for this purpose, in accordance with the principle of separation of powers and the independence of the judiciary. No constitutional authority may overshadow the work of another authority. The text of Article 44 of the Judicial Justice Law clearly states that judges are independent and cannot be transferred or separated from the judiciary, except in accordance with the provisions of the law. There is no direct or indirect presiding judge to submit to or execute his or her instructions or orders, and there is no leadership in the judiciary, either legally or factually. The Commission considers the circulars of the Minister of Justice, the first one being on preventing judges from appearing publicly on any media, electronic or other platform without obtaining prior permission from the competent authority. They are also prevented from traveling or communicating with an association or participating in any seminar inside or outside of Lebanon without prior permission. The circular targets the independence of the judiciary and the fundamentals of judicial work, and it supports the position of the Judges Association as a non-existent rule.

Beirut port explosion file

31. In July 2021, the National Human Rights Commission issued the first Lebanese official report on the Beirut port explosion, under the title: "Monitoring human rights violations in response to the Beirut port explosion." Since the issuance of this report, no progress has been made on the file, due to the obstruction of the judicial investigator on December 23 of that year, which raises deep concern in terms of achieving justice and activating the principle of accountability. The main source of concern lies in the referral of the case to the Judicial Council due to the nature of the crime, which is an exceptional court in which the principle of litigation on two levels is absent, as Article 366 of the Code of Criminal Procedure stipulates that the rulings of the Judicial Council do not accept any of the ordinary and extraordinary methods of review, with the exception of objection and retrial, with emphasis that the Judicial Council is the competent authority to consider the request for a retrial of the rulings issued by it. Thus, the absence of the principle of litigation on two levels fundamentally contradicts the principle of a fair trial.

32. The biggest dilemma in this file was the evasion of the principle of accountability, by clashing with political and judicial immunities, and permissions related to administrative prosecution. Hence, this file has become hostage to the different interpretations of the legal articles that grant immunities to deputies, ministers, and officials of the security agencies. The investigative judge has become unable to prosecute some suspects after refusing to comply before him, invoking immunities. Although some deputies proposed an expedited law to lift all immunities, this law has not been studied. The investigative judge has also become a victim of a huge amount of abuse in the use of the right through the response requests that were submitted against him, which suspended the investigation by the rule of law. In this context, some deputies presented a proposal of an expedited law to amend the legal articles that suspend the investigation, which was not studied.

33. In the midst of these tensions, the investigative judge in the Beirut port explosion, Judge Tarek Bitar, at the beginning of the year 2023, suddenly resumed the investigations on the port explosion after being suspended for more than a year, due to the submission of response requests against him. The Public Prosecutor at the Court of Cassation in Lebanon, Judge Ghassan Oueidat, responded to the decisions of Judge Bitar by “rejecting these decisions altogether and in detail, since Bitar is having his hands tied from the file” and released the detainees without any legal justification. Despite repeated appeals from the local and international community to reopen the investigation file, obstruction has become the main weapon in the face of the investigation, prompting a number of victims’ families, human rights organizations and political parties to call for an international investigation through the establishment of an independent international fact-finding committee.

The reality of the two Bar Associations in Lebanon

34. The Bar Associations in Beirut and Tripoli play a key role during crises, especially the crisis of the judiciary. The two Bar Associations were mainly involved in lobbying to pass the Law on the promotion of Basic Guarantees and activation of Defence Rights, i.e. Law No. 191/2020 in the Parliament, and the Beirut Bar Association had a pioneering role in dealing with the Beirut Port explosion file, through the Prosecution Office. It also insisted on providing volunteer lawyers by forming a committee to protect the right of defence, in application of Article 47 of the Code of Criminal Procedure, with available resources in light of the economic crisis.

35. During the past years, voices within the two Bar Associations became louder against what was considered arbitrary by judges in exercising their right. On May 28, 2021, the Beirut Bar Association called for a strike, with the aim of preserving the dignity of lawyers in light of the assault against one of them. The strike was extended to four months and was to be suspended on September 23, 2021. The strike was also used to apply pressure to improve the reality of Justice Palaces and to approve the law on the independence of the judiciary, which is pending in the Parliament. Law on the independence of the judiciary is pending in the committees of the House of Representatives. However, this strike generated negative

reactions among the lawyers, whose voices became louder as a result of the suspension of cases and files. The strike affected the lawyers' ability to secure a living, as they do not receive a monthly salary, but are paid based on the file and the case, given the nature of the lawyer's professional career and their ability to afford sufficient income to keep his/her office open. The strike was also translated into stopping the hearings of a large number of detainees and prisoners at a time when the Lebanese prisons were overcrowded with detainees and prisoners against whom judicial rulings have been issued.

36. The law on suspension of legal and judicial deadlines, Law No. 237/2021 and the general closure imposed in light of the COVID 19 pandemic, in addition to the longest strike of judicial assistants and judges in the history of Lebanon, constituted a major obstacle for lawyers in Lebanon to proceed with their work. This has been reflected through the repeated statements of the two Bar Associations requesting to end the strikes and retreats despite the intersection of their demands with those of the judicial assistants and judges. Lawyers also denounced, several times, the restrictions imposed on them in their work, which increased pressure in terms of playing their role in providing defence rights and safeguarding rights, particularly human rights and law enforcement.

37. The exacerbation of the economic crisis has increased obstacles to the legal profession, in conjunction with strikes by public officials, especially financial and real estate employees, which has paralyzed judicial files. Even when administrative employees resume to work on a given day of the week, lawyers are surprised by the number of stakeholders who are waiting for their turn, running ahead of time without being able to complete their transactions, which incurs unbearable transportation expenses, especially for the trainees. From here, it becomes evident that this crisis has dire repercussions on individual rights, in light of the paralysis of state administrations and confusion in the Justice Palaces. The economic crisis also weighs heavily on the sacred right of defence and the inability of lawyers, at times, to meet and consult with their clients, in light of the inability to move freely.

38. In a disturbing scene, on March 3, 2023, the Council of the Beirut Bar Association issued a decision to amend the code of ethics for lawyers. The amendments to Chapter VI (the relationship between the lawyer and the media), specifically Articles 39, 40, 41 and 42, which regulate media appearances for lawyers and answer legal questions of a judicial nature, among other regulations. According to Article 39, the amendment⁸ forbids lawyers from discussing even major issues of concern to society without prior permission from the President of the Bar Association. Also in accordance with Article 41⁹, lawyers are obligated to obtain prior

8. Article 39 after the amendment: The lawyer must refrain from using any means of media, advertising and communications, visual, audio and text, including social media, websites, pages and electronic networks of all kinds, as a platform for speech, research or discussion on pending cases before the judiciary, entrusted to him or to other lawyers, he is committed to pleading and defending before judicial references with jurisdiction, while preserving the right of reply to the legally enshrined lawyer after obtaining the approval of the President. The major issues of community concern are excluded from this, after obtaining the approval of the President.

9. The first paragraph of Article 41 after the amendment: The lawyer must obtain prior permission from the President of the Bar, by any means available, to obtain prior permission to participate in a seminar or interview of a general legal nature organized by one of the media outlets, social networking, websites or electronic groups, provided that he specifies in his request its time, subject, and the name of the medium.

permission from the Bar Association President, by any available means, to participate in a seminar or interview of a general legal nature organized through the media, social media, websites or groups, provided that they specify in their request the time, subject, and name of the method “in a language somewhat similar to a notice of recognition that is submitted to the Ministry of the Interior to obtain permission to demonstrate.” Lawyer Nizar Saghieh was summoned by the Bar Council and other lawyers for interrogation only in the context of restricting freedoms, especially after Saghieh ratcheted up criticism on this amendment, considering it an infringement of a natural right, which is the right to expression. Saghieh also criticized the amendment as an attempt to restrict a group of activist lawyers who disturb the political authority and the whole system, especially since he appealed against this amendment before the Beirut Civil Court of Appeal.

39. The Commission considers that the amendments approved by the Beirut Bar Association constitute a clear violation of the Lebanese constitution and international human rights law and affect a specific group that the United Nations wanted to protect by appointing a special rapporteur to monitor their freedom of action of those entrusted with achieving justice, contributing to legal awareness of citizens and disclosing corruption files. These amendments constitute a clear violation of freedom of expression and affect the image of the Association, which should be the first defender of human rights. It is surprising that the Council of the Beirut Bar Association has made a decision that contradicts the Constitution and human rights. Preserving the image of the Beirut Bar Association as a human rights defender, the Commission recommends that the Bar Council revoke these amendments. It also recommends that the Bar Council desist from disciplinary action against lawyer Nizar Saghieh and any other lawyer over the right to expression. The Commission also regrets the issuance of the Decision of the Beirut Civil Court of Appeal, Chamber Eleven, which examines the appeal of Association cases, and related to the appeal against the Beirut Bar Association’s decision to amend the legal code of ethics for lawyers, which contradicts international human rights law in terms of freedom of opinion and expression.

Activating defence rights during preliminary criminal investigations

40. The adoption of Law 191/2020, aimed at strengthening basic guarantees and activating the rights of defence, according to which several articles of the Code of Criminal Procedure were amended, represented by Articles /32/, /41/, /47/ and /49/, was a step in the right direction to ensure protection and promotion of human rights in Lebanon. The new form of amendment of Article /47/ which allows the assistance of a lawyer during the investigations of the judicial police, came as a result of the recommendation issued by the Committee against Torture in the United Nations after discussing Lebanon’s report on April 20 and 21, 2017, when the committee asked the Lebanese state to take prompt action to guarantee the rights contained in the recommendations.

41. Since the presence of the lawyer during the investigations was of great importance in respect of Article /14/ of the International Covenant on Civil and Political Rights, which has constitutional force in Lebanon according to Paragraph (b) of the introduction to the Lebanese Constitution. Paragraph (b) protects the principle of the sacred right of defence, in addition to the transparency of investigations with a view to preventing torture and the crime of enforced disappearance, or forced confession. The new law has created a mechanism to assign a lawyer through the Beirut and Tripoli syndicates for those who are unable to obtain a power of attorney. Of course, this law met objections that turned into obstacles, which led to its non-implementation. Since the draft law was discussed in the parliamentary committees, reservations about it were conveyed by referring to sensitive and thorny files related to “public security” in general, i.e. what affects state security. The law also encountered objections by each of the judges, especially the Public Prosecution judges, and the judicial police, especially with regard to the penalties that may impose its provisions. The judges eventually signed a petition and submitted it to the President of the Republic with the aim of amending the law.

42. The current reality of all security centres, both operational and practical, has become a major obstacle that could prevent the implementation of the part related to the documentation of the interrogation process. The new text requires the recording of preliminary investigations with audio and video in the absence of the necessary technical equipment, creating the problem of lack of privacy between the lawyer and the interrogated. In the absence of buffer rooms designated for confidential interviews, the suspect/plaintiff overhears all private conversations which obstruct’s the lawyer as well as the interrogated to digress.

The destiny of Allegations under the Anti-Torture Act

43. At the conclusion of the SPT delegation’s visit to Lebanon (from 3 to 10 May 2022), the head of the mission regretted the failure to implement most of the recommendations issued by the Committee after the first visit to Lebanon in twelve years, and the failure to improve the situation of persons deprived of their liberty.¹⁰

44. As a result of the escalation of violence during the demonstrations, on December 18, 2019, the Committee of Lawyers for the Defence of Demonstrators filed, according to a mandate issued by the Beirut Bar Association, fifteen complaints before the Public Prosecution at the Court of Cassation against seventeen plaintiffs for the crime of torture based on the law 65/2017, the crime of enforced disappearance based on Law 105/2018, and the crime of violating the civil rights of demonstrators stipulated in Article 329 of the Penal Code. The Public Prosecution at the Court of Cassation referred the complaints to the Military Public Prosecution, considering it to have jurisdiction, which in turn referred these complaints to the security and military agencies suspected of committing acts of torture. Subsequently, the Lawyers Committee to the Public Prosecutor’s Office submitted a memorandum requesting that the government commissioner at the Military Court be compelled to refrain from referring

10. <https://www.ohchr.org/press-releases/2022/05/lebanon-little-progress-torture-prevention-un-experts-find>

the aforementioned torture complaints to the security agencies for violating Article /24 bis/ of the Criminal Code of Procedure added under No. 65/2017 on special procedures of inquiry and investigation. It also called on the Public Prosecution Office at the Court of Cassation to reverse its decision that aims at referring the above-mentioned complaints to the exceptional military judiciary, and to refer them to the ordinary investigating judge through the competent Public Prosecution at the Court of Appeal, in accordance with the law on the Punishment of Torture No. 65/2017.

Trial of civilians before the Military Court

45. Despite the exceptional nature of the military judiciary in Lebanon, civilians are still being tried before the military court. Although the International Covenant on Civil and Political Rights does not prohibit the trial of civilians before military or special courts, it does stipulate that these trials fulfil the requirements of Article 14, which enshrines the right to equality before courts and tribunals in a fair trial, and that the military or special nature of the court in question does not lead to limit or modify the warranties it guarantees¹¹.

46. Repeated recourse to the military court was observed through the prosecution of male and female demonstrators before the military justice following the confrontations with the security forces and the Army after October of 2019. In addition, complaints of torture under Law No. 65/2017 are referred to the government commissioner at the military court instead of an ordinary investigative judge, while the reasons for proposing the law vest the power to prosecute, investigate and try the ordinary, not the exceptional, judicial judiciary, to the exclusion of other exceptional criminal courts.

47. The referral of a number of male and female activists to the military court raised several questions about the misuse of the power to try civilians to intimidate them, which calls for stopping and considering the jurisdiction of this exceptional court and stressing the importance of amending laws aimed at strengthening the court's powers, especially the trial of civilians by limiting the jurisdiction to civil courts according to the law.

48. Lebanon recorded a shocking decline in the "World Press Freedom Index", which is issued by Reporters Without Borders, after it ranked 130 out of 180 countries in 2022.¹²

Violations that affect the right to assembly, association, expression and freedom of belief

49. The Commission continued to investigate violations of the rights to expression, assembly, association, and freedom of belief in Lebanon. The Commission's reports and statements stressed that the Lebanese authorities, especially the agencies under the tutelage of the Ministry of Interior and Municipalities, restrict the right to assembly, association, expression, and freedom of belief. They do this to satisfy religious leaders and associations,

11. https://digitallibrary.un.org/record/606075/files/CCPR_C_GC_32-EN.pdf?ln=en

12. <https://rsf.org/en/index>

to consolidate values and standards that serve the consolidation of the sectarian system, and to punish criticism of the authorities and their leaders.

50. The recent years in Lebanon, especially after the incidents of October 2019 and the demonstrations that accompanied them, witnessed restrictions on freedom of opinion and expression, whether in the virtual world or in visual, audio and written media. Journalists and activists were the most gravely affected, as some were subjected to attacks by official and unofficial bodies to and summons before the security agencies and the prosecution. It has escalated to the point that journalists and activists are being summoned to appear before the military court.

51. Security forces used live ammunition in the city of Tripoli, following clashes due to the economic collapse, and arrested dozens of people, who were later referred to the military court. In a remarkable phenomenon, summonses to appear before the security agencies have been exacerbated by posts on social media, as individuals resort to social media to express their opinions and correct their criticisms, especially during the period of forced closure due to the Coronavirus pandemic.

52. The commission concluded that a number of people were subjected to torture, arbitrary detention, and enforced disappearance, after expressing their views on women's rights, gender equality, and sexual and gender diversity. Attacks against certain groups, including human rights defenders, activists, journalists and civil society associations, contributed to creating an atmosphere of fear that prompted people to practice self-censorship. On October 4, 2021, the General Directorate of General Security summoned the theatre director Awad Awad for interrogation regarding the performance of an improvisational play titled "Tanfesa," accusing him of criticizing the President of the Republic, and of not obtaining the approval of the General Security Censorship Office to present the play as required by Lebanese law. He was later released. Following calls from religious groups to reject "promoting homosexuality," the Ministry of Interior banned peaceful gatherings of LGBTQIA+ people, although the State Shura Council stopped implementation of this decision.

53. Defamation laws continued to allow the security and military agencies to restrict critical opinions of the authorities, with at least three summonses and investigations taking place in 2022. On June 24, the military court convicted comedian Shaden Fakhri of "harming the reputation of the Internal Security Forces and insulting its members," and fined her. The Cybercrime Bureau first interrogated her in May 2021 following a complaint by the General Directorate of the Internal Security Forces about a sarcastic phone call she made to the Security Forces hotline during the COVID-19 lockdown, in which she requested that sanitary pads be sent to her home.

54. The Publications Law of September 14, 1962, as amended by Legislative Decree No. 104 of June 30, 1977, and also amended by Law No. 330/1994, contradicts media freedom, restricts journalists, and does not provide the minimum requirements for a fair trial. As the

Publications Court is an extraordinary court, litigation takes place on two levels. The public prosecution is trying not to apply the Publications Law and refer the file to the Office of Combating Information Crimes or to other security agencies such as State Security, where journalists can be arrested and pressured to remove the publication and sign a pledge. This is in clear violation of Articles 29 and 30 of the Publications Law, which states that if the publication case requires an investigation, “the investigating judge shall carry it out.” The Commission noted the existence of systematic measures to suppress freedoms by summoning journalists, starting with Judge Ghassan Oueidat’s claim against journalist Jean Kassir and referring his file to the State Security for interrogation in violation of the law in order to intimidate him in light of this agency’s poor reputation as a result of its repeated human rights violations. The journalist, Lara Al-Bitar, was summoned before the Cybercrime and Intellectual Property Bureau, on a claim filed by the Lebanese Forces over an article published by the Public Source website. Solidarity campaigns resulted in Kassir not appearing before the State Security Apparatus and Bitar not appearing before the Cybercrime Bureau.

55. On August 2, 2019, the Commission held a press conference at the “Legal Agenda” headquarters in Badaro entitled “Human Rights, Combating Intolerance and Hatred, what happens after the cancelation of Mashrou’ Leila Celebration?”, with the participation of artist Marcel Khalife and /11/ human rights, political and cultural organizations that submitted a report to the Acting Public Prosecutor, Imad Qablan, regarding the attacks against the “Mashrou’ Leila” band.¹³

56. Decisions were made by dozens of municipalities imposing curfew on Syrian refugees from the evening until the morning under the pretext of limiting the period of movement of Arab and foreign nationals. These procedures are inconsistent with Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, especially to the extent that these actions fall under the classification of “racial discrimination” and are intended to discriminate, exclude, restrict or desegregate on the basis of the race, colour, descent or national or ethnic origin as well as aim to or entail impeding or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life on an equal footing. The commission called on the local authorities to retract any decisions such as forced displacement or curfews for refugees based on racisms.

The Commission noted that the Lebanese authorities did not take serious measures to prohibit and punish racial hate speech or incitement to racial hatred or discrimination, particularly against refugees, displaced persons, asylum seekers and stateless persons. The Commission mentioned that it was mandatory to prohibit “Forced Return” and not to violate Lebanon’s obligations as a party to the “Convention against Torture” and customary international law, which obliged it not to return or extradite individuals at risk of torture and persecution to their countries of origin.

13. https://www.youtube.com/watch?v=84aldg6c8_c

57. On December 15, 2021, Lebanese Interior Minister Bassam Mawlawi called on the General Directorate of General Security to deport non-Lebanese members of the Bahraini opposition Al-Wefaq group, after protest from Manama sparked by a conference they held in Beirut. The government's threat to forcibly deport opponents from Al Wefaq to the Kingdom of Bahrain constitutes a gross violation of the principle of the prohibition of "forced return".

B. Disruption of Lebanon security and its repercussions

The reality of the Lebanese prisons

58. The worsening of the living crisis continues and the number of detained people in prisons and police stations has increased, making it difficult to secure basic services, especially health care and treatment, nutrition and hygiene. This heralds a catastrophe in light of the crisis represented by the non-payment of financial dues to the food caterers and the problem of electricity generators and the fuel they consume, in addition to the periodic maintenance of buildings, equipment and vehicles for transporting prisoners.

59. The number of prisoners and detainees exceeds the capacity of the prisons by three times, in light of the spread of diseases and epidemics, especially COVID-19 and cholera. In the past two years, it has become evident that epidemics spread quickly among prisoners and detainees, because of the difficulty of isolating them from the rest. The voices of individuals with chronic diseases became louder because of the difficulty in affording medical treatment or means of transportation.

60. Several cases of death as a result of medical negligence in prisons have been documented. In addition, with the worsening of the economic crisis, the problem of food supply has recently emerged with companies threatening to stop their services in the event of non-payment of bills, with shifting responsibilities between the Ministry of Interior and the Ministry of Justice to address the prison conditions. The increasing number of deaths in places of deprivation of liberty in Lebanon reflects the harsh conditions experienced by inmates with the absence of basic necessities for living, the deterioration of prison conditions linked to the economic crisis, and the rise in suicides. The year 2022 recorded the death of more than 20 inmates, with the spread of diseases, the absence of primary health care, and the rejection of hospitals contracting with the prisons to receive sick prisoners and those suffering from life-threatening emergencies.

61. The executive and judicial authorities, especially the Ministry of Justice, the High Judicial Council and the Public Prosecution Office, overlook implementing steps that can reduce overcrowding in prisons and detention centres, including (1) issuing a circular to criminal judges on the importance of activating and applying the provisions of Article 108 and Articles 111, 113 and 138 of the Code of Criminal Procedure and circulating to the indictment bodies that the Public Prosecution must be notified of any file that has passed more than 24 hours with the Commission without appealing the decision to release the detainee. Noting that

the General Directorate of the Internal Security Forces carried out a list of prisoners to whom the text of Article 108 applies, and sent it to the Ministry of Justice to facilitate and speed up its implementation. (2) Issuing a circular to the Public Prosecution Office, (3) activating and applying the text of Article 107 of the Code of Criminal Procedure, which stipulates that at the expiry of twenty-four hours, the head of the jails shall bring the defendant to the Public Prosecutor, who requests the investigating judge to interrogate him. If he refuses or is absent, or in case a legal impediment prevented him from being interrogated, the Public Prosecutor shall ask the First Investigating Judge to interrogate him or to assign another investigative judge to do so. If it is not possible to interrogate him, the Public Prosecutor orders his immediate release. If the detention continues for more than twenty-four hours without his appearance before the Public Prosecutor, then such detention shall be considered an arbitrary act, and the employee responsible for him shall be prosecuted for the crime of deprivation of personal freedom. (4) Activating the penalty reduction committees, and urging the courts to respond to the reduction committees' requests by providing true copies of the rulings without delay, to take action on the pending reduction file before the committees. (5) Circulating to the registry offices of the criminal judges the necessity of facilitating the submission of release requests by the detainee, his relatives or his legal representative, without invoking any reason that would impede the submission of the aforementioned request. (6) Expediting the issuance of the detainees' indictment on the indictment authorities in the central Justice Palaces, in case the request for release was rejected. (7) Establishing a judicial emergency plan, under the supervision of the first President of each court, to decide on the detainees' files that constitute 82% of individuals in pre-trial detention. In light of the difficult conditions, it is necessary to: Reactivate the court of Roumieh for all the criminal courts chambers in Mont Lebanon and Beirut; Reactivate remote trials for detainees in criminal courts in Zahle, Tripoli, Sidon, and Nabatiyeh in order to avoid delays in trials for several reasons, the most important of which are the breakdown of prisoner transportation mechanisms, the lack of fuel, the non-arrival of telegrams, and other reasons; Activate legal aid, especially for detainees in offences characterized as felonies.

62. The issue of torture of detainees arises in places of detention and during the interrogation process, which sometimes leads to death. Hence the importance of activating the principle of accountability, especially of the security agencies, in view of Lebanon's ratification of the Convention against Torture and the adoption of Law No. 65 of 2017 on the punishment of torture and other cruel, inhuman or degrading treatment or punishment.

The reality of the security agencies centres

63. Before the collapse of the national currency in 2019, the security agencies were suffering from several problems that persist to this day, including a shortage of personnel and resources, to the extent that the Internal Security Forces were assigned with tasks beyond their competence, such as judicial notifications, building violations, and prison management, in addition to the absence of an update on law No. 17/90 on the organization of the Internal Security Forces.

64. Since 2019, the centres of the security agencies have lacked the required standards for any public utility. As the resources problem worsened, it became almost impossible to purchase or maintain equipment due to its high cost and the limited resources of the state in foreign currency. Moreover, the electricity and water crisis also affected all the security agencies without exception, which directly affected the productivity of their work, and reflected on the working conditions of their personnel. Further, the gasoline crisis has not only affected the presence of the required number of personnel in the centres but has also become a barrier preventing the security units from carrying out their tasks in maintaining security and assisting the judiciary.

65. An increase in the number of dismissal requests by the security personnel was noticed, some of which did not receive answers. Others did not wait before they “evaded” service, which led to their referral to the Military Court. However, complacency was noted in dealing with them because the senior leadership understands the economic and social difficulties from which the personnel suffer.

66. Although some of them have stopped working, the largest number of members and officers still come to their duty stations periodically and seek to carry out their missions. Some of them have found additional jobs in the private sector, given their leadership’s consideration regarding the difficult circumstances and the leniency with regard to their shifts. A number of active service personnel now work in restaurants, hotels and commercial companies, and some of them perform private security services or work as taxi drivers or private escorts for tourist groups in addition to their other jobs.

67. During the year 2019, the Council of Ministers issued a circular¹⁴ to stop employment and new contracts in public administrations and institutions, including the security and military corps and municipalities. So far, the security and military corps suffer from many gaps due to the lack of volunteering that began in 2015. In addition, many took a break from service under a permit, or through retirement, or even escaped in view of the economic crisis and the decrease in the value of salaries.

68. Some municipalities, for example, have resorted to solving this problem through agency employment. However, the problem of stopping employment affecting the public sector and the security and military corps remains, which results in failure to perform the required tasks and respond to serving people and providing protection as well as maintaining security.

Violence by security forces and the Army

69. Since October 17, 2019, demonstrations have taken place in Lebanon, in which demonstrators have protested the high cost of living, the high unemployment rate, the poor public sector services, and the rampant corruption in all sectors. During the months in which the movements took place, especially between the end of the year 2019 and the beginning of the year 2020, the squares witnessed frequent confrontations between the security forces, the

14. <http://www.pcm.gov.lb/arabic/subpg.aspx?pageid=13286>

Lebanese Army, the parliament police, and the demonstrators. During these confrontations, excessive force was used to control the protests by directing rubber bullets at the chest level and using huge amounts of tear gas. After the movement resumed following the Beirut port explosion on August 4, 2020, some reports noted the use of live ammunition and the lack of respect for the principle of proportionality by the security forces while confronting the unarmed demonstrators, which caused serious injuries among them.

70. Amnesty International's report entitled "My Eyes Exploded"¹⁵ notes that the period from October 2019 to 2020 witnessed the unlawful use of force by Lebanese security forces. Amnesty International has documented the repeated targeting of peaceful protesters with rubber bullets, including police officers firing rubber bullets indiscriminately into crowds at chest level and sometimes at close range, indicating that they were shooting with the aim of harm. Many of the protesters suffered injuries in the upper body: in the eyes, face, neck, chest, and upper arms. Although the types of shotguns used could not be identified, at least some of the projectiles could be discerned from the empty cartridges as Cogne-Gomm rubber projectiles manufactured by the French company SAPL. Responding to an inquiry about the transfer of French-made law enforcement equipment to Lebanon, the French Ministry for Europe and Foreign Affairs said in a written reply to the National Assembly¹⁶ that the most recent military licenses for combined effect grenades, tear gas canisters, sound grenades, acoustic-optical grenades, single-effect grenades, and sonic grenades were issued in the first quarter of 2019. The report did not address the issue of rubber bullets and related launchers, however. Since the vehicle-borne multi-barrel system of the Cougar is a powerful military multiple projectile system, and leads to excessive and uncontrollable force, it cannot be used in accordance with the principles of necessity and proportionality, and in accordance with the duty of law enforcement officials to minimize harm. The National Human Rights Commission supports the call of Amnesty International and the Omega Research Foundation to ban the trade in this type of weapon and its use for law enforcement purposes.

71. On 23 April, a boat carrying about 80 Lebanese, Syrian and Palestinian migrants trying to reach Cyprus sank off the coast of the Lebanese port city of Tripoli. The authorities accused the smugglers of deliberately overloading the boat, but the survivors said that the Lebanese naval forces caused the boat to sink when they collided with it. Survivors and families filed complaints to the Public Prosecution Office against an officer and 12 members of the naval forces on the grounds of deliberately causing death. However, the Public Prosecution Office referred the complaint to the Military Public Prosecution, where it remained frozen until the end of the year. The Army's Intelligence Directorate announced in April that it had opened an internal investigation and found no wrongdoing by members of the Navy.

15. <https://www.amnesty.org/en/wp-content/uploads/sites/9/2023/03/ACT3063842023ARABIC.pdf>

16. National Assembly, Fifteenth Legislative Session, Interpellation No. 36289 Submitted by Representative Didier Loga (Republic on the Move Party, constituency Finistère), February 16, 2021. (Not available in Arabic). on the link: <https://questions.assemblee-nationale.fr/q15/15-36289QE.htm>

C. Discrimination against the most vulnerable groups

Women's rights

72. Women are subjected to systematic discrimination in Lebanon, and the status of women has deteriorated significantly since the establishment of the Commission. This situation has been exacerbated by the absence of political stability and the lack of respect for legal and constitutional deadlines in terms of forming governments and presidential, parliamentary, municipal and elective elections, in addition to the economic and social crisis that worsened the weakness of state institutions. Women in Lebanon remain one of the most vulnerable groups who suffer from discrimination and violence. The COVID-19 lockdown period aggravated incidents of violence against women, which was expected to increase due to quarantine and social isolation, as well as due to the loss of jobs and income, which exacerbates the pressures on individuals and families in Lebanon.¹⁷

73. Women continued to face discrimination in law and practice, including the right to equal custody of children. On August 4, Lillian Chaito – a mother who was injured in the Beirut port explosion and has remained in hospital ever since – saw her two-year-old son for the first time since 2020, following an order issued by a religious court after two years of hearings. Because her husband had prevented her from seeing their son, saying that he did not want the child to see his mother while she was injured in the hospital, her family filed a complaint before the court.

74. Domestic violence in Lebanon has witnessed a significant increase,¹⁸ especially with the exacerbation of social, legislative and economic problems, accompanied by the disruption of security and judicial facilities. The main cause of violence is the disparity in power relations. The husband owns the decision of divorce according to some sects, and he blackmails the mother into not seeing her children if she wants a divorce, or he summons her for the obedience house. This is the negative role that the spiritual, Sharia and sectarian courts play in dealing with these issues. Women in Lebanon continue to face discrimination under 15 personal status laws that vary according to sect. Unlike men, Lebanese women cannot grant their nationality to their foreign husbands and children.

75. The solution does not lie exclusively in approving the required local laws to preserve the rights stipulated in international treaties and conventions ratified by the Lebanese state. Rather, we must work continuously to educate society and the judiciary in order to ensure the

17. https://www.aub.edu.lb/ifi/Documents/publications/policy_briefs/2019-2020/20200515_gender_dimension_of_covid_19.pdf

18. The figures of the Internal Security Forces revealed that they received 1018 reports of domestic violence on the hotline 1745 between the beginning of January and the end of August 2020, compared to 458 reports recorded in 2019, a difference of 560 complaints and an increase of approximately 122.2%.

The rise also affected the statistics of feminist organizations concerned with combating violence against women. The Abaad organization, in turn, received approximately 3085 calls between the beginning of January and the end of August of 2020, compared to 1193 in the same period of 2019, an increase of 158.5%.

For its part, the “Enough” organization received 4,723 calls in 2019, compared to 5,755 calls from January to the end of August 2020, an increase of 1,032 calls, or 21.8%. This is some of the reality of battered women in Lebanon in numbers, but the most important thing is that behind every number there is a story.

proper application of these laws, in addition to working to empower women economically with the aim of financial independence and liberation of social beliefs, norms, and self-fulfilment and—in the event of domestic violence—liberation of the spouse and the possibility of obtaining custody of the children.

76. The Parliamentary Woman and Child Committee cooperated with various parliamentary committees and the Parliamentary Committee, the National Commission for Lebanese Women, and civil society organizations working in the field of women’s and human rights to follow up on the implementation of laws. Thanks to these efforts, parliament approved Law No. 204, which amended Law 293/2014 related to the protection of women and other family members from domestic violence. Likewise, these efforts succeeded in approving Law No. /205/ on the criminalization of sexual harassment and the rehabilitation of its victims, which was proposed by the Chairperson of the Woman and Child Committee. These two laws were approved in the legislative session held on December 30, 2020, and their approval constitutes a step forward in the legislative structure for the protection and empowerment of women. However, these laws have fallen short of the ILO Convention on the Elimination of Violence and Harassment, which requires governments to address violence and harassment at work through a “holistic, integrated and gender-sensitive approach” through laws relating to work, occupational health and safety, and equality and non-discrimination, in addition to criminal code.

77. As for the area of protecting women, and according to what the National Commission for Lebanese Women reported, the most prominent challenges lie in the limited capacity of the associations to receive battered women and shelter them in a temporary, safe and fast way, especially in the absence of safe protection and shelter centres affiliated with the Lebanese state, and the difficult economic and financial conditions that these associations are going through. Other challenges include the high price of medical treatment for battered women, especially for women who do not benefit from the National Social Security Fund and for people who do not have identity papers and the slow pace of trials in cases of domestic violence. It should also be noted that the law on the right of Lebanese women to give nationality has not been approved, despite the existence of a law ready for approval in Parliament. This matter is therefore among the main issues through which women’s rights are diminished, in addition to the insistence of the Lebanese state to follow this approach, which indicates a lack of respect for the principle of equality between women and men and the violation of the rights of children of Lebanese women.

Children’s rights

78. Most of the basic rights of children in Lebanon, as defined by the United Nations Convention on the Rights of the Child— their right to health, well-being, protection, education, and the right to play—are violated. The most prominent aspect of this crisis is the economic collapse and the severe restrictions it imposes, resulting in families and caregivers being unable to support children in Lebanon. The Commission expresses its concern about the detention, arrest and imprisonment of children with adults.

79. The Commission recognizes that children in Lebanon are being robbed of their childhood due to a series of devastating crises. Their future is at stake because families simply can no longer adapt in creating a nurturing environment for their children. The inability of parents, society and the state to provide children with basic needs and services leads them to face various forms of violence, abuse, negligence and exploitation. These forms of human rights violations are exacerbated over time. As a result of the increasing risks to children's vital rights to development, Lebanon is facing a potential human capital crisis. In the absence of strategic action to change the situation, there is a real risk that Lebanon will suffer irreparable losses in its long-term human capital potential.

80. During the regular national survey¹⁹ prepared by UNICEF on children's well-being in August 2022, it was found that 84% of families in Lebanon do not have enough money to secure essentials. Moreover, the study showed that one out of four children has gone to bed hungry during the crisis in Lebanon since 2019, and that debts are increasingly piling up on families. This double violation of these basic rights greatly affects the mental health of children, especially in the key stages of their development. A social crisis of trust has resulted in destabilizing the bonds between children and parents, a relationship based on trust, due to the parents' inability to meet the basic needs of the children.

81. With the increasing cases of deprivation observed due to high inflation, the financial crisis, and increasing unemployment, Lebanon needs to plan more holistically and collaboratively to make a deep long-term investment in children across the life cycle, from prenatal care to youth, empowerment and everything in between. This includes birth records, social protection, immunization, early childhood development, nutrition, growth monitoring, education, skills building, youth empowerment and employment to prevent further risks. Ensuring that children who have suffered any form of harm have access to adequate specialized services will be more expensive than accelerating investments in prevention and early intervention services and ensuring that children grow up in a caring environment. Globally, the cost of inaction is estimated at 7 trillion USD per year. In a country like Lebanon, this cost can be as high as six percent of the GDP per year.

82. The Committee for Child's Victims of Child Rights Violations Grievance in the National Human Rights Commission, represents the national grievance mechanism for child victims of violations of child's rights. The Committee's work is guided by the principle of the best interests of the child. It takes into account the rights and views of the child and gives due importance according to the age and maturity of the child. In particular, the committee performs the following tasks, to name a few:

- a- Receive complaints submitted either directly by children who are victims of abuse, or by their guardians, or by others.

19. <https://cutt.ly/h6bfRCl>

- b- Ensure that the persons who act on the behalf of the child do not have any influence on the child, and that the Commission may refuse to consider any communication that does not serve the best interests of the child as defined in the Convention on the Rights of the Child No. 260 of 1990.
- c- Conduct investigations related to complaints, study them, deal with them, and decide on them.
- d- Organize hearings and summon the parties concerned with the subject of the violation or complaint, as well as witnesses, experts, and anyone it deems useful to hear.
- e- The Committee may automatically deal with any case of breach or violation of the rights of the child, regardless of the means of reporting it.
- f- The Committee may, at any time, after receiving the complaint and before reaching a decision regarding it, make, through the Commission's Council, to the competent judicial authorities, a request for urgent consideration of taking the necessary temporary protection measures to avoid any harm that may be caused to the victim or victims of the alleged violations.
- g- In the event of an actual breach or violation of the rights of the child, causing serious harm to the latter, the Commission's board shall, based on the Committee's recommendation, notify the competent judicial authorities of all available data, information and documents on this case, while ensuring that the Committee is able to follow up on the processing procedures in all its stages. The Commission is committed to strengthening the work of this Committee, especially in the areas of rights violations, with the executive and legislative authorities at all times. When these rights have been violated, the Commission will inquire, investigate, analyze, file a case and follow up to ensure that children's issues are heard and addressed appropriately.

Refugee rights

83. Even before the economic crisis and the COVID-19 crisis, Syrian refugees suffered from difficult living, economic and social conditions, all of which were exacerbated by the port explosion. Although Lebanon has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, it is obligated under the Human Rights Charter to protect refugees and ensure their equal access to assistance in safety and dignity. However, discrimination has worsened in Lebanese society and institutions against refugees after the economic crisis and due to the growth of hate speech against them. Therefore, special protection measures must be taken to meet the needs of the most vulnerable refugees.

84. Many Syrian refugees reported facing discrimination in accessing humanitarian aid after the port explosion. Some NGOs also refused to provide assistance to the refugees on the pretext that they were receiving assistance from international NGOs. Many refugees are

still living in damaged and dangerous homes to avoid displacement. The difficulties were exacerbated by the severe economic crisis and high inflation, which led to an increase in cases of illegal immigration by sea and the occurrence of tragic accidents as a result.

Rights of disabled persons

85. People with disabilities have been suffering since before the current crisis from the lack of application of laws and the absence of accountability. The situation has worsened with the current crises in Lebanon. The stakeholder report during the Universal Periodic Review, (UPR²⁰) presents the challenges and constraints faced by the National Commission for Disability Affairs, and the protection and respect for the rights of persons with disabilities.

86. On the health level, persons with disabilities still suffer from the absence of medical coverage and the scarcity of medical specializations related to some disabilities. Perhaps one of the most important violations of the implementation of the law at the health level is the lack of respect by public and private hospitals for the law, ministerial decisions and administrative measures that call for the provision of free hospitalization for disability card holders. As for the health service outside hospitalization, it is not available. While the dispensaries run by the Ministry of Social Affairs provide medical service for free for disability card holders, most of them are not accessible for persons with physical disabilities. In the field of education, there is a lack of rehabilitation in schools and the absence of appropriate qualification in the curricula to teach students to accept the different others and be open to the rights of persons with disabilities and other human concepts that are racist and progressive in nature. This applies to the fields of academic, vocational, technical and university education. In addition, there is a shortage of public transportation, lack of its rehabilitation, and inaccessibility of transportation services for persons with disabilities.

87. At the work level, although the law calls for 3 percent of the employees in the public and private sectors to be persons with disabilities, data analysis shows that 78 percent of disability card holders whose ages range from 18 to 64 years are unemployed. Besides, a significant number of workers join the irregular sector in the Lebanese economy, which means that their work is not guaranteed and is threatened with almost immediate interruption in the event of security, economic or financial disruptions. Persons with disabilities face the same difficulties when entering employment in the public and private sectors.

88. Taking into account the powers of the authorities and relevant references, the Committee for the Protection of the Rights of Persons with Disabilities in the National Human Rights Commission is the national mechanism for protecting the rights of persons with disabilities. In particular, the committee performs the following tasks, to name a few:

- a- Receive complaints submitted directly by persons with disabilities who are victims of violation, or on their behalf, or by others, when any of their rights have been violated.

20. Universal Periodic Review on the Rights of Persons with Disabilities in Lebanon - Report 2020
<https://cutt.ly/S6bgFP4>

- b- Conduct investigations related to complaints, study them, address them, and decide on them.
- c- Organize hearings and summon the parties that are concerned with the violation or complaint, as well as witnesses, experts and anyone it deems useful to hear.
- d- The Committee may automatically deal with any cases of breach or violation of the rights of persons with disabilities that are brought to its knowledge, provided that the concerned person is informed, and does not object to the Committee's intervention.
- e- In the event of an actual violation or infringement of the rights of a person with a disability, causing serious harm, the Commission board shall, based on the Committee's recommendation, notify the competent judicial authorities of all available data, information and documents in this case, while ensuring that the Committee is able to follow up the processing procedures in all its stages.
- f- Promote the rights stipulated in the Convention on the Rights of Persons with Disabilities and its Optional Protocol and monitor their implementation.

The rights of foreign workers

89. Approximately 250,000 migrant workers live in Lebanon who are not protected by the laws established under the kafala system, which is an abusive sponsorship system for immigrant workers. This system also does not protect the right of migrant domestic workers to an adequate work environment. The economic crisis coupled with the COVID-19 pandemic has exacerbated the conditions of these workers. Since May 2020, employers have left dozens of migrant domestic workers at the gates of their consulates or their embassies, often without their belongings or even their passports, because of the decline in the value of the Lebanese pound and the inability to pay wages. Workers were exposed during that period to additional forms of exploitation, including the refusal to buy them tickets to return home. This group's most prominent problem is the non-signing of legal work contracts and, consequently, the unstable wages, in addition to the daily violation of the Lebanese Labour law, which is enshrined in the sponsorship system and protects employers from any violation, but rather justifies and protects the offender. They are also exposed to sexual harassment in all its forms from their employers as well as from the local community²¹.

90. A decision was issued by the Ministry of Labour in September 2020 related to the standard employment contract for domestic workers.²² However, this contract does not cancel the sponsorship system. Agents of the "Syndicate of Domestic Workers Recruitment Agencies" filed a lawsuit against the Lebanese state and the Ministry of Labour (case No. 24340/2020) before the State Shura Council, which decided to stop the decision of the Minister of Labour

21. <https://soas.lau.edu.lb/files/PDF%20%20Final%5B2%5D.pdf>

22. The work contract revolves around 15 clauses that include the rights and duties of both parties, the employer and the worker. The contract bears titles in its body that start with defining the tasks of the two parties and wages, and continue to the work environment, occupational safety and health, and health care, up to the worker's right to move and communicate with others, vacations, in addition to the part related to contract renewal and termination. and settle disputes.

for fundamental breach. In a positive step under the kafala system, the General Directorate of General Security in February 2021 issued a decision banning employers from filing criminal escape complaints against workers when they leave the sponsor's homes, since this claim is not based on any legal text. This procedure was replaced by the employer submitting an administrative notification of the worker leaving his home, directly at the General Security centres, according to a form approved as an administrative routine by which the employer removes any civil liability resulting from the work relationship. This step was accompanied by the Directorate's prohibition of the use of any expressions contrary to law or to human rights when describing the fact that the worker left her sponsor's home, such as "fleeing" or "escaping", in all official records and replacing it with the term "leaving the workplace".

91. With regard to the steps to be taken to expand the scope of the Labour Law to include foreign workers: The Ministry of Labour set up a hotline 1741 to receive complaints from domestic workers, especially those who are subjected to exploitation and violence. In addition to a study to amend the Labour Law to enshrine the rights of female workers in domestic service and to include domestic work as well as agricultural work in the Labour Law, because even the Lebanese Labour Law in its current draft is insufficient to protect foreign and Lebanese workers in light of the current reality and the failure of the oversight bodies and means of accountability.

The lesbian, gay, bisexual and transgender community

92. Members of the gay and lesbian community participated during the popular movements on October 17, 2019, when they took their rights and suffering to the streets. According to a report on violations of the rights of members of this community in Lebanon issued by the Helem Association for the year 2021,²³ members of the gay and lesbian community are among those most affected by the crisis in the country, as they face many challenges due to inequality, violence, and the lack of basic needs and services.

93. This group of society suffers from arbitrary arrests and detention through the use of a number of legal provisions in the Penal Code related to the issue of "Public Morals and Ethics" and Article /534/ which punishes "any sexual intercourse contrary to nature" and leads to a sentence of up to one year in prison. They also use violent interrogation methods that violate the rights of detainees.

94. On June 24, 2022, a decision was issued by the Minister of Interior, Bassam Al-Mawlawi, banning meetings or gatherings related to homosexuality, in response to the requests of religious authorities, as they are considered to contradict social traditions and the principles of divine religions. As a result of this decision, several meetings that were called for in the summer of 2022 were cancelled, which reinforced the hate speech and discrimination prevailing in Lebanon. On August 25, 2022, The Legal Agenda and Helem organizations filed an appeal before the State Shura Council, which impaired the appealed decision restriction of

23. <https://shorturl.at/psylZ>

constitutionally guaranteed freedoms and threatened civil peace and incitement to violence and hatred against fragile groups the state shall protect, not intimidate. On November 1, 2022, the Lebanese State Shura Council ruled to suspend the implementation of the decision of the Minister of Interior in the caretaker government, Bassam Al-Mawlawi, to prevent any meeting or gathering intended to promote what he called “the phenomenon of homosexuality”. The suspension of implementation comes as a temporary measure until the State Shura Council decides on the case.

95. The National Commission for Human Rights encourages all jurisprudence issued by the Lebanese judiciary that is directed towards protecting marginalized groups and enhancing their freedom, especially in the face of pressure from any party, including religious ones, to impose a repressive approach that can only be described as a clear violation of the most basic human rights. The Commission also affirms the efforts of the concerned organizations to cancel all articles of the Lebanese Penal Code, which could be a tool for the political or religious authorities to suppress a group of society, especially members of the gay and lesbian community.

D. Violations of economic, social and cultural rights

96. According to an ESCWA report issued in 2021, more than 80% of the country’s population is deprived of their basic rights, including the right to health, education, and to an adequate standard of living.²⁴

97. From October 2019 until the end of the year 2022, the Lebanese pound lost more than 90% of its value, which reflected dramatically on its purchasing power, especially the ability to secure basic supplies of food and drink. This was exacerbated by the state’s removal of subsidies for the main requirements of fuel, wheat and medicines without developing a plan to protect the most vulnerable groups. The crisis also affected all vital sectors, such as healthcare and education, in addition to the tourism sector. The World Bank classified Lebanon’s crisis as a “deliberate depression”, due to the poor management of Lebanese leaders and the absence of effective political measures. It was ranked among the three worst global financial crises since the mid-19th century.²⁵

98. In conjunction with the aggravated economic crisis in Lebanon, the latter witnessed an unprecedented jump in the rate of poverty, with the percentage of people in poverty doubling to 55% in 2020 from 28% in 2019, and the percentage of those suffering from extreme poverty has tripled from 8% to 23% in the same period.²⁶ This crisis has generated a rise in unemployment rates as a result of the deterioration of the currency and the inability of the employer to provide adequate wages for workers. According to the results of the latest labour force survey in Lebanon, the unemployment rate increased from 11.4% in the 2018-2019

24. https://www.unescwa.org/sites/default/files/news/docs/21-00634- multidimensional_poverty_in_lebanon_policy_brief_en.pdf

25. <https://www.worldbank.org/en/news/press-release/2021/05/01/lebanon-sinking-into-one-of-the-most-severe-global-crises-episodes>

26. <https://shorturl.at/euEK2>

period to 29.6% in January 2022.²⁷ As for public category employees, they are no longer able to cover the basic necessities for the house and transportation allowances. The government should study ways to secure social protection for the largest possible segment of individuals, whether citizens or residents, which in one way or another guarantees the right to an adequate standard of living, including the right to food, medical care and adequate housing. As for securing the necessary resources, the possibility of progressive taxation has been raised.

99. The right to adequate housing is one of the main rights, but this right has been greatly affected during the past few years with the onset of the economic crisis. The problem is mainly represented in the lease contracts concluded in Lebanese pounds, with the landlord's continuous request to increase the rent due to the country's unprecedented circumstances, and the tenant's inability to cover the continuous increase in light of his suffering from other daily and monthly expenses. The situation is no different in relation to contracts concluded in foreign currency, given the continued payment of wages in Lebanese pounds. This suffering extends to citizens and residents alike, especially refugees. The right to housing was mainly affected in the capital, Beirut, following the August 2020 explosion, which generated unexpected destruction in homes, in light of the diminishing capacity of the State to reconstruct and provide subsidized loans through the National Housing Corporation and the Housing Bank. The largest segment of those affected consisted of the elderly, women, people with special needs, foreign workers, and families with limited income. Hence, the role of local and international organizations in reconstructing homes emerged. In addition to addressing the problem of rents, the problem of securing the basic necessities of water, electricity, and food arose, considering the high cost of living, and the subordination of citizens and residents to the contempt of generators owners, so securing adequate housing has become the main concern in Lebanon.

100. The authorities failed to ensure adequate access to clean public water. Throughout the year, water supplies remained irregular due to power outages, increasingly forcing people to buy costly water from unsupervised private providers at six times the prices in 2019, which most people cannot afford. The government's failure to maintain the water infrastructure led to the mixing of drinking water with sewage water in some areas. Hundreds of new cases of hepatitis A were reported in June, and in October water pollution led to at least 913 cases of cholera.

101. The educational sector has taken an unprecedented hit since October 2019, with the forced closure imposed as a result of the security conditions in the country, as movements and demonstrations began over all Lebanese territory. Following this, the COVID-19 outbreak imposed the distance education mechanism, i.e. e-learning. However, this was accompanied by the deepening economic crisis in Lebanon, which has created a permanent fuel crisis and power failures. In addition, distance education requires the availability of electronic tools and services, such as a computer and Internet connection, which constitutes an obstacle for families with limited income or with multiple individuals.

27. https://www.ilo.org/beirut/media-centre/news/WCMS_844835/lang--ar/index.htm

As the crisis worsened, teachers began a strike to demand better wages and payment of dues in proportion to the economic collapse and the inability to pay transport allowances.

102. All of these factors negatively affected the individual's right to education, with an emphasis on the entitlement to claim rights by teachers. However, this matter will be reflected more negatively on the educational level in Lebanon, which used to be praised at a high level in the Arab world. During the academic year 2021, at least 700,000 out of two million kids in Lebanon were out of school, with child labour rates rising to 45%.²⁸ As for higher education, the problem of tuition fees mainly emerged in private universities, so that it gradually increased until the majority of it became in US dollars, or at least part of it. The discretion of each private university in determining it without any control and the Lebanese University professors' strike exposed the danger of the future to students.

103. The largest share of the collapse of the economic system in Lebanon was for the medical sector, which relies mainly on importing medicines (in the absence of comprehensive local production of all types of medicines and the citizen's lack of confidence in these local medicines), medical equipment and supplies in foreign currency, leading to the monopolization of medicines by the owners of importers and pharmacies, and limiting operations depending on their urgency.

104. Hospitals also complained in light of the power outages and the monopoly of fuel by the owners of generators. The problem of the human resources shortage has exacerbated significantly, with the increasing waves of mass migration of doctors during the previous years. It should be noted that the health sector was greatly affected by the Beirut port explosion in August 2020, which caused destruction in a number of hospitals in the capital, and the injury of a large number of medical staff, which exceeded the carrying capacity of this sector to receive patients and the injured at the same time.

105. Medicines, including those for cancer and other chronic diseases, remained unavailable and expensive for most people since the government failed to put together an adequate emergency social security plan to replace subsidies that were lifted in November 2021. The number has increased. Patients who need free or low-cost medicines and treatments in public health care centres has increased by 62% since the beginning of the economic crisis in 2019. However, the authorities failed to increase the needed funding to meet these needs. Throughout the year, health workers protested against low wages and lack of funding for hospitals, and cancer patients protested against medicine shortages. The authorities failed to provide adequate medical care to prisoners, forcing their families to cover all their medical expenses, including those related to hospitalization. At least three prisoners died between August and September due to delays in getting them to hospitals. The authorities have launched investigations into the two deaths.

28. <https://reliefweb.int/report/lebanon/lebanon-education-tipping-point-education-sector-advocacy-brief-october-2021>

106. Citizens and residents protested to demand the provision of basic medical services and to keep hospitals from shutting their doors in the face of anyone for not being able to pay. This was tragic for people suffering from incurable diseases, especially cancer patients, who endured months without treatment due to the interruption of medicine, and many of them, especially the wealthy, resorted to securing treatment from abroad and paying huge amounts of money. As a result of the succession of events and crises in Lebanon, the mental health of citizens and residents has deteriorated and most of the mental health services in Lebanon are based on the private sector, which makes it difficult for the most in need groups, such as the poor and the refugees to receive psychological treatment because of their inability to bear its high costs.

E. Violations of international humanitarian law

107. The International Humanitarian Law Committee of the National Human Rights Commission ensures respect for all conventions and protocols of international humanitarian law and the relevant customary rules, to which Lebanon is a party, ratifying or acceding. In particular, this committee undertakes the following tasks, to name a few:

- a- Monitor and document violations of international humanitarian law throughout armed conflict and follow up with all available means to end impunity.
- b- Express an opinion on the legislative and administrative texts in order to harmonize international humanitarian law and international agreements and those required for its implementation in harmony with the Lebanese legislative texts.
- c- Draw up an annual action plan that includes the procedures and measures it deems necessary and appropriate to popularize international humanitarian law and introduce its mechanisms executive.
- d- Submit recommendations to all authorities for the proper application of the relevant legislative and administrative texts.
- e- Spread the culture of international humanitarian law in cooperation with ministries, public administrations and institutions, universities, colleges and schools, and civil society organizations.
- f- Exchange information and experiences with unions, associations, humanitarian organizations and civil society bodies relevant to international humanitarian law, and strengthen relations with similar committees in national human rights institutions in member states of the Global Alliance of National Human Rights Institutions.

108. On June 11, 2022, the International Humanitarian Law Committee of the National Human Rights Commission commended the scientific research on violations of Lebanese airspace by the Israeli occupation forces, conducted by the “AirPressure.info” website.²⁹

29. <https://www.airpressure.info/>

The study confirmed that the Israeli air force has occupied the Lebanese airspace for eight and a half years over the past fifteen years, for periods that ranged from short to medium. According to the research, the number of Israeli military aircraft that violated the Lebanese airspace in the past 15 years reached 22,111. Hearing the roar of hostile jet fighters and the hum of drones overhead, the people of Lebanon live in a dangerous environment and there is a high daily possibility of a massive air strikes. The Lebanese soundscape has come to consist of the roar of Israeli army jets tearing up the coast, and the whirring of drones over the southern provinces. However, there was no way to know what these flying objects were and how often they were in the skies over Lebanon. 8,231 combat aircraft and 13,102 drones have been recorded in the Lebanese skies since 2007. These raids are not fast, lasting 4 hours and 35 minutes. The total of these raids is 3098 days, or eight and a half years of the roar of jets and drones occupying the Lebanese skies.

109. Information came from 243 letters submitted to the United Nations Digital Library between 2006 and 2021. The letters were addressed to the United Nations Security Council and written by the Permanent Representative of Lebanon to the United Nations. These letters record radar information, including time, duration and type as well as the trajectory of each air violation. The collection of information was a stressful task, as the files were uploaded without a clear methodology and in separate and random locations from the digital library. Sometimes it was possible to find Arabic letters, and in other cases there was no information at all. The documentation was also irregular. Some documents contained all the violations that occurred on any given day, week, or month, and in other cases, covered arbitrary periods. The research team had to collect all these documents and write down each violation separately for the data to be useful. These violations were monitored and recorded by the Lebanese Ministry of Defence, the United Nations Security Council, and the United Nations Interim Force in Lebanon. Each of these institutions had the means and capabilities to do this work themselves, but instead the data was stored in a random and fragmented manner, in a way that obscured the scale of these violations.

110. The commission documented violations of international humanitarian law through the continued presence of contamination of unexploded ordnance, landmines, cluster bombs and other military explosives. Pollution does not spare any region. The southern and Bekaa regions were affected especially in the aftermath of the Israeli war on Lebanon in 2006. In the last decade, large parts of the lands on the north-eastern border with Syria began to witness an increase in landmines and explosive remnants, in light of the war against terrorist groups. The Commission considers that the Israeli occupation forces have violated the principle of proportionality stipulated in international law and the obligation to reduce the indiscriminate effects of mines, cluster bombs and other explosives by not removing these munitions and handing over their maps, the Israeli occupation forces have also violated the right to life.

111. Since 1975, the remnants of war, including mines and unexploded ordnance, have caused more than four thousand casualties. Injuries reached their peak in 2006. In 2022,

more than eight people were killed and injured as a result of mines and cluster bombs. On December 30, 2022, an agricultural tractor hit an anti-vehicle mine in an agricultural project in Al-Wazani village and killed the driver, who was of Syrian nationality. On October 08, 2022, a person was injured by a landmine explosion in Arab Al-Mawali- the Eastern Chain. On November 15, 2022, a cluster bomb exploded in a herd of cattle in Wadi al-Hujair. On June 23, 2022, a fire broke out as a result of the explosion of a mine left over from the Israeli occupation forces on the outskirts of Mais al-Jabal village. On May 25, 2022, a person was injured as a result of a landmine explosion on the outskirts of Eرسال. On April 06, 2022, a cluster bomb remnant of the Israeli occupation exploded in a herd of cattle in Houla. On March 24, 2022, a person was injured by a landmine at one of the crossings in Wadi Khaled. On February 18, 2022, one person was killed and another injured in a landmine explosion on the outskirts of Ras Baalbek. On January 30, 2022, a cluster bomb remnant of the Israeli occupation exploded near a person in Wadi Al-Hujair nature reserve, without causing any damage. On January 22, 2022, a man was injured in a landmine explosion in Aita Al-Shaab, which led to the amputation of his foot.

112. The danger of landmines and unexploded ordnance is exacerbated for children, who are intrigued by their colorful and sometimes bizarre designs. Uncleared landmines and unexploded ordnance violate almost all of the articles of the Convention on the Rights of the Child: the child's right to life, to a safe environment in which to play, health, clean water and sanitary conditions and adequate education.

113. The National Human Rights Commission calls for the continuation of the efforts made by the Lebanese state to promote the establishment and development of national capacities in mine action and warns of the impact of the economic crisis on efforts related to awareness of mine risks and assistance in mine action, which may delay the complete clearance of all Lebanese lands during a maximum deadline of 2040. The Commission also calls for adherence to the instructions issued by the Army Command - Directorate of Orientation in terms of not approaching suspicious places, adhering to warning signs and not removing them or trying to enter fenced areas, not touching mines, cluster bombs, suspicious objects and unexploded ordnance, or tampering with them, not taking unsafe roads, always adhering to paved roads, and always adhering to the rules of caution and safety. It also calls on citizens, upon finding a mine or any foreign object, to inform the nearest military centre or to contact the Army Staff for Operations - the Lebanese Mine Action Centre on 1701.

114. The Commission renews its recommendations towards Lebanon's ratification of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction - the Ottawa Convention, the Rome Statute of the International Criminal Court, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Fourth:

The activities of the National Human Rights Commission

A. Independent Contribution to the Lebanese State Reports

115. Law No. 62/2016 defines, among the tasks of the National Human Rights Commission, the independent contribution to the reports required by the Lebanese state. The National Commission interacted with the ten treaty bodies and others established under the United Nations Charter, particularly the Human Rights Council, the Special Procedures, and the Universal Periodic Review.

116. Pursuant to its mandate as the National Human Rights Institution in Lebanon, the Commission submitted, on June 4, 2020, a written contribution in the framework of the Universal Periodic Review with respect to Lebanon. During the preparation for the 2020 UPR of Lebanon, the Commission held a national hearing in cooperation with the Office of the High Commissioner for Human Rights and the United Nations Development Programme. The National Human Rights Commission, which includes the Committee for the Prevention of Torture, selected six priority areas for the promotion of human rights in Lebanon, as follows:

- (a) Empowering Lebanon's National Human Rights Institutions and National Prevention Mechanism;
- (b) Implementing the law that criminalizes torture and other ill-treatment and its proposed amendments;
- (c) Ratifying the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, and the status of standing invitation to special procedures;
- (d) The situation of refugees and migrant domestic workers;
- (e) The 2019-2020 protests and the human rights situation;
- (f) The financial crisis and the long-standing socio-economic grievances³⁰.

117. On January 31, 2020, the Commission held a consultative meeting with 74 representatives of civil society organizations (CSOs), in cooperation with the Regional Office of the High Commissioner for Human Rights and the United Nations Development Programme, at the Radisson Blu Hotel in Beirut, with the aim of consulting with CSOs concerned with human rights issues about the Commission's Strategic Roadmap for the year 2020, and the methodology and content of the report that the Commission will submit to the Universal Periodic Review mechanism of the United Nations Human Rights Council, which will review Lebanon's human rights record at its 37th session.

30. <https://nhrcrb.org/publicity/22>

118. On February 4, 2020, the Commission participated in the training workshop of the Bar Association in Tripoli, which was organized by the Office of the High Commissioner for Human Rights in cooperation with the United Nations Development Programme to assist the Bar Association in submitting its report for the third cycle of the Universal Periodic Review of Human Rights that was held in Geneva in November 2020.

119. On November 30, 2020, the Commission, in partnership with the Regional Office of the High Commissioner for Human Rights, organized an introductory session before discussing Lebanon's report on the UPR at its 37th session. The purpose of the session was to focus on the importance of advocacy and cooperation between civil society associations in a spirit of cooperation and constructive dialogue.

120. On June 17, 2020, the former President of the Republic, Michel Aoun, was handed over the report prepared by the Commission on the human rights situation in Lebanon and submitted to the United Nations Human Rights Council, within the framework of the Universal Periodic Review mechanism to assess the fulfilment by each State of its human rights obligations.

121. In a press release dated January 18, 2021, the Commission called on the Lebanese authorities to respect their international obligations and implement binding international commitments related to human rights, especially through activating the work of the National Commission for Human Rights and the National Preventive Mechanism against Torture. It also emphasized the need to implement the nineteen recommendations approved by the Lebanese state during the second review of the universal periodic review in order to expedite the creation of the Independent National Human Rights Institution, which includes the establishment of a Permanent National Committee for the Prevention of Torture, in accordance with the Optional Protocol to the Convention against Torture.

122. On January 20, 2021, the Commission issued a press release, in which it welcomed the recommendations of the comprehensive periodic review and called on the Lebanese authorities to accept them without delay and respond to the recommendations of the international community, and make a greater effort to fulfil, respect and protect human rights, and to put an end to the impunity that underpins the severe erosion of basic economic, social and civil rights. The National Commission noted with particular satisfaction the recommendations made by Denmark, Australia, Armenia, Egypt, Brazil, Sri Lanka, and other countries that welcomed the establishment of the National Human Rights Commission in Lebanon and the National Preventive Mechanism and submitted recommendations related to activating the work of the Commission and consolidating its independence, especially through approving an adequate budget within a separate line and amending Law No. 62 of 27/10/2016 to ensure that the Commission budget is included in an independent chapter separate from any authority or ministry. The government called for the necessary allocation of sufficient financial resources to the National Human Rights Commission in Lebanon, which includes the Committee for the Prevention of Torture in the general annual budget (in a separate chapter specified in the budget),

the establishment of a functional classification in the general budget related to the promotion and protection of human rights and the prevention of torture, the ratification and publication of all executive decrees of Law No. 62/2016, to fully implement articles 7 and 30, in addition to securing a permanent headquarters within a separate building that takes into account the United Nations standards. The Finance and Budget Committee and the Administration and Justice Committee in the Lebanese Parliament demanded that the proposal of the law aimed at amending articles 28 and 30 of Law No. 62/2016 be promptly placed on their agenda, ensuring full respect of the Principles Relating to the Status of National Institutions (Paris Principles) adopted by the General Assembly Resolution 48/134 of 20 December 1993 and in the context of General Observation 1.10 of the Global Alliance of National Human Rights Institutions on adequate funding of independent National Human Rights Institutions.

123. On June 27, 2021, the United Nations Committee on the Elimination of Racial Discrimination published the Commission's first report as a national human rights institution before the contractual mechanisms, which was sent in conjunction with the discussion of the combined report of the twenty-third and twenty-fourth periodic reports submitted by Lebanon under article 9 of the Convention. The most important points of the report are as follows: The Lebanese authorities failed to adopt a specific anti-discrimination law that includes a definition of racial discrimination in accordance with the provisions of article 1 of the Convention. The Lebanese authorities did not take serious measures to prohibit and punish hate speech, racism, incitement to hatred and racism, and racial discrimination, especially against refugees, displaced persons, asylum seekers, and stateless persons. Failure to adopt a law granting Lebanese women the right to give their nationality to their children, regardless of the nationality of their husbands. While several drafts and law proposals have been presented in this regard, none of them amounted to taking measures aimed at amending the Lebanese Nationality Law to ensure the elimination of discriminatory provisions against women³¹.

B. Opinion on Legislation, Decrees, Decisions, Draft Resolutions, and Policies

124. Law No. 62/2016 includes, among the tasks of the National Commission for Human Rights, the expression of an opinion on all matters for which the Commission's view is sought from the competent authorities, or that it forms with regard to respecting human rights standards. It may, on its own initiative, express its opinion on all legislation, decrees, decisions, draft resolutions, and policies followed in this regard.

125. On August 27, 2019, the Commission expressed its opinion in the draft law aimed at replacing the word "disabled" with the phrase "people with special needs" wherever it appears in all legal texts and correspondence. The Commission considered that the aforementioned draft law violates Lebanon's obligations under the Convention on the Rights of Persons with Disabilities, especially article (1), which settled the controversy regarding definitions

31. <https://nhrc.lb.org/en/Publicity/8>

related to the rights of persons with disabilities, and considered that the term “persons with disabilities” includes all those who suffer from long-term physical, mental, intellectual or sensory disabilities, which may prevent them from dealing with various barriers and fully and effectively participating in society on an equal basis with others. The Commission recommended the introduction of substantial amendments to Law 220/2000 on the rights of persons with disabilities in Lebanon, issued on June 8, 2000, in terms of replacing the designation “disabled persons” with “persons with disabilities” or to ensure that persons with disabilities fully enjoy human rights and fundamental freedoms on an equal basis with others, and to promote respect for their dignity. Unfortunately, the Presidency of the Council of Ministers did not accept this opinion and referred the draft law to Parliament, which approved it without considering the Commission’s opinion and in violation of the international human rights law.

126. Although Lebanon signed the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2007, Parliament did not ratify this Convention until after the Commission expressed its opinion on an issue that had been pending for years. On August 27, 2019, the Commission recommended that the Lebanese Government retrieve the draft law sent by decree to the Parliament in 2007 and aimed at authorizing the Government to conclude the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and send it back to Parliament again, so as to end the failure to join this Convention, for political reasons covered up by constitutional arguments. This happened at a later stage, which allowed the Parliament to ratify this Convention and its Optional Protocol. The Commission also recommended the formation of a ministerial committee headed by the Minister of Social Affairs to discuss amending Law 220/2000 in line with the International Convention and International Human Rights Standards, and to take all legislative and administrative measures to incorporate these rights guaranteed by the Convention and its Optional Protocol into the Lebanese law. Proposing a draft law regulating educational curricula and examinations for persons with disabilities. Lebanon’s joining the Anti-Personnel Mine Ban Convention (known as the “Ottawa Treaty”), which has 164 members. The Commission also expressed radical opposition to the draft law adopted by the Parliamentary Human Rights Committee, aimed at establishing a non-independent national body affiliated to the Presidency of the Council of Ministers to care for persons with disabilities, and considered that this step is not justified unless this body is granted full independence and that stakeholders should participate in its formation.

127. The Commission actively participated in the process of updating the National Human Rights Plan, which was coordinated by the Parliamentary Human Rights Committee. The Commission is concerned about the delay in assessing the implementation of the National Human Rights Plan³² for the period 2014-2019, and in the adoption of the new National Plan. The Commission urges the speedy adoption of a new National Human Rights Plan and the allocation of sufficient resources for its effective implementation. The Parliament did not formally and explicitly approve the Plan, but the Parliamentary Human Rights Committee adopted it as an annual framework. The Government did not formally or explicitly approve the plan, but it pledged to finalize it. It also emphasized its importance and recommended to

32. <https://www.undp.org/sites/g/files/zskgke326/files/migration/lb/NHRAP-web.pdf>

supplement it with a large number of recommendations received by the Lebanese Government within the framework of the Universal Periodic Review at the United Nations Human Rights Council in Geneva. As for the most prominent recommendations of this Plan that were implemented by the Government, they include the adoption of an effective national mechanism for coordinating, drafting and submitting reports to the Conventions bodies and the Universal Periodic Review mechanism, but this mechanism has been suspended for some time.

128. The Commission recommends that four criteria be adopted to implement the National Human Rights Plan and make it more effective:

- First, it must be ratified by the Parliament as a binding document issued by law. The plan must adequately reflect the state's obligations under international human rights law and provide effective access to remedies.
- Second, the Plan must address actual and potential human rights violations in the country. The Government must identify focused and realistic measures that achieve the greatest possible impact in preventing and addressing these human rights harms.
- Third, the Plan should be established according to an inclusive and transparent process that involves all relevant stakeholders in its development and update and take their views into account.
- Fourth, the Plan must be regularly reviewed and updated, respond to changing situations, and strive towards incremental progress.
- Fifth, the National Committee for the Preparation of Reports and Follow-up of Recommendations of Treaty Committees, established by decree in mid-2018, must be reactivated.

129. The National Human Rights Commission proposes to organize an annual national conference (on the tenth of December every year, on the occasion of the International Human Rights Day), to assess the reality of human rights and follow up on the implementation of the plan (it will be called the "National Periodic Review Conference on Human Rights") on the basis of the annual report prepared by the National Human Rights Commission in accordance with its own law. Representatives of all groups involved in the development of the new Plan and others, as the Commission deems appropriate, are invited to participate in this Annual Conference, in particular representatives of: Parliament, the government, the judiciary, the Economic and Social Council, syndicates, Lebanese and international civil society bodies, and specialized regional and international organizations. The National Human Rights Commission organizes in detail the mechanism used to organize and manage these annual sessions, inspired by the mechanism used in the Universal Periodic Review.

130. The Commission expressed its opinion on the draft law amending Law No. 65/2017 to criminalize cruel, inhuman or degrading treatment or punishment. The Commission stated that it is important to stress that torture and cruel, inhuman or degrading treatment or

punishment are absolutely prohibited under article 7 of the International Covenant on Civil and Political Rights, the provisions of other international and regional treaties, as well as customary international law. The distinction in protection from torture and cruel, inhuman or degrading treatment or punishment emanates from the requirements of the Convention against Torture, which establishes certain specific obligations on states in relation to torture - primarily, with regard to the obligation to criminalize acts of torture and the application of the principle of universal jurisdiction in this matter. In terms of definitions, article 1 of the Convention against Torture defines “torture” as any act, by which severe pain or suffering, (whether physical or mental) is intentionally inflicted and involving a public official (by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity) for a specific purpose (i.e. of obtaining a confession, access to information, punishment, intimidation or discrimination). It must be read in conjunction with article 16 which requires States parties to prevent other acts of cruel, inhuman or degrading treatment or punishment that do not amount to torture as defined in article 1”. This article defines torture as an aggravated form of cruel, inhuman or degrading treatment or punishment. The acts that are not covered by the definition in article 1, where the pain caused by such acts was not severe, and in particular acts that do not contain elements of intent or actions that were not carried out for the specific purposes set forth, may include cruel or inhuman treatment provided for under article 16 of the Convention, while acts intended to humiliate the victim constitute degrading treatment or punishment, even if they do not result in severe pain.

131. According to article 3 of Law No. 65/2017 and article 10 of the Code of Criminal Procedure, the crime of torture is subject to a statute of limitations of 10 years, starting immediately upon the release of the victim. The Human Rights Committee requested that the crime of torture not be subject to a statute of limitations because statutes of limitations should not be applied since they deny victims of torture justice, compensation and rehabilitation. The Committee for the Prevention of Torture made the same request earlier in its concluding observations. Accordingly, Law No. 65/2017 should be amended to explicitly state that the crime of torture should not be subject to a statute of limitations. Law No. 65/2017 stipulates that the crime of torture is punishable, according to its consequences on the victim, by imprisonment from one to ten years, and if the victim died as a result of torture, the perpetrator shall be punished by imprisonment from ten to twenty years. The Committee considered that these penalties do not reflect the seriousness of the crime of torture. Accordingly, penalties must be appropriately modified. As mentioned above, Law No. 65/2017 should also be amended to impose penalties for cruel, inhuman or degrading treatment or punishment. It should be noted that article 4.1 of the Convention against Torture states that all acts of torture must be considered as offences under national criminal laws.

132. Article 1(c) of Law No. 65/2017 stipulates that “the court shall determine rehabilitation procedures in addition to appropriate personal compensation for victims of torture.” The Commission noted that this provision does not provide for effective remedies and reparation, and requested that the State ensure that victims receive, in law and in practice, full reparation

including rehabilitation, adequate compensation, and the possibility to seek civil remedies independent of criminal proceedings. The general comment No.3 of the Committee for the Prevention of Torture, which details the implementation by State Parties of article 14 of the Convention, provides useful guidance in this regard. It states, inter alia, that the term “remedy” encompasses the concepts of “effective remedy” and “reparation”. Thus, the scope of the right to remedy entails the following five forms of reparation: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-recidivism. Reparation must be adequate, effective and comprehensive. States Parties are reminded that when determining measures of redress and compensation provided or granted to a victim of torture or other ill-treatment, the circumstances of each case must be taken into account, and remedies must be adapted to the particular needs of the victim and be proportionate to the seriousness of the violations committed against him/her. The Committee for the Prevention of Torture stresses that the provision of compensation has an inherent preventive and deterrent effect on future violations.

133. Human trafficking is defined as “the recruitment, transportation, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits for to achieve the consent of a person having control over another person, for the purpose of exploitation. Labour exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery³³, servitude or the removal of organs³⁴. Human trafficking must meet the three criteria of the act (recruitment or transfer), the means (threat, abduction or deception) and the purpose (exploitation). Human trafficking can occur in a single country, or across international borders. Child trafficking is a little different, as the “means” element is not considered.

134. On June 27, 2022, and by extension, the Commission expressed an opinion on the Letter No. 117/5 sent to the National Human Rights Commission by the Minister of Justice on June 22, 2022 requesting that the Commission be briefed on a new draft law related to amending Law No. 164/2011 (punishing the crime of human trafficking) and give an opinion on this matter. It seems that Part Three of the aforementioned draft law (Articles 11, 12, 13, and 14) proposes the establishment of a national body to combat human trafficking, by virtue of a decree of the Ministry of Justice. The authority registered its preliminary objection to the designation of any legal person established by virtue of a decree, subordinate to the authority of a minister and with no financial and administrative independence as a “national body”. The Commission also expressed its objection to article 13 para 2 of the aforementioned

33. For more information on the Supplementary Convention for the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, see [www.supplementary.orghttps://www.ohchr.org/AR/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx](https://www.ohchr.org/AR/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx)

34. United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Specifically Women and Children, supplementing the 2000 United Nations Convention against Transnational Organized Crime, art. 3(a).

draft law in terms of the powers granted to the Minister of Justice, who may mandate the National Commission for Combating Human Trafficking to work with the National Human Rights Commission to assess and monitor the application of the provisions of the law related to combating human trafficking, since it contradicts the independence of the National Commission, which is vested with all rights to assess and monitor the extent to which the provisions of this law or any other relevant law are applied, whether this assessment comes individually or in cooperation with any other body and without the need for an authorization or assignment from any entity. In conclusion, the Commission recommended that the proposal of establishment of the “National Commission for Combating Human Trafficking” be withdrawn and replaced with the establishment of the “Directorate for Combating Human Trafficking” under the Ministry of Justice, in a manner that does not contradict with the powers and tasks of the “Committee for Combating Human Trafficking” established according to the rules of procedure of the National Human Rights Commission, in a way that avoids any duplication and prevents undermining the concept and role of national bodies that, unlike other committees composed of representatives of ministries, are entrusted with oversight tasks, especially since said representatives cannot work independently and impartially when it comes to evaluating their superiors or their subordinates. The Commission also recommended eliminating article 523 of the Penal Code for its inconsistency with the spirit and text of the crime of human trafficking, and replacing it with a text that considers facilitation as human trafficking, criminalizes the purchase of sex, and applies to women engaged in prostitution the protection systems and mechanisms that are established for victims of human trafficking. The Committee established by the Commission is concerned with combating human trafficking and ensuring the protection of victims and witnesses. In particular, the Committee performs the following tasks, to name a few:

- a- Receive notifications about human trafficking operations and refer them to the competent judicial authorities
- b- Raise awareness about the guiding principles that enable all concerned authorities to monitor and report on human trafficking
- c- Conduct investigations related to complaints, study them, handle them and decide them
- d- Organize hearings and summon the parties concerned with the subject matter of the complaint, as well as witnesses, experts and anyone it deems useful to hear
- e- Contribute to conducting research and studies to update legislation governing areas related to combating trafficking in persons in line with international standards
- f- Implement laws related to punishing the crime of trafficking in persons, and make the necessary recommendations to address the deficiencies in the application of relevant laws, decrees and decisions by the competent authorities

- g- Monitor the application of relevant laws on punishing the crime of human trafficking, and make the necessary recommendations to address the gaps in the application of relevant laws, decrees and decisions by the competent authorities.

135. On October 10, 2022, in conjunction with the World Day Against the Death Penalty, the National Human Rights Commission in Lebanon, which includes the Committee for the Prevention of Torture, called on the Lebanese government and Parliament to review the criminal system and its compatibility with Lebanon's international obligations, including the protection of the right to life. During the Universal Periodic Review before the Human Rights Council of the United Nations, Lebanon had received many recommendations calling for the abolition of the death penalty in line with international conventions and resolutions aimed at limiting the death penalty until it is ultimately completely abolished. This rule has been adhered to by more than half of the world countries. The Second Optional Protocol to the International Covenant on Civil and Political Rights of 1989 urged States Parties to abolish the death penalty, while it may be applied in time of war upon conviction of an extremely serious crime of a military nature. In this context, it should be noted that Lebanon has not yet signed that Protocol. Article (6) of the International Covenant on Civil and Political Rights affirmed the protection of the right of every person to life and not to be arbitrarily deprived of it. It also stipulates that in countries that have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes, and shall be carried out pursuant to a final judgment rendered by a competent court, anyone sentenced to death having the right to seek pardon or commutation of the sentence, and death sentence not being imposed for crimes committed by persons below eighteen years of age. Also, international criminal law does not allow the death penalty, as stipulated in the Statutes of the Tribunal for the Former Yugoslavia, the Tribunal for Rwanda, the International Criminal Court, and the Special Tribunal investigating the assassination of Prime Minister Rafic Hariri, regardless of the seriousness of the crimes committed. The Commission called for adherence to the National Human Rights Plan, which included many recommendations on the abolition of the death penalty. The Commission suggested ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights and considering the abolition of the death penalty and limiting it to the life imprisonment penalty, and in the most serious crimes, the penalty of life imprisonment that is not eligible for reduction. The Commission also called for the pursuit of the policy on the de facto moratorium on the death penalty implemented by the authorities and for the adoption of United Nations General Assembly resolution 149/62 on the Moratorium on the use of death penalty. Pending the approval of the abolition of the death penalty, the judicial authorities are called upon to limit its application to the most serious crimes in accordance with the law in force at the time of the commission of the crime in accordance with Lebanon's obligations under article 6, paragraph 2, of the International Covenant on Civil and Political Rights.

C. Reception of Complaints and Reports and Contribution to Their Treatment through negotiation and mediation, or prosecution

136. The National Human Rights Commission, which includes the Committee for the Prevention of Torture, is competent to deal with complaints about human rights violations in a manner somewhat similar to, yet different from, the courts. The handling of complaints by the National Human Rights Commission, which includes the Committee for the Prevention of Torture, usually follows steps that include receipt, initial evaluation, investigation, reconciliation, and referral or report. According to Law 62/2016, it falls within the powers of the National Commission for Human Rights in Lebanon to monitor the reality of human rights and international humanitarian law in Lebanon. This includes receiving, following up and handling complaints related to violations of any of the rights and freedoms guaranteed in the Lebanese Constitution and in local laws and in accordance with Lebanon's obligations under international human rights law and international humanitarian law. The Commission deals with the protection roles and responsibilities, which constitute an important aspect of NHRIs' responsibilities in accordance with the Paris Principles, by receiving and investigating complaints, negotiating and mediating, and seeking redress through prosecution or through the courts.

137. On May 07, 2021, a Lebanese expatriate working in Qatar submitted a request for legal advice before the Commission, and after reviewing the aforementioned request and all its attachments, it seems that he had obtained a decision from the Labour Dispute Settlement Committee in Qatar, in the case No. 35/2020/workers/civil implementation lodged against a Qatari company. The decision issued by the chairman of the committee, Ali Abdullah Ali Al-Obaidly, required the respondent to pay the plaintiff the total values of the unpaid wages, the end-of-service benefits, and the annual leave allowance. In the summary of the case issued by the Supreme Judicial Council - the Implementation Department, it was found that the executor had obtained executive decisions, including a precautionary seizure in the Qatar Central Bank - banks, the seizure of shares in the Qatar Central Securities Depository (QCSD), the seizure and restraining at the Ministry of Commerce, and the precautionary seizure at the Ministry of Justice - real estate, precautionary seizure of transit vehicles, in addition to a travel ban of the authorized signatory for the company. It was also found that the aforementioned decision and seizure requests had not been put into effect despite the passage of a period of time since their issuance. Accordingly, the National Human Rights Commission in Lebanon requested the intervention of the National Human Rights Commission in Qatar in order to achieve justice, either through mediation with the respondent to reach a settlement, or by means of advice and legal follow-up to ensure the enforcement of the law and the enforcement of decisions issued by Labour Dispute Settlement Committees. The Chairman of the Qatar National Human Rights Committee (NHRC), Maryam bint Abdullah Al-Attiyah, sent a letter to the Workers' Support and Insurance Fund in Qatar, which is the body entrusted with the payment of dues and the implementation of the decisions of the Labour Dispute Settlement Committee, requesting the Fund to assist in achieve the rights of the complainant and certifying the payment of his dues. However, this has not yet been done and the complaint

is still being considered by the Commission with a view to implementing the decisions of the competent authority in the State of Qatar.

138. On December 10, 2021, the National Human Rights Commission, which includes the Committee for the Prevention of Torture, received a complaint from the Lebanese citizen Muhammad Ali Rabih Al-Hajj alleging that he was tortured on December 9, 2021, when he was being interrogated by officers working in the Baabda Judicial Detachment in the Regional Criminal Investigation Department of the Judicial Police Unit at the General Directorate of Internal Security Forces. The Commission received the complaint and investigated it. This included, in addition to interviewing the victim, an examination and evaluation by two forensic doctors, and a legal assistant to present his case to the court. According to what Al-Hajj reported, “from the moment he entered the investigation headquarters in Baabda, one of the investigators looked at him and said: “Come close to me, you “cockroach”, and then he started hitting him and slapping him on the face several times. The person in charge of the investigation requested to put me in the “chicken” position (i.e. They hung him up and tied his hands to an iron bar that passes under his knee). The investigators started beating me on my hands, legs, and all over my body, and asked me to say everything I know, and this lasted for about 30 minutes. I completely lost my strength and I felt severe pain, especially in my right ankle. I asked the investigator to take me down and allow me to go to the bathroom. He said to me, “Pee on yourself”. I wet myself involuntarily and I lost all my strength, then I was removed from the “chicken” position. Al-Hajj continued: “After that, I was brought back into the interrogation, and the investigator told me: “ You do not want to confess, put him on the “chicken” again, and it was sunset. After they hit me on the bottom of my feet with a leather strap, one of the investigators said: “Bring the thick stick (which is a stick wrapped with plastic tape on several layers, causing severe pain during the beating but leaving no trace on the body). At 7:30 p.m., I was threatened with electricity, so one of the investigators came with an electric cable connected to copper clips (battery cable) and placed one of these clips on my nipple and said: “bring me water”. I was threatened with electric shocks being applied to my body and I was sprayed with water to “electrify me more,” as one of the investigators told me, but this threat was not carried out and it remained within the framework of psychological intimidation.

139. On April 24, 2022, the victim filed a complaint directly before the first investigative judge in Mount Lebanon, and the report of the preliminary investigation that took place at the Information Branch as a result of the notification submitted by the Commission to the Public Prosecution at the Court of Cassation was forwarded to the Public Prosecutor at the Court of Appeal in Mount Lebanon as an annex to the file of the direct complaint after the victim’s attorney objected to the lack of authority of the security agencies to investigate complaints of torture. The National Commission considered that the official follow-up of the complaint helped refer the case of Muhammad Ali Rabih Al-Hajj to the judicial justice (registration of case No. 1707/2022).³⁵ Unfortunately, the judge did not schedule a first hearing to consider

35. <https://nhrc.lb.org/publicity/19>

this case until the date of the drafting of this report, despite the repeated requests by the volunteer lawyer assigned to follow up on the case. The cooperation of the Lebanese judiciary with this complaint, after referring it to the investigative judge, will be the subject of a separate report, and for this reason the current report does not address this issue. The Commission believes that these issues are most appropriately and effectively addressed through bilateral dialogue. Some state actors, including judicial judges, have attempted to condone torture or ill-treatment based on the exception in the Convention regarding “legal penalties”³⁶. Whereas, any “legal penalties” should be interpreted in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the general principle of international law contained in the Vienna Convention on the Law of Treaties, which states that “A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty”³⁷. In this regard, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Nils Melzer, stated that some practices, including prolonged solitary confinement and corporal punishment, cannot be considered legal penalties. Furthermore, certain circumstances and practices often accompany or contribute to acts of torture and ill-treatment, including, for example, criminal justice systems that rely excessively on confessions as the main source of evidence, and are therefore likely to resort to coercive interrogation techniques in order to extract coerced confessions or testimonies.

140. On December 20, 2021, the Commission received a request for support from a complainant to mediate before the Druze High Court of Appeal, in order to certify the confirmation of custody, sponsorship, and care of a minor issued by a judge of the Beirut Druze Court - First Instance. The Commission accepted the request for mediation before the court due to the specificity of the case and its connection to the elimination of all forms of discrimination against women, the right to custody, and the rights of the child in general, especially the application of the principle of “the best interest of the child”. The Commission met with the President of the relevant Court, communicated with parliamentary and political authorities, and clarified the legality of approving the request for confirmation of custody of the complainant who is located outside the Lebanese territory, bearing in mind that the custody dispute party is awaiting a ruling against him based on a presumptive decision issued by a specialized court in Mount Lebanon, on allegations of assaulting his minor son, and the president of the court approved the request after repeated requests by the rapporteur working on this case.

141. On February 22, 2022, the Commission received a letter from the Lebanese Center for Human Rights (CLDH) highlighting the violations that took place in a shelter affiliated with Caritas. The letter refers to the transformation of the conditions of the Caritas shelter into conditions of detention, based on the testimony of the foreign workers and what the CLDH team has witnessed and monitored in recent years. The Caritas Center signed a memorandum of cooperation with the General Directorate of Lebanese General Security to use the shelter

36. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 1.

37. Vienna Convention on the Law of Treaties, Article 27.

to protect victims of human trafficking, some of whom are Kenyan women who later left the shelter to join the sit-in in front of the Kenyan consulate. According to a group of such workers, the main reason behind leaving the Caritas shelter is their feeling that it is more like a detention centre than a protection shelter. It is also worth noting that the Lebanese Center for Human Rights and the Anti-Racism Movement issued a joint public statement in July 2020³⁸ that highlights the case of 13 foreign workers who reported violation of their rights at the Caritas shelter. At that time, the workers also reported that they were victims of deprivation of liberty in the shelter during all that time and indicated that they were deprived access to their mobile phones, and that they only got food and a place to sleep. Later in December 2020, the Center revealed more violations in another statement³⁹ that highlights the case of a foreign worker who asserted that her rights were violated during her stay in a Caritas shelter. Based on this letter, the National Committee for the Prevention of Torture visited the shelter and met with its officials, who initially tried denying the Committee access to the premises. In the conclusion of the visit report, the Committee recommended the Ministry of Labour and the concerned Lebanese authorities to take immediate measures to protect these women and to ensure the provision of adequate shelter for domestic workers who were abandoned by their sponsors so that they are free to move and communicate, as well as access legal and psychological support, and to facilitate the voluntary return of women who wished to return home. It also recommended amending Article 7 of the Labour Law to include domestic workers, and to abolish the sponsorship system instead of amending it because it is a system that facilitates human trafficking and violates the rights and dignity of hundreds of thousands of migrant workers in Lebanon. It also called on Caritas Lebanon administration to refrain from using its shelters as unofficial places of detention, and to immediately start improving their living conditions, protect workers from any mistreatment or violation of their rights, ensure that workers enjoy freedom of movement inside the shelters and are not denied entry and exit, and refrain from confiscating their phones and any of their belongings.

142. On July 5, 2022, the Commission received a complaint from the former Director General of Customs, Badri Daher, followed by complaints from a large number of detainees in connection with the Beirut Port explosion crime. During the investigation of the complaints, the total number of those arrested according to arrest warrants reached 19 out of 27 people, and nine of them who belonged to several categories, including administrators at the Beirut port, military personnel, and security personnel from the Customs, General Security, State Security, and the Lebanese Army, were released. Those arrested were held for a period of more than two years. The Lebanese judge leading the investigation was suspended from his duties after former ministers submitted requests for disqualification against him after they were summoned for investigation in the case. The Commission examined the complaint submitted by the detainees and their families and considered that their arrest is an arbitrary measure that falls within the first and third categories of arbitrary measures, through non-compliance, in

38. <https://www.rightsobserver.org/blog/call-for-action-to-protect-migrant-workers:-13-workers-report-their-rights-violated-at-caritas>

39. <https://www.rightsobserver.org/blog/another-human-rights-violation-at-caritas-lebanon-shelter>

whole or in part, with international standards related to the right to a fair trial, as stipulated in the Universal Declaration of Human Rights and the relevant international law, so that the deprivation of liberty is given an arbitrary character. With the release of the majority of those arrested in the case, the curtain came down on their arbitrary detention status, in which an opinion was issued by the United Nations Working Group on Arbitrary Detention, which was also adopted by the Commission⁴⁰. The Working Team considered that the Director General of Customs, Badri Daher, the Director General of the Port, Hassan Koraytem, the former Director of the customs administration, Chafic Merhi, and the head of the Customs Authority and its acting regional director, Hanna Fares, are deprived of their liberty, in contravention of articles 2, 9 and 14 of the International Covenant on Civil and Political Rights. It is an arbitrary measure that falls within categories I and III. The Working Group requested the Government of Lebanon to take the steps necessary to rectify the situation of the detainees without delay and bring it into conformity with the relevant international standards, including those set out in the International Covenant on Civil and Political Rights. The Working Group considered that, given all the circumstances of the case, in particular the conditional freedom, the appropriate remedy would be to accord the detainees an enforceable right to reparation, in particular in the form of compensation, in accordance with international law.

D. The October 17, 2019 Protests

143. The Commission was present during the protests of October 17, 2019. It created a special hotline to receive complaints and its members were present in the field to examine the violations. Besides, it issued several statements in this regard and conducted activities in this field as follows:

- (a) Creating a hotline (03923456) on November 14, 2019, with the aim of receiving complaints, as it received many calls from residents of Lebanon, especially people who were subjected to violations during the October 17 revolution.
- (b) On January 16, 2020, the Commission issued a statement calling on the security forces to refrain from the use of violence, the use of rubber and live bullets, and tear gas, and to refrain from targeting journalists, after it monitored a number of serious violations committed by the riot police and other forces affiliated to the General Directorate of the Internal Security Forces, during the protests that took place in the Lebanese capital, Beirut, especially those that occurred on the evening of January 15, 2020, which extended until the dawn hours of January 16, 2020.
- (c) On January 20, 2020, a delegation from the Commission visited the injured in the protests and demanded to see the progress of the investigations in the case of the leaked video in the Al-Helou barracks, which documented the assault on the detainees in the demonstrations when taking them to the barracks. The Commission sent, according

40. <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session95/A-HRC-WGAD-202271-Lebanon-Advance-Edited-Version.pdf>

to the powers stipulated in Article /25/ Paragraph “B” of Law No. 62/2016 a “Request for Information” letter to each of the Director General of the Internal Security Forces, Major General Imad Othman, and the Public Prosecutor of the Court of Cassation, Judge Ghassan Oueidat, requesting information about the investigations related to the incident of the leaked video, or any other incident related to torture or cruel or degrading treatment or punishment, after more than 20 people, since the outbreak of the protests, filed personal lawsuits before the Lebanese judiciary about allegations of torture committed against them during arrest or pre-trial detention, which requires the immediate application of article 5 of Law 65/2017, which amended the Code of Criminal Procedure.

144. On August 8, 2020, the Commission documented human rights violations during the protests that took place in downtown Beirut. The Commission called on the Lebanese Army, which has the authority to maintain security, and all other security forces to respect the right to peaceful demonstration, not to use excessive violence against demonstrators, and to refrain from arrests that violate the law. It also called on the protesters to maintain peaceful demonstrations.

145. On September 8, 2020, the Commission published its report regarding the violations that occurred against protesters during the August 8, 2020 protests. The Commission denounced the excessive use of force against and crackdown on protesters by the Lebanese Army, the Internal Security Forces, and the Parliament Police, which resulted in many injuries, some of which were serious, particularly in light of the use of auto-loading rifles that fire metal pellets⁴¹, in addition to the use of rubber bullets and the excessive tear gas canisters, especially since the Commission carried out field documentation and gathered eyewitnesses and victim’s testimonies. The report recommended the need to conduct transparent investigations into criminal complaints brought before it⁴².

E. The Beirut Port Explosion

146. In response to the consequences of the Beirut Port explosion on August 4, 2020, the Commission assumed its duties and launched a detailed report that monitors the human rights violations that occurred as a result of this explosion. This report made several recommendations to the Lebanese authorities, the United Nations, and donors in terms of conducting fair investigations and trials that meet human rights standards, as well as for increasing humanitarian assistance to those affected. On September 5, 2020, the Commission published its report entitled “Monitoring Human Rights Violations in Response to the Beirut Port Explosion”⁴³. The report concluded the following: the referral of the Beirut port explosion crime to the Judicial Council does not comply with the standards of fair trials, as it is on the same level of trials, and lacks any supervisory judicial authority. Besides, its composition, jurisdiction, and work

41. <https://www.youtube.com/watch?v=p2S4uQSjAXo>

42. <https://nhrcb.org/publicity/7>

43. <https://nhrcb.org/publicity/9>

constitute a privileged extraordinary court. The Commission recommended that civil courts should be reinforced and their independence enshrined by adopting the proposed law on the independence and transparency of the judiciary. The Commission adopted the recommendation issued by a number of independent United Nations rapporteurs on “the need for a prompt, impartial, independent and credible investigation based on human rights principles, to examine all claims, concerns and needs in relation to the explosion as well as the underlying human rights failures. It stressed that the investigation must be protected from any undue influence and be given a strong and broad mandate to effectively probe any systemic failures of the Lebanese authorities and institutions to protect human rights. Any such investigation should integrate a gender lens and must also grant victims and their relatives effective access to the investigative process, respecting their right to participate and be informed. The investigation, as well as other actions linked to the disaster, must also protect the privacy as well as the confidentiality of the identities and testimony of victims, witnesses, associates, colleagues and their families. The findings and recommendations of the investigation should be made public.” The Commission recommended the following to the Lebanese authorities: The need to conduct an investigation into the Beirut port explosion, based on standards that take into account the human rights principles, away from any possible political interference, to ensure that the truth is unveiled, justice is achieved, and the compensation is provided to the victims; the need to pursue the search for missing persons and guarantee the right of their families to reveal their fate, with all what this entails in terms of procedures, including the establishment of a DNA database; adopting a broad package of reforms that guarantees the provision of shelter, food, electricity, health and education services, now that half of Lebanon’s population is living below the poverty line, while paying due attention to the economic and social situation of the most vulnerable groups. The Commission made the following recommendations to the United Nations and the donors: The need to urgently increase humanitarian assistance to Lebanon, at a time when the country is already suffering from a severe economic crisis, in addition to the outbreak of the Covid-19 epidemic; the need to contribute to the activation of subsidized social safety networks and enhance basic assistance to alleviate the pain caused by the explosion and the severe financial and economic crisis, which in turn requires binding structural reforms.

147. On December 16, 2020, the Commission held a press conference at the Lebanese Press Editors Syndicate and launched a project to monitor human rights standards in response to the repercussions of the Beirut port explosion and to take the required governmental and parliamentary steps to activate the work of the National Human Rights Commission, which includes the Committee for the Prevention of Torture. On July 29, 2021, the Commission released the report on “Monitoring Human Rights Violations in Response to the Beirut Port Explosion”⁴⁴. The Commission considered that the facts and information it collected about the Beirut port explosion that occurred on August 4, 2020 and the response to its repercussions have proven a great negligence and failure to protect the rights of all without discrimination, including the right to life, health, housing, food, water, education, and the right to a healthy

44. <https://www.youtube.com/watch?v=xuccvw0AGOc>

environment. This report is classified as the first Lebanese official report on the Beirut port explosion, weeks before the first anniversary of the occurrence of this persistent and serious crime. The National Human Rights Commission in Lebanon, which includes the Committee for the Prevention of Torture, issued this report, pursuant to its mandate as a national human rights institution in Lebanon, performing its duties in all matters related to the protection and promotion of human rights in Lebanon. In particular, the Commission is responsible for monitoring Lebanon's commitment to human rights and international humanitarian law and drafting and publishing special or periodic reports. The report urges the authorities to achieve justice, reparation and compensation for the victims, and to ensure that the serious violations of the explosion and response mechanisms are not repeated. The report, which falls in three sections, indicates that the facts and information gathered about the Beirut port explosion of August 4, 2020 and the way in which its consequences were dealt with have proven significant negligence and failure to protect everyone's rights without discrimination, including the right to life, health, housing, food, water, education and the right to a healthy environment. The report aims to monitor the national stakeholders' post- explosion interventions, in addition to communicating with survivors and families of victims to address their concerns. The report addresses systemic or widespread issues that lead to human rights violations, identifies measures to be implemented to mitigate the risks of violations, and recommends taking measures to improve disaster response and protect the rights of survivors, including the most vulnerable groups. During the preparation phase of the report, the Commission met with individuals and organizations concerned with responding to the repercussions of the Beirut port explosion to collect relevant information. It conducted interviews with a list of contributors comprising 65 Lebanese and foreigners from various backgrounds, including government institutions, Lebanese security institutions, civil society activists, and lawyers. It held 43 meetings with the victims of the explosion who lost family members or suffered physical or material damage. Most of those whom the commission met with were subjected to moral, physical and material damage at the same time. A list of questions has been prepared to serve as a guide for collecting the information required for the report. The information was used to document and categorize emergency response gaps and highlight the human rights that were violated as a result of the explosion. A survey was conducted on 43 survivors to assess their awareness of human rights and to understand whether they knew what their rights were and which rights were violated as a result of the Beirut port explosion. The report concluded that the Lebanese administrative and security institutions lack self-criticism. Indeed, while they convey the impression that everything they did in their response to the explosion was effective and necessary, it appears that this was not true. As for civil society organizations, despite filling a big gap and carrying out effective work, they do not want to recognize that a better coordination with the government could have resulted in more efficient and effective efforts⁴⁵.

45. <https://nhrc.lb.org/en/Publicity/10>

F. Response to the Repercussions of the COVID-19 Pandemic

148. The Commission participated in awareness campaigns and provided advice on protection from the COVID-19. It called for taking the necessary measures to prevent the spread of the coronavirus disease in places of arrest and detention. The Commission activities in this field were as follows: On February 21, 2020, the Commission participated in an awareness campaign on the protection from COVID-19. On March 14, 2020, the Commission paid tribute to Lebanon's medical teams dealing with the COVID-19. On March 18, 2020, the Commission published a study conducted by a team from the Faculty of Medicine at the Lebanese University, under the supervision of Dr. Pierre Abi Hanna, who was in charge of treating COVID-19 cases at the Rafic Hariri Hospital, on the extent of knowledge and the interaction of the Lebanese people with the emerging coronavirus disease (COVID-19).

149. On March 25, 2020, the Commission adopted the declaration of the High Commissioner for Human Rights, Michelle Bachelet, in which she called on states to take urgent action to prevent COVID-19 "rampaging through places of detention". The Commission called for the protection of the physical and mental health and well-being of prisoners, as set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the Nelson Mandela Rules). Measures taken to respond to a health crisis must never undermine the basic rights of detainees, including their right to adequate food and water. Safeguards against ill-treatment must also be respected, including access to a lawyer and a doctor.

150. On April 2, 2020, the Commission published the advice issued by the United Nations Subcommittee on Prevention of Torture, which is related to the measures to be taken by governments and independent monitoring bodies to protect people deprived of their liberty in context of the outbreak of the coronavirus disease (COVID-19). The general advice provides the authorities with a set of measures concerning all places of deprivation of liberty, including detention facilities, immigration detention facilities, closed refugee camps, and psychiatric hospitals, in order to mitigate the health risks caused by the coronavirus disease (COVID-19)⁴⁶.

151. On April 3, 2020, the Commission participated alongside the National Commission for Lebanese Women (NCLW) in an awareness campaign against domestic violence during the outbreak of the coronavirus pandemic. The Asia and Pacific Regional Group of the Subcommittee on Prevention of Torture organized a brief online meeting on 17 June 2020, after analysing information provided by the National Human Rights Commission, which includes the Committee for the Prevention of Torture in Lebanon, on measures taken to adapt work modalities during the COVID-19 pandemic. The meeting was held jointly with National Preventive Mechanisms in the Asia-Pacific region during the session of the Subcommittee on Prevention of Torture, which was held online (for the first time) due to the COVID-19 pandemic and related restrictions with the aim of sharing challenges, lessons learned and

46. https://www.ohchr.org/sites/default/files/Documents/HRBodies/OPCAT_AdviceStatePartiesCoronavirusPandemic2020.pdf

future prospects. The Commission also participated, on December 18, 2020, in an international scientific symposium in hybrid format on monitoring places of deprivation of liberty in the context of the COVID-19, held in Tunisia.

152. On March 22, 2020, the Commission sent a letter to the Prime Minister requesting the provision of a minimum level of support and capacity building to ensure that members and experts of the National Preventive Mechanism can exercise their authority by visiting places of quarantine and ensuring protection from torture and cruel, degrading and inhuman treatment. The Ministry of Public Health responded to this message, indicating that the quarantine places prepared by the Ministry are for emergency cases and have not been used yet. At a later stage, the Committee for the Prevention of Torture attempted to visit hospitals that were used for quarantine. Unfortunately, the government did not provide the necessary personal protective equipment to that end. On January 2021, the Committee was invited to participate in the meetings held by a committee established by the Ministry of Interior to deal with the coronavirus pandemic in prisons and detention centres. According to the reports submitted by this Committee, the definition of “places of deprivation of liberty” was limited to prisons and detention centres only.

153. On January 5, 2021, the Chairman of the Commission issued a decision that exempts from the general mobilization measures announced by the decisions of the Council of Ministers and the Higher Defence Council, which was extended until March 31, 2021, members and employees of the National Human Rights Commission , which includes the Committee for the Prevention of Torture, in accordance with the provisions of article 9, paragraph (C) of Law No. 62 dated October 27, 2016, which stipulates that the Executive authority cannot take a decision to suspend or stop the work of the Commission under any circumstances, including emergencies and wars⁴⁷.

G. Interaction with International Organizations

154. Among the activities it carried out and in the framework of interaction with international organizations, the Commission issued reports and participated in many conferences and meetings in Lebanon and abroad that focused on the necessary mechanism to enhance the work of the Commission and the Committee, as well as on monitoring and supervising the effective implementation of human rights standards in Lebanon.

155. The National Human Rights Commission , which includes the Committee for the Prevention of Torture, is preparing binding documents and reports to apply for accreditation at the United Nations to join the Global Alliance of National Human Rights Institutions (GANHRI) as an “A” status accreditation centre. The internationally agreed upon Paris Principles define the role, composition, status and functions of National Human Rights Institutions. These principles, which were formulated at an international workshop on National Human Rights Institutions that was held in Paris in 1991, were adopted by the

47. <https://nhrc.lb.org/publicity/18>

United Nations General Assembly in 1993. NHRIs must comply with the Paris Principles, which set out their human rights objectives, ensure their independence and broad mandate in the field of human rights, provide them with adequate funding, and secure them an inclusive and transparent selection and appointment process. The “Principles” are broadly accepted as a benchmark for any institution’s legitimacy and credibility. As of March 4, 2019, there are 78 NHRIs accredited with “A” status from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), i.e. in compliance with the Paris Principles. NHRIs with ‘A status’ accreditation may: Make an oral statement under all the substantive agenda items of the Human Rights Council; participate through video messages in plenary discussions of the Human Rights Council, including during the adoption of outcome of the Universal Periodic Review (UPR) of the country by the Council, the interactive dialogue following the presentation of a country mission report by a special procedures mandate holder, and panels or annual discussions; submission of documents, to be issued under the United Nations document symbol; take separate seating in all sessions. According to paragraph 28 of Human Rights Council resolution 16/21 on the review of the work and performance of the Human Rights Council, which grants “A” status National Human Rights Institutions in a country under review the right to intervene immediately after the country concerned during the interactive dialogue following the presentation of a country mission report by a special procedures mandate holder and immediately after the State under review upon the adoption of the Universal Periodic Review report in plenary. Resolution 16/21 also grants “A” status National Human Rights Institutions the right to nominate candidates as special procedures mandate holders.

156. The National Human Rights Commission, which includes the Committee for the Prevention of Torture, joined the Arab Network of National Human Rights Institutions as an observer. It also initiated the preparation of its accession file to international and regional organizations and bodies, regional and Arab human rights mechanisms, economic and development institutions and networks and regional and international groups for the protection and promotion of human rights. The most prominent of these organizations are: The Asia Pacific Forum of National Human Rights Institutions, the Francophone Network of National Human Rights Institutions, and the Network of Ombudsman Institutions and Mediators for the Promotion of Human Rights in the Organization of Islamic Cooperation OIC Member States.

157. The Commission held a meeting on November 21, 2018 with the human rights team at the Swiss Ministry of Foreign Affairs in Bern. From 4 to 6 March 2019, the Commission participated in the 32nd Annual Conference of the Global Alliance of National Human Rights Institutions at the United Nations Palace in Geneva.

158. On August 21, 2019, the Commission met with a delegation of experts who visited Lebanon at the invitation of the Westminster Foundation for Democracy. The working sessions included discussing ways of cooperation during the next stage through joint projects, providing advice and exchanging experiences on monitoring police detention centres and other

places of detention. A draft communication strategic plan prepared by the international expert Sasha Jankovic (Serbia) for the National Commission with the support of the Westminster Institution was also discussed.

159. On November 14, 2019, the Commission held a working session in partnership with the Regional Office of the High Commissioner for Human Rights and the United Nations Development Program to reflect on the Commission's crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level.

160. On November 26-27, 2019, the Commission participated, with the support of the Council of Europe, in the international conference held by the Foundation of Human Rights Defender of the Republic of Armenia (the Ombudsman Foundation) on the occasion of the fifteenth anniversary⁴⁸.

161. On December 2, 2019, the Commission visited the United Nations Resident Coordinator and presented its observations on the statement of the Special Rapporteurs issued on Lebanon by seven Special Rapporteurs assigned within the Special Procedures of the Human Rights Council to provide reports and advice on human rights from a thematic perspective.

162. In the context of supporting the Regional Office of the High Commissioner for Human Rights and strengthening the capabilities of the National Human Rights Commission, which includes the Committee for the Prevention of Torture, the Commission participated in a consultative meeting held on December 13, 2019 on "the complaints mechanism, the skills for dealing with complainants, the preparation of complaints files and forms, and the gender dimension of human rights complaints".

163. On December 15, 2019, the Commission participated in the meeting of the General Assembly of the Arab Network of National Human Rights Institutions, which was held in Cairo. As a result of the meeting, the network issued several recommendations, some of them related to Lebanon, within the framework of exchanging experiences and strengthening and supporting the National Human Rights Commission, which includes the Committee for the Prevention of Torture.

164. On February 4 and 5, 2020, the Commission participated in the regional meeting of the Arab Network of National Human Rights Institutions in Marrakesh, organized by the National Council for Human Rights and the Arab Network of National Human Rights Institutions, on "The promotion of human rights culture as part of the Sustainable Development Goals (SDGs)." ."

165. On February 18, 2020, the Commission participated in a visit organized by the International Organization for Migration to the Netherlands on protection frameworks for victims of human trafficking. The delegation included MPs from the Lebanese Parliament, representatives of the Ministries of Justice, Labour and Social Affairs, the Ministry of Interior, the General Directorate of General Security, the Lebanese Army, judges and representatives

48. <https://www.facebook.com/NHRCLB/videos/2593290130902000>

of The National Commission for Lebanese Women and a number of non-governmental organizations. The delegation held working sessions with the Policy Department at the Ministry of Justice and Security, the National Rapporteur on Human Trafficking and Sexual Violence against Children, the National Public Prosecutor's Office, the Expertise Centre of the National Police on Human Trafficking and People Smuggling, Komincha and Europol.

166. On February 24, 2020, the Commission participated in the study visit in the Netherlands, in cooperation with the Netherlands Helsinki Committee (NHC) and the Westminster Foundation for Democracy. On February 25, 2020, a delegation from the Commission visited the headquarters of the Special Tribunal for Lebanon in Leidschendam, near The Hague, Netherlands. On February 28, 2020, during the reconnaissance visit to the Netherlands, a delegation from the Commission visited the women's prison in Nieuwersluis.

167. On May 12, 2020, the Commission participated in a webinar held by the UN Human Rights Regional Office for the Middle East and North Africa (ROMENA), which provided an overview of the United Nations Framework for immediate response and protection of persons with disabilities.

168. On July 4, 2020, the Commission participated in the consultative meeting on "The Future of Education in the Arab Region", which was organized remotely via the Internet by the Arab Network for National Human Rights Institutions and the Arab Institute for Human Rights based in Tunisia.

169. On June 30, 2021, the Commission participated in a webinar organized by the Working Group on Alternatives to Immigration Detention in the United Nations Network on Migration in cooperation with the Permanent Missions to the United Nations in Geneva of Colombia, Ghana, Portugal and Thailand. This webinar was held as a follow-up to the First Global Online Peer Learning Exchange held on November 17, 2020, where many countries expressed interest in maintaining dialogue and sharing knowledge and experiences on sustaining and expanding the use of alternatives to immigration detention. Particular interest was expressed in case management resolution, in the context of combating the COVID-19 pandemic, on how to make ethical use of technology in order to expand alternatives to immigration detention. The Commission is working to submit legal proposals to the Lebanese authorities that would enable the issuance of legislation that fosters community-based alternatives to detention of immigrants and amends the legal framework for alternative sanctions to imprisonment, which is still failing to achieving the goal of reducing the number of detainees in prisons and detention centres of the various Lebanese authorities.

170. On December 25, 2021, the Commission participated in Mohamed Fayek's founding course on "Human Rights System and the Establishment of National Human Rights Institutions and their Roles", in Cairo, for the Network member institutions, along with participants from civil society institutions, parliamentarians and government agencies, organized by the Arab Network of National Human Rights Institutions.

171. On February 4, 2022, the Commission met with the United Nations Special Coordinator for Lebanon, Ms. Joanna Wronecka, and presented the process towards the approval of the executive decrees in view of activating the National Human Rights Commission, which includes the Committee for the Prevention of Torture and the Enforcement of Law 62/2016, and the obstacles it faces.

172. On February 27, 2022, the Commission participated in the International Conference on “International Solidarity and 2030 Agenda for Sustainable Development: The Pivotal Importance of SDG 16”, organized by the Arab Network of National Human Rights Institutions in Cairo. On February 28, 2022, on the margins of its participation in the same conference, the Commission held a working session with Mr. Sultan bin Hassan Al-Jamali, Executive Director of the Arab Network of National Human Rights Institutions and Secretary-General of the Qatar Human Rights Committee. The discussion addressed the means of coordination, cooperation, and support provided by the Arab Network and the Qatari Committee to the National Committee for Human Rights in Lebanon.

173. On March 8, 2022, the Commission held a working session with the Head of the European Union Delegation to Lebanon, Ambassador Ralph Tarraf, and the delegation staff concerned with the human rights file to discuss the importance of coordination between the Commission and the European Union to enable the Commission to perform its functions.

174. On April 6, 2022, the Commission released a book entitled “Reference Guide of the National Human Rights Commission, which includes the Committee for the Prevention of Torture,” in Arabic⁴⁹ and English, with the support of the “Promoting Community Policing in Lebanon” project funded by the European Union and implemented by the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP). The book includes various reference documents that define the functions and powers of the Commission established under Lebanese Law No. 62/2016 dated October 27, 2016 and its amendments, including the internal and financial regulations and the rules of ethics of the Commission and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The book also includes a set of appendices, including Human Rights Council Resolution No. 45/22 on national institutions for the promotion and protection of human rights, United Nations General Assembly Resolution No. 75/186 on national human rights institutions, the Belgrade Principles that defines the relationship between the National Human Rights Institution and the Parliament, and the Kandy Program of Action: Cooperation between National Institutions and NGOs. The book is characterized by providing a unique and comprehensive definition of the legal form that Lebanon chose to establish a state-funded but independent⁵⁰ National Human Rights Commission. The Commission also produced a promotional video highlighting the role it plays, which distinguishes it from other organizations defending human rights, and its work, which constitutes a bridge between civil society and governments.

49. <https://nhrc.lb.org/publicity/4>

50. <https://www.youtube.com/watch?v=GeXbcuYtWVA>

175. On April 6, 2022, the Commission released a book entitled “The National Commission for Human Rights, which includes the Committee for the Prevention of Torture: Complaints Handling Guide,” in Arabic⁵¹ and English, with the support of the “Promoting Community Policing in Lebanon” project funded by the European Union in Lebanon, and implemented by the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP). This guide explains the mechanism for dealing with complaints received by the Commission, as it falls within its powers to follow up the reality of human rights and international humanitarian law in Lebanon. This includes receiving, following up and handling complaints related to violations of any of the rights and freedoms guaranteed in the Lebanese Constitution and in domestic laws and in accordance with Lebanon’s obligations under international human rights law and international humanitarian law. The Commission established the Complaints Commission in accordance with its rules of procedure to facilitate the reception and follow-up of complaints by the Commission. Three permanent committees (out of four) have also been established within the Commission, together with the Committee for the Prevention of Torture, which has the powers to receive and process complaints: The Grievance Committee for Child Victims of Child Rights Violations, the Committee for the Protection of the Rights of Persons with Disabilities, and the Anti-Human Trafficking Committee. This guide answers various questions related to submitting complaints and the Commission’s ability to accept complaints and processing them, which depends on the human rights subject raised by the complaint, the party submitting the complaint, the party against whom the complaint is made, and other judicial issues.

176. On November 8, 2022, the Commission and the Arab Network for National Human Rights Institutions inaugurated a training course in the Lebanese capital, Beirut, on receiving and following up complaints, visiting places of detention, and preparing monitoring reports, in cooperation with the United Nations Human Rights Training and Documentation Centre for Southwest Asia and the Arab region⁵².

H. Interaction with Civil Society Organizations

177. Within the framework of its interaction with civil society, the Commission carried out many diverse activities, including press conferences to shed light on some violations related to hate speech and the policy of impunity. The Commission also participated in workshops and seminars to develop cooperation mechanisms with the civil society.

178. On the occasion of the International Human Rights Day, which coincides with the 70th anniversary of the Universal Declaration of Human Rights, the Commission organized on December 14, 2018 a reception at the “Beit Beirut” museum, which was attended by many local and international associations and human rights activists.

51. <https://nhrc.lb.org/publicity/11>

52. <https://fb.watch/jeZf9udfdS/>

179. On February 13, 2020, the Commission called for ensuring that the aggressors against journalist Mohamed Zbeeb, who was assaulted as a result of his journalistic work and for highlighting the legal violations and financial crimes committed by the Lebanese banking system against depositors, do not go unpunished.

180. On May 26, 2020, the Commission organized a meeting with the workers of the “Ramco” company that undertakes sweeping and waste collection contracts in Beirut and a number of districts of Mount Lebanon, with the participation of members of non-governmental human rights organizations, with the aim of investigating their economic, social and health conditions.

181. On February 12, 2020, the Commission held a panel discussion, in partnership with the Westminster Foundation for Democracy, in conjunction with the visit of the delegation of the Francophone Association for the Protection of Personal Data, and stressed the importance of protecting and promoting the right to privacy.

182. On November 18, 2021, the Commission signed a cooperation agreement with the Tripoli Bar Association, aiming to define ways of technical and academic cooperation between the two parties.

183. On February 17, 2022, the Commission visited the President of the Bar Association in Beirut, Mr. Nader Caspar, in the presence of the Director of the Bar’s Institute for Human Rights, Elizabeth Zakharia Sioufi. The Commission presented its work mechanism and the challenges it faces in performing its tasks. They also discussed the memorandum of cooperation that the Commission proposed with the aim of unifying and activating efforts to develop human rights in Lebanon.

184. On March 22, 2022, The Commission held a consultative meeting entitled “The role of Civil Society Organizations in lobbying and advocating for the approval of organizational decrees of the National Human Rights Commission, which includes the Committee for the Prevention of Torture” at the Movenpick Hotel - Beirut, in the presence of representatives of /38/ Lebanese Non-Governmental Organizations and representatives of the United Nations Development Program and the Office of the High Commissioner for Human Rights.

185. On May 20, 2022, the Commission held its press conference entitled: “Violations by the Ministries of Justice and Finance of Law 62/2016 and its amendments, how successive Lebanese governments obstructed the protection and promotion of human rights”⁵³ at the Legal Agenda premises. On that occasion, the Commission detailed and exposed all the grave violations committed by the Ministries of Justice and Finance against an independent commission whose independence has been guaranteed by Lebanese law and relevant international agreements⁵⁴. The aim of its establishment by the Lebanese authorities was only to be independent and have a clear mission, which is to protect and promote human rights in Lebanon.

53. <https://www.youtube.com/watch?v=PEqAjw5AmZ0>

54. <https://www.youtube.com/watch?v=UPcfn1zWAuU>

186. On June 10, 2022, the Commission participated in the awareness campaign “The Lesson Lies in the Implementation” on the enforcement of the law criminalizing torture, which was launched by a number of lawyers in the Committee for the Defence of Protestors in cooperation with the Friedrich-Ebert-Stiftung foundation. The campaign included a research paper entitled “The Law Criminalizing Torture: Obstruction and the Role of the Judiciary” that dealt with the loopholes in the law, in addition to the difficulties that faced their work to implement the law since its issuance, while proposing a number of recommendations aimed at reforming the law and activating its implementation⁵⁵.

187. On July 29, 2022, the Commission participated in the 19th General Assembly of the Arab Network of National Human Rights Institutions and the Network’s International Conference on “Integrating Human Rights into Public Policies,” which was held in the Mauritanian capital, Nouakchott, on 27 & 28/07/2022. The conference addressed the integration of human rights into public policies by emphasizing and enshrining its importance in achieving governance and the Sustainable Development Agenda and placing them as priorities to stakeholders in the Arab region, as well as enhancing stakeholders’ capacities in the fields of monitoring, follow-up, and other related themes. During the conference, the Commission presented a working paper entitled “Mechanism for the Integration of the Paris Principles into the Public Budget and Public Accounting Laws - Lebanon’s Experience”⁵⁶.

188. On March 10, 2022, the Commission issued a statement explaining to the associations that were opposed to the amendment of Commission Law No. 62/2016 by Law No. 273/2022 the obstacles it had encountered and the importance of amending this law.

I. Interaction with the Official Authorities

189. Within the framework of interaction with the official authorities, the Commission had many activities, most notably the struggle for approving the organizational and implementation decrees of its founding Law No. 62/2016 and the financial and administrative systems, in addition to obtaining a permanent headquarters and working in complete independence without any guardianship from any ministry or official authority over its work as provided for in its founding law.

190. The Commission finalized its internal⁵⁷ and financial⁵⁸ regulations on December 15, 2018, in cooperation with the Office of the High Commissioner for Human Rights - the regional office - in accordance with the legal deadline specified in article 7, paragraph A of Law 62/2016, but these two regulations were not approved in the Council of Ministers to date. On the same date, the Commission’s rules of ethics were completed⁵⁹, and on July 4, 2022, the Commission, in cooperation with the United Nations Development Program, prepared a

55. <https://www.facebook.com/Anti.torture.act/videos/1108183079913468/>

56. <https://www.youtube.com/watch?v=dqfSPi6H3ZM>

57. <https://nhrc.lb.org/publicity/12>

58. <https://nhrc.lb.org/publicity/13>

59. <https://nhrc.lb.org/publicity/14>

contractors regulations draft⁶⁰, in addition to a draft proposal on the structure of the National Human Rights Commission, which includes the Committee for the Prevention of Torture⁶¹.

191. The Commission reiterated on several occasions its demand to have the executive decrees (the internal and financial regulations) listed on the agenda of the Council of Ministers approved, (Decree on the chairman and the Commission member's remunerations) proposed by the Ministry of Justice, approved by the Ministry of Finance and having obtained the advisory opinion of the State (Shura) Council. The Commission welcomed the opinion issued by the Legislation and Consultation Commission at the Ministry of Justice, which authorized the signing of the Commissions' regulatory decrees by the caretaker government.

192. Pursuant to the provisions of Article 12 of Law 62/2016, four permanent committees were established in the National Human Rights Commission, according to its internal regulations: The International Humanitarian Law Committee, the Grievance Committee for Child Victims of Child Rights Violations, the Committee for the Protection of the Rights of Persons with Disabilities, and the Anti-Human Trafficking Committee.

193. Former MP Ghassan Mukheiber prepared an opinion paper on "The Ministry of Justice's observations on the rules of procedure of the National Human Rights Commission, which includes the Committee for the Prevention of Torture"⁶², which were addressed to the Commission under Letter No. 5/85 dated May 31, 2022. The Ministry of Justice's observations concluded that the establishment of the three Committees according to the Commission's draft rules of procedure would lead to "conflict and duplication" of functions with the existing committees and bodies. It also indicated that this duplication has a financial cost, as they all are paid by public funds. Besides, in a further elaboration, the Ministry considered that when the Commission carries out actions such as, "receiving complaints, conducting investigations, processing and resolving complaints," this would interfere with the work of the Judicial Police, as well as with investigations and relevant judicial decisions, especially when the Committee (or any of the competent official authority) is seized with the same case and crime." These committees and official bodies are as follows: The International Humanitarian Law Committee, which corresponds to the National Committee on International Humanitarian Law established by Decree No. 4382 of June 21, 2010. The Grievance Committee for Child Victims of Child Rights Violations which, according to the opinion of the Ministry of Justice, corresponds to the judicial judge who has the authority to look into cases of juvenile protection. The Law on the Protection of Women and other Family Members and its specific mechanisms for submitting complaints, investigating and deciding them, and ensuring protection for victims. The Anti-Human Trafficking Committee which, according to the opinion of the Ministry of Justice, corresponds to the Office of Combating Human Trafficking at the Judicial Police. Contrary to the Ministry of Justice observations,

60. <https://nhrc.lb.org/publicity/15>

61. <https://nhrc.lb.org/publicity/16>

62. <https://nhrc.lb.org/publicity/3>

Mukheiber opinion paper indicates that, with regard to the three permanent committees: there is no inconsistency or conflict between the functions of the three committees, subject of the Ministry's observations (i.e. the International Humanitarian Law Committee - Child Rights – Anti-Human Trafficking) and any existing authority, committee, or administrative or security body, as all of these subject matters fall properly within the framework of the Commission's functions that are laid out in its founding Law and that must be properly implemented with the assistance of permanent specialized committees provided for in article 12 of the Commission's Law. With regard to the authority of the Commission to receive complaints: the proposal to add a paragraph to article 25 of the Commission's Law to reduce its power to receive complaints as proposed by the Ministry's observations is tantamount to amending the law establishing the Commission in its substance and contrary to the legislator's intent, which would be irrelevant, since the law granted the Commission a special main competence (art. 15, para. b4), which is that of the " Reception of complaints and reports related to human rights and the contribution to their treatment through negotiation and mediation, or prosecution". The Law sets out these tasks throughout Section II of Chapter III, where the articles from 17 to 20 define the principles to be followed in the performance of this function, and are specifically formulated to ensure that there is no conflict of authority between the Commission and the judicial authority, the judicial police and its assistants. As for the authority of the Oversight and Monitoring Commission: It is not useful to avail oneself of the use in the draft rules of procedure of the term "Oversight" to cancel article 31 of the rules of procedure or even to require it to be amended to either term "to take cognizance of" or "to study" that were not originally provided for in the Commission's Law. All that can be suggested, by extension, is to replace the term "Oversight" with all the expressions which are explicitly stipulated by the law and which outline the tasks to be fulfilled, namely: "monitoring, follow-up, evaluation, conducting assessments in accordance with human rights standards, expressing opinions and publishing private and public reports – all of which may be referred to collectively with the term "Oversight". As for the authority of the Committee for the Prevention of Torture and its chairman to deal and communicate directly with third persons: The Committee for the Prevention of Torture has a legal personality which is independent from the Commission in the area of competence entrusted to it, which allows it and its chairman to address and communicate with all Lebanese and international authorities and departments without the need to go through the administrative and diplomatic hierarchy within or outside the Commission, as well as contracting experts and staff to assist the Committee in carrying out its activities directly, and thus the wording of article 47 of the rules of procedure is in conformity with the law.

194. The members of the Commission took the oath on July 16, 2019 before the President of the Republic pursuant to article 5 of Law 62/2017.

195. Based on the Commission's repeated pleas, Caretaker Prime Minister Saad Hariri issued on January 15, 2020, a circular requesting all departments, public institutions, and municipalities to cooperate and coordinate with the National Human Rights Commission,

which includes the Committee for the Prevention of Torture, in order for the latter to develop action plans that will ensure human rights protection and torture protection⁶³.

196. On June 26, 2020, the Commission participated in the meeting of the Parliamentary Human Rights Committee, which studied the proposal of the law aimed at amending Law No. 62/2016 related to the establishment of the National Human Rights Commission, which includes the Committee for the Prevention of Torture, as amended by Law No. 6/2020 (2020 main budget and its supplementary budgets).

197. On September 18, 2020, the Commission participated in the meeting of the Parliamentary Human Rights Committee, which complemented the discussion of the proposed amendments to Law No. 220/2000 related to the rights of persons with disabilities, and submitted its observations in this regard, based on a detailed paper.

198. In a press release dated December 15, 2021, the Commission called on the government to respect the principle of non-refoulement, after the Minister of Interior and Municipalities requested the General Directorate of General Security to “take all necessary procedures and measures to deport non-Lebanese members of the Bahraini Al-Wefaq Group from Lebanon”. The Commission stated that the Lebanese Government’s possible awareness of, or tacit acquiescence to, the forcible transfer of the association’s members to the Kingdom of Bahrain constitutes a grave violation of the principle of non-refoulement. The Convention against Torture, to which Lebanon is a party, explicitly prohibits the extradition of individuals to States where there are substantial grounds for believing that they may be in danger of being subjected to torture.

199. On February 27, 2021, the Commission met with Prime Minister Najib Mikati, where the members of the delegation recalled that the Commission is still waiting its activation decrees, which have been transferred from one ministry to another and from the State Shura Council to the Ministries of Justice and Finance and others.

200. During the month of June 2021 and pursuant to the provisions of Law No. 189 of October 16, 2020 (Law on the Disclosure of Financial Liabilities and Interests and Punishment of Illicit Enrichment), especially article 5, paragraph (B-4), which requires all heads, members and employees of independent bodies established by law to submit a declaration to the Presidency of the Council of Ministers until the formation of the National Anti-Corruption Authority. Pursuant to the jurisprudence of the Legislation and Consultation Commission at the Ministry of Justice, which considered that members of the independent national commissions have the obligation to declare their financial assets and interests since the date of their appointment and not from the date of commencement of work or the start of payment of their allowances or admission to their duty station, the members of the Commission shall submit to the Presidency of the Council of Ministers (exceptionally pending the establishment of the National Anti-Corruption Authority) a statement on behalf of themselves, their spouse and their minor children.

63. <https://nhrcib.org/publicity/2>

201. On September 17, 2021, the Commission called on the government to protect and promote human rights and prevent torture by adopting a plan that consists of several items, the most important of which are: Ensure the promulgation of regulatory and executive decrees to Law No. 62 of October 27, 2016 (establishment of the National Human Rights Commission, including the Committee for the Prevention of Torture); ensure the approval of the Commission's budget for the year 2022, which was submitted to the Ministry of Finance; obtain the government's commitment to implement Law No. 65 of October 26, 2017 (Punishment of Torture and Other Cruel Treatment).

202. The government's commitment to international treaties and conventions guaranteeing human rights that were signed by the Lebanese state, particularly the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of All Forms of Discrimination against Women. Ensure that the recommendations of the International Monetary Fund and the World Bank do not affect the basic rights of citizens and residents in Lebanon, and place human rights at the centre of any financial negotiations with international lenders and donors.

203. On January 12, 2022, the Commission met with the Minister of Finance, Dr. Youssef Al-Khalil, and discussed the support that the Ministry can provide to activate the Commission's work, especially in terms of issuing regulatory decrees.

204. On February 8, 2022, the Commission participated in the session held by the Parliamentary Human Rights Committee, where the Committee discussed the issue of the National Human Rights Commission, and its founding law, which was approved in 2016, and stressed the lack of regulatory decrees to activate the work of the Commission. Besides, the issue of combating torture and the application of Law 65 and article 47 of the Code of Criminal Procedure were discussed. The discussions emphasized the need for the Council of Ministers to issue decrees approving the Commission's rules of procedure and financial regulations, which has not taken place yet in order for the Commission to carry out its functions. It also called on the Ministers of Justice and Finance to decide on the decree on the allowances and remunerations of the members of the Commission, given its great importance as an independent entity that follows up on human rights issues and that should therefore be given all the necessary resources to initiate its work without delay.

205. On February 17, 2022, the head of the Commission visited the former President of the Republic, Michel Aoun, and briefed him on the obstacles facing the Commission's work, including the need to find a headquarters, to issue regulatory decrees, and to allocate the necessary funds, in addition to other administrative and logistical problems.

206. On June 6, 2022, a delegation from the Commission visited the Secretary-General of the Popular Nasserite Organization and member of Parliament, Dr. Osama Saad, in his office in Sidon. The aim of the meeting was to inform Mr. Saad of the parliamentary petition aimed at activating the National Human Rights Commission, which includes the Committee for

the Prevention of Torture, and ensuring its independence. The petition calls on the caretaker government to act without delay to activate the National Human Rights Commission, which includes the Committee for the Prevention of Torture, to approve all its regulatory decrees, in particular its rules of procedure and financial regulations, and the allowances and remunerations of its members, and to allocate a suitable headquarters, so that it is independent of any authority and can effectively fulfil its mandate in promoting and protecting human rights and fundamental freedoms for all.

207. On June 8, 2022, a delegation from the Commission visited MP Dr. Elias Jaradi in his office in Beirut. The meeting came to brief Jaradi on the parliamentary petition to activate the National Human Rights Commission, which includes the Committee for the Prevention of Torture, and to ensure its independence. Jaradi was also handed the report of the Committee for the Prevention of Torture issued in May 2022.

208. MP Firas Hamdan visited the temporary headquarters of the Commission on June 10, 2022. The purpose of the meeting was to inform Hamdan of the parliamentary petition aimed at activating the National Human Rights Commission, which includes the Committee for the Prevention of Torture, and ensuring its independence. The petition calls upon the judicial authorities to play a leading role in enshrining the Commission's independence and activating its role, especially with regard to expressing an opinion on its regulations, in a manner that is not contrary to the principle of independence and is in conformity with its founding law, in particular its competence to monitor and document violations of international humanitarian law. It also stresses the need to put an end to the discretionary application of laws related to the protection and promotion of human rights, especially in terms of criminalizing torture and prosecuting its perpetrators, and respecting the guarantees enshrined in the recent amendment to article 47 of the Code of Criminal Procedure, and other related laws.

209. On June 15, 2022, a delegation from the Commission visited MP George Okais, who signed the parliamentary petition calling for activating the National Human Rights Commission, which includes the Committee for the Prevention of Torture, and ensuring its independence. The delegation also handed MP Okais a copy of the report of the Committee for the Prevention of Torture.

210. On June 16, 2022, the Commission's delegation visited the head of the Strong Lebanon bloc, MP Gebran Bassil, in his office in Bayada. The meeting came to brief Bassil on the parliamentary petition to activate the Commission and ensure its independence. The petition calls on the caretaker government to act without delay to activate the Commission, to approve all its regulatory decrees, in particular its rules of procedure and financial regulations, and the allowances and remunerations of its members, and to allocate a suitable headquarters to allow it to carry out its functions independently from any authority.

211. On June 20, 2022, the Commission's delegation visited the head of the Loyalty to the Resistance Bloc, MP Mohamad Raad, in his office in Haret Hreik. The purpose of that meeting

was to brief Raad on the parliamentary petition to activate the Commission and ensure its independence. The petition calls on the caretaker government to act without delay to activate the Commission, to approve all its regulatory decrees, in particular its rules of procedure and financial regulations, and the allowances and remunerations of its members, and to allocate a suitable headquarters to allow it to carry out its functions independently from any authority.

212. On June 23, 2022, the head of the Parliamentary Human Rights Committee, Dr. Michel Moussa, visited the temporary headquarters of the Commission. The purpose of the meeting was to inform Moussa of the parliamentary petition for the activation of the National Human Rights Commission, including the Committee for the Prevention of Torture, and to ensure its independence.

213. On June 29, 2022, a delegation from the Commission, accompanied by the Chairman of the National Human Rights Committee in Qatar and the Chairman of the Arab Network for National Human Rights Institutions, Maryam bint Abdullah Al-Attiyah, heading a delegation from the Commission, visited the former President of the Republic, General Michel Aoun. Al-Attiyah briefed the President of the Republic on the purpose of her visit to Lebanon, which is “supporting the recently formed Lebanese Human Rights Commission and addressing the means of cooperation between the Lebanese Commission and the other commissions, as well as securing appropriate conditions for its accession to the Arab Network of National Human Rights Institutions.” Al-Attiyah emphasized that “Lebanon’s presence within this Network will enable it to interact with Arab institutions and coordinate cooperation in the field of human rights.”

214. On July 11, 2022, the Commission condemned Interior Minister Bassam Mawlawi’s letter to the Internal Security and General Security directorates, which includes instructions to ban any gatherings aimed at “promoting homosexuality” and not based on any legal grounds. The Commission declared that this decision is an unreasonable call to back down on the protection of the lesbian, gay, bisexual and transgender community (LGBTQIA+) from attacks that may be classified as dangerous and lead to crimes, while this group suffers from violence and discrimination on the basis of their sexual orientation or gender identity at all times. This decision is also considered a retreat from the position of the Lebanese authorities before the United Nations, specifically during the reviews related to Lebanon’s human rights record before the various contractual and non-contractual mechanisms and during Universal Periodic Review. The Commission reiterated its call on the Parliament to approve a law proposal to abolish article 534 of the Penal Code, which criminalizes homosexual relations, gender nonconformity, and the expression of same-sex identity and called the Minister of Interior to refrain from sending such letters to law enforcement agencies and focus on more urgent matters, noting that the Commission will appeal any administrative decision issued in this regard before the competent court.

215. On July 15, 2022, the Commission issued a statement denouncing the leak of the official results of the intermediate certificate exams for nearly 56,000 students and the personal data therein, including email addresses, mobile phones and other information, which

constitutes a flagrant violation of the right to privacy and protection of personal data. The Commission called for taking the necessary measures to put an end to activities that violate the right to privacy, which is a human right, and also called for the need to amend Law No. /81/ of October 10, 2018 (electronic transactions and personal data) to ensure that the provisions and procedures related to regulating the collection of personal data are upgraded, define the method of processing, storage and use of such data, and the regulations for passing it on to a third party, which guarantees the protection of privacy of data owners and gives them the right to decide on whether they agree on having it shared with a third party or not.

216. On December 9, 2022, on the occasion of International Human Rights Day, the Commission issued a statement calling on the Lebanese Government to stop “wasting time” in protecting and promoting human rights.

Fifth:

The activities of the National Committee for the Prevention of Torture

217. The National Committee for the Prevention of Torture expresses its deep concern about the persistence of torture crimes and other cruel, inhuman or degrading treatment or punishment in many places of detention in Lebanon, many of which are supposed to be closed and detainees transferred to less dangerous places. The National Committee for the Prevention of Torture announced that, in implementation of its mandate as the independent national preventive mechanism in Lebanon, it visited several places of deprivation of liberty, including 5 visits to prisons and civilian and military detention centres, in addition to two other places where persons are or may be deprived of their liberty, and conducted interviews. It has submitted a report on these visits to the UN Subcommittee on Prevention of Torture⁶⁴. The Committee denounces the determination of successive Lebanese governments to keep the reports of the United Nations Subcommittee on Prevention of Torture confidential, which is something the state is entitled to do in accordance with international conventions. However, several parties, including the United Nations Committee, encourage the authorities to publish their reports, especially since they claim that they have nothing to hide.

218. During several reviews published under the Universal Periodic Review and other international human rights treaties, Lebanon has taken into account a number of recommendations aimed at accelerating the establishment of the Independent National Human Rights Commission and a permanent National Committee for the Prevention of Torture, in accordance with the Optional Protocol to the Convention against Torture. The National Human Rights Commission, which includes the Committee for the Prevention of Torture, consisting of 10 members, was established pursuant to Law No. 62 of October 27, 2016, and its Presidential Decree No. 3267 on June 19, 2018. However, the government violated the Optional Protocol to the Convention against Torture and failed to nominate members of the National Preventive

54. <https://nhrc.lb.org/publicity/21>

Mechanism under Decree No. 3267, which led to delaying its formation for one year. After continuous efforts in this regard, five members of the Commission were appointed to serve as members of the Committee for the Prevention of Torture by Decree No. 5147 of July 5, 2019. However, one of the members did not adhere to the voluntary work that the members of the Committee for the Prevention of Torture decided to carry out and resigned later, while another National Preventive Mechanism member suspended her membership; this resulted in only three active members of the NPM involved in the organization of voluntary activities.

219. Lebanon made significant efforts to establish and implement in practice national normative and institutional frameworks for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. However, torture and ill-treatment continue to be practiced today with almost complete impunity, and neither the victims of such abuses nor their relatives receive the restitution, reparation and rehabilitation to which they are entitled under national and international law. The Lebanese authorities must improve the existing prison system, including the living conditions of prisoners, as well as pay special attention to preparing rehabilitation and social integration programmes, and provide appropriate training for detention centre officials. Judicial authorities have failed to investigate at least 21 complaints, based on the Torture Punishment Law 65/2017, filed against various security and military personnel, according to the Tripoli Bar Association. In May, the UN Subcommittee on Prevention of Torture visited Lebanon and found that little progress had been made in preventing torture since its first visit in 2010. On 30 August, security forces arrested Syrian refugee Bashar Abdel Saud from his home in the capital, Beirut. Four days later, his family received a phone call asking them to collect his body from State Security in south Lebanon. Soon after, pictures and videos were leaked to the media showing severe bruises and wounds on Bashar Abdel Saud's body, which sparked a huge public uproar. The State Security Agency issued a statement stating that Bashar "confessed" before his death that he was a member of the armed group called the Islamic State. In September, the military judiciary opened an investigation and ordered the detention of five state security officers but prevented the family's lawyer from accessing the case documents. The Court's first hearing was held in December, in which the investigative judge of the Military Court decided (with the Committee reservation on the competence of the Military Court to hear complaints of torture) described as systematic torture in Lebanon and accused an officer and four NCO's of committing crimes of torture.

220. The National Committee for the Prevention of Torture, in implementation of its mandate as the independent national preventive mechanism in Lebanon, regularly performs voluntary activities, including visits to detention centres, which are in dire need of support. The committee not only adopted a reactive and corrective methodology, but also a proactive and reformatory methodology. On May 15, 2020, the National Committee for the Prevention of Torture received allegations of ill-treatment in a temporary shelter set up by the Philippine Embassy in Lebanon to ensure the safety of Filipino workers who left their workplaces during the COVID-19 pandemic. A visit was conducted the same day to investigate the situation at the shelter, taking into account the access restrictions in light of the relevant provisions of

international law, in particular those contained in the 1961 Vienna Convention on Diplomatic Relations (concluded in Vienna on April 18, 1961) and the Vienna Convention on Consular Relations of 1963 (concluded in Vienna on April 24, 1963). During the visit, the Committee for the Prevention of Torture expert spoke with a diplomat and heard a victims' testimony. Given the high risk of transmission in detention facilities and other places of detention, the Committee urged the Embassy to take the following steps:

- (a) Conduct urgent assessments to identify the most vulnerable individuals within the shelter, taking into account those with a medical condition and pregnant women;
- (b) Address shelter overcapacity on a per square meter per person basis, allowing for social distancing as recommended by the World Health Organization;
- (c) Ensure that women in shelters are able to send a complaint to the Committee for the Prevention of Torture in accordance with a clear, functional and effective mechanism;
- (d) Adhere to the minimum requirements for daily outdoor exercise, taking into account the necessary safety measures;
- (e) Ensure that basic preventive measures to combat ill-treatment remain available and feasible, including the right to access medical care and legal assistance and the right to ensure that the parties involved are notified of the current situation in the shelter, despite the imposed limitations;
- (f) Provide appropriate psychological support to all women and staff affected by these restrictive measures.

221. On May 26, 2020, the Committee for the Prevention of Torture visited the headquarters of Ramco, a Lebanese construction and waste management company where foreign workers used to live in a poor health environment. This visit took place in cooperation with the Anti-Racism Movement, a popular movement created by active youth in Lebanon in collaboration with immigrant community leaders. In early April 2020, about 400 employees of Ramco, mostly from Bangladesh and India, decided to go on strike until all their outstanding dues were paid. During this visit, these employees explained to the Committee for the Prevention of Torture that the company had been paying their salaries since November 2019 in Lebanese pounds according to the unrecognized official exchange rate, i.e. 1,500 pounds to one dollar, despite the fact that foreign workers' employment contracts in Ramco is in US dollars. The foreign workers called for a strike on April 2, and when the workers blocked the roads outside the company's buildings on May 12, preventing the garbage trucks from leaving, riot police were called in to intervene. Videos circulating on social media showed that the riot police fired tear gas at workers and beat them, while it was found that few workers have damaged some of the company's property. These workers shed light on an important issue, which is the discrimination they suffer due to the sponsorship system, which makes them vulnerable to abuse and exploitation, given that their visas are directly attached to their employers, meaning

that they cannot leave or change their job without the approval of their employer. In addition, the Committee for the Prevention of Torture noted that the company does not provide an appropriate and flexible work environment, as workers are not allowed to leave the building except with the permission of their supervisor once a week and for a period not exceeding 4 hours. The conclusions of the visit were as follows:

(a) The Committee for the Prevention of Torture reported violations against Ramco workers including non-payment or late payment of their salaries, forcible detention, non-granting of leave from work, and verbal and physical abuse against them. We also noted scars on the arms and hands of the workers, video images analysed by the commission also showed a man with severe bruises on his face;

(b) An employee was arrested during the incident while he was still detained, and according to reports received by the Committee for the Prevention of Torture, this person was transferred to Ain Wazein Hospital due to his psychological condition. The workers interviewed during the visit highlighted the ill-treatment they were subjected to, Bangladeshi worker Inayatullah, who suffers from mental illness, was detained underground for 3 days instead of receiving the necessary healthcare during the strike. During his imprisonment, Inayatullah was subjected to psychological and physical torture, which worsened his health conditions;

(c) The Committee for the Prevention of Torture called on the concerned persons of Ramco to immediately stop practicing inhumane acts against employees at work, including preventing them from taking leave from work, overcrowding sleeping facilities, etc. In addition, the company must provide adequate healthcare services for all workers, including mental health services, given that workers are forced to work in an unhealthy and high-risk environment. It is also necessary to improve living and working conditions in light of the COVID-19 pandemic, and to address the non-contractual salary cuts and aforementioned abuses practiced by Ramco, which must be considered contrary to human rights, labour laws, and recent public health protocols;

(d) The Lebanese authorities have arrested and deported migrants who are active in organizing the rights of migrant workers. Such practices violate international human rights law, which requires all states to respect the right of everyone present to live freely in a country, including to form associations, without discrimination.

(e) The struggle of the workers in Ramco is only a reflection of the exploitative nature of the sponsorship system, which left migrant workers at the mercy of employers and recruitment agencies as a result of government negligence, in the absence of any labour law that could protect them. Urgently abolishing the sponsorship system is the only structural decision that can guarantee the physical, mental and material safety of all migrant workers in Lebanon.

222. The Committee for the Prevention of Torture visited the detention centres of the Justice Palace in Beirut on July 24, 2020, where 241 detainees were waiting in the parking under President Elias Hrawi Bridge, while the temperature reached 33 degrees Celsius. A large

number of detention centres in Lebanon face the problem of overcrowding, partly due to the high number of persons being held pending investigation or trial. However, the Justice Palace detention centres in Beirut are the worst example compared to other centres within Lebanon's prison system, owing to the high crime rate in the city and its surrounding. The first part of the visit included a tour of the main detention centre of Beirut Justice Palace, located underground in the same building. The detention centre was overcrowded, but the detainees are considered lucky compared to others held in the detention centres under the administration of Beirut Justice Palace, which is referred to as "under the bridge". The total number of detainees in both detention centres during the day exceeded 300 detainees. The conclusions of the visit were as follows:

- (a) The living conditions in the Justice Palace detention centres in Beirut are terrible, as they lack not only adequate facilities, services and infrastructure, but also the proper application of the Standard Minimum Rules for the Treatment of Prisoners. Consequently, the environment in which detainees live is unhealthy due to severe overcrowding; high humidity and the absence of heating and cooling means; and the lack of sunlight, which leads to prisoner's exposure to disease, especially respiratory infections, pneumonia and skin infections caused by the lack of exposure to direct sunlight and the lack of natural light; not to mention the violation of prisoners' right to maintain personal hygiene.
- (b) Forty-four detained members requested the Committee for the Prevention of Torture to provide them with legal assistance. The Committee documented and communicated these requests to the Beirut Bar Association and Tripoli Bar Association, which includes judicial aid management committees. Since trainee lawyers are often assigned instead of experienced lawyers from the Bar when seeking legal aid, the quality of representation provided to legal aid seekers is affected because these trainees often lack proper training and supervision. As for civil cases, legal assistance in Lebanon depends mainly on the financial situation of the party requesting legal assistance. Chapter VII of the Lebanese Code of Civil Procedure of 1983 provides for the right of any party to apply for legal assistance. The law applies to all Lebanese people, including persons residing in Lebanon, if that person is unable to pay the trial fees and charges. The party has the right to apply for legal assistance in order to file a lawsuit or defend it in the court of first instance or appeal, and it is also entitled to request assistance in starting or defending a case, or even requesting an appeal.
- (c) Among 240 detainees in the detention centre, at least 25 per cent have been convicted in one trial pending further trials before being transferred to the central prison or other prisons in the regions. About ten to fifteen people are held in one small cell, regardless of the type and seriousness of the crime committed or suspected.
- (d) The sun sets in this detention centre, as if the members of the Internal Security Forces operating there are also carrying out a sentence, just like the detainees. Some people have not even been exposed to the sunlight for more than fifteen months, according

to detention centre officials. A foul odor emanates from the place due to the passage of stagnant water near the prison cells, and there is no ventilation in the centre, and detainees also suffer from malnutrition.

- (e) According to some detainees, they are not allowed to receive food from their families, claiming that they may smuggle drugs in the food and because of preventive measures related to the COVID-19 pandemic. Besides, health care is missing in the centre, as many detainees suffer from skin diseases, while communication with people outside and with prisoners' families is very poor, and prisoners are not allowed to access the Internet.
- (f) The Committee for the Prevention of Torture stressed the need to take further measures to reduce the long-term negative effects of the COVID-19 pandemic on detainees, and to ensure that vaccination programs are provided to persons deprived of their liberty.

The Committee further urged the Internal Security Forces to improve hygiene conditions and access to health care in the detention centre, as well as to take the necessary measures to ensure that detainees, whose mental health was affected by the virus, have access to adequate counselling and psychosocial support.

223. On August 7, 2020, the Committee for the Prevention of Torture made an emergency visit to the detention centre at the Justice Palace in Beirut located in the parking under President Elias Hrawi Bridge. The hotline of the Committee for the Prevention of Torture received several calls from detainees' families alleging that they had been beaten and got injured. The Commission found that the Lebanese security forces raided the detention centre two hours after the Beirut Explosion following an alert from the detention centre administration that the detainees were attempting to escape due to damage caused by the explosion to the internal and external doors of the detention centre. On August 4, 2020, an explosion occurred in the port of Beirut as a result of the combustion of a large amount of stored ammonium nitrate. As a result, at least 218 people were killed, 6,500 others were injured, causing damage to the port area and its surroundings, with an estimated value of between 3.8 and 4.6 billion US dollars, in addition to economic losses of 2.9 and 3.5 billion USD, according to the rapid damage and needs assessment conducted by the World Bank Group. The conclusions of the visit were as follows:

- (a) The detention centre administration did not welcome the CPT delegation during the second visit as it did on the first visit. They tried to delay its arrival to the detention centre claiming that it needs the approval of both the Internal Security Forces and the judiciary. The Public Prosecutor of the Court of Cassation, Ghassan Oueidat, first responded by refusing the visit, claiming that all visits had been suspended after the declaration of a state of emergency in Beirut. In response, the Committee had to remind the Lebanese public prosecutor that his decision constitutes a violation of the provisions of article (9c) of Law 62/2016, which states the following: "The executive authority cannot take the decision to suspend or stop the work of the Commission under any circumstance, including emergencies and wars." Hours after the Committee

for the Prevention of Torture had expressed its willingness to inform the media of the refusal, Oueidat allowed them to visit the detention centre.

- (b) The detainees that were interviewed by the Committee for the Prevention of Torture and the administration of the detention centre provided information relating to what had happened. The administration stated that the Public Prosecutor investigated the incident and filed a lawsuit against 40 detainees involved in the disturbances. The Committee for the Prevention of Torture documented that the raid resulted in 4 injuries, mostly in the abdomen, as the security forces fired kinetic impact projectiles such as rubber bullets and large amounts of tear gas.
- (c) The Committee for the Prevention of Torture requested immediate care from the detention centre doctor for three severely ill detainees including one with cancer who required immediate medical assistance.
- (d) The Committee for the Prevention of Torture recommended that family visits be allowed to all the detainees immediately, explaining how this could help defuse the anger of the detainees' families who were demonstrating outside the prison. However, four detainees were not allowed to receive visits as punishment from the administration.
- (e) The investigation into the incident led to the conclusion that the lack of security measures was one of the main reasons why the detainees used fine, handmade metal needles to open the lock minutes after the explosion, which caused damaged to the internal and external doors. The incident is further evidence of the need for the immediate closure of this temporary detention centre.

224. On March 31, 2021, the Committee for the Prevention of Torture visited the central prison in Roumieh, which is the main prison in the country. The visit took place in response to the families' request to examine the conditions of the prisoners, after news of a food shortage. The day before the visit, two prisoners called the Committee's hotline to confirm the visit and to give some advice and information about the situation. Many prisoners in Roumieh use smuggled mobile phones and online chatting software to communicate with the outside world. Due to the lack of staff, the CPT delegation decided that the visits should be limited to Building B of the prison and the central kitchen. This building includes a number of inmates belonging to terrorist-classified organizations. Roumieh Prison was originally built to accommodate about 2,000 prisoners, but it holds about 3,250 prisoners now. This overcrowding has led to riots, several times over the past ten years, when officers have lost control over the prison. The overcrowding also reflects the weakness of security control in Roumieh prison, as it is difficult for the security forces to maintain complete control in light of prisoners attempts to control parts of the prison. In Roumieh Central Prison, food was served, in general, in large quantities, and was cooked in the prison kitchen. While there were no special meals for prisoners with chronic diseases (such as diabetes, high blood pressure or lipid disorder),

the prison authorities allowed prisoners to receive food prepared by their relatives, with a restriction on cooked food due to the lack of resources to detect drug smuggling for prisoners. As for the prison's water supply, it is inadequate, and the water is non-potable, and it is used for bathing and cleaning. The prison's drinking water supply is not good and is not regularly checked. The water used for showering and cleaning is not purified, and the tanks on the rooftop are dirty and contain worms. The detainees claimed that hot shower water is not available regularly, especially in the winter. Because of the economic crisis, the prison administration has reduced the amount of meat (mutton and chicken) that it serves every week. This behaviour angered the prisoners, who criticized the administration, considering that this would make them starve. The conclusions of the visit were as follows:

(a) All prisoners and detainees that were interviewed by the Committee for the Prevention of Torture indicated that slow judicial procedures are the main factor that weakened the justice system in Lebanon, which made the prisoner or detainee the main victim of these deficiencies.

(b) The conditions of detention in Roumieh Central Prison are far from acceptable standards. Excessive detention of prisoners in solitary confinement violates the human rights of prisoners. The prison administration must fully respect the rules and procedures relating to the reasons and duration of solitary confinement. The imposition of this punishment could constitute an act of torture or cruel, inhuman or degrading treatment or punishment.

(c) The economic crisis, the spread of the Coronavirus, and the electricity rationing threaten the lives of prisoners. They suffer severe power outages, water shortages, extremely hot weather and overcrowded cells. The prisoners talked about the high inflation in the prison grocery, where they are allowed to buy some of their needs. Prisoners also regularly barter food and other items. Electricity rationing has severely affected prisoners in particular, in the absence of fans, refrigerators to store food, and prisoners' inability to heat food using a microwave or any other electrical device.

(d) The Committee for the Prevention of Torture noted that the food was inedible. The bread smells pungent, and the prisoners only get two loaves a day. The prison administration is currently unable to provide all medicines and medical services to prisoners. Some are forced to pay their own medical fees, especially those who need surgery. According to the prisoners interviewed by the Committee for the Prevention of Torture, the amount of food provided by the prison kitchen has decreased significantly, and it no longer includes meat. The prison administration denied this information, saying that meat is served twice a week. The Committee for the Prevention of Torture noted that large quantities of food were donated to the prison by Dar al-Fatwa (a government institution tasked with issuing legal rulings on the Sunni community, running religious schools, and supervising mosques).

(e) Prisoners in Building B revealed that a number of them had skin infections and allergies. Some prisoners' beds and sheets have rotted as a result of high temperatures, high humidity and poor ventilation. Prisoners experienced scabies, a dermatitis caused by moths

that can survive on the skin for several months if left untreated. According to prisoners' testimonies, mice were found in the building's water tanks, a natural host of microscopic mites that cause severe itching and rashes. Prisoners also talked about skin sensitivities and itchiness that appear to be the result of poor water quality.

- (f) Prisoners in Block B revealed that they had renovated the building with their own money. They painted some of the walls of the building and wrote religious and political phrases that contradict the rules and laws of prisons in Lebanon.

225. On April 14, 2022, the Committee for the Prevention of Torture visited two detention centres under the authority of the General Directorate of State Security. The visit included the Central Detention Centre of State Security in Jnah - Beirut (29 detainees) and the Personal Protection Directorate (one detainee). The Committee for the Prevention of Torture met with the head of the Central Investigation Branch and other officers. The conclusions were as follows:

- (a) The Central Detention Centre of State Security in Jnah - Beirut was not designed to serve as a detention centre. The electrical installations are clear and visible, and the size of the cells and common sections violate the minimum standards for detention centres, including the size, location, type, and design of the building.
- (b) The officer in charge of human rights at the State Security considers that any incident of torture or ill-treatment that may occur is a single event that contradicts with their obligation to implement the Convention against Torture. The officer gave the CPT delegation a printed copy of the newly adopted Code of Conduct for the Lebanese State Security Forces. This Code defines professional and ethical standards of conduct to ensure respect for human rights and the protection of public freedoms in accordance with the Lebanese Constitution and its obligations in the field of human rights.
- (c) The Committee for the Prevention of Torture met with a detainee in the Central Detention Centre of State Security in Jnah - Beirut. He alleged to have been tortured in the State Security detention centre in Dekwaneh in Mount Lebanon before being later transferred to Beirut. The detainee refused to give the delegation personal approval to investigate his case, demanding to open a general investigation in the detention centre. The Committee for the Prevention of Torture provided the detainee the hotline number and requested him to inform his family and his lawyer to contact the National Human Rights Commission and to provide more details about his situation.
- (d) The Committee for the Prevention of Torture noted the presence of surveillance cameras inside the cells. The delegation warned the officers not to install cameras in the cells and bathrooms, but only in the rooms' corridor. One officer explained that this was a security issue to protect the detainees from sexual misconduct, not to mention the arrest of many wrongdoers who behaved badly. The Committee for the Prevention of Torture will discuss this issue of concern with the General Directorate of State Security at the political and administrative levels.

226. On 29 April 2022, the Committee for the Prevention of Torture visited the Military Police prison in Rihaniyeh- Mount Lebanon. The Ministry of National Defence (Army command) runs the prison. Initially, the CPT delegation met with the prison director to report on the scope of the inspection. It should be noted that the prison director cooperated throughout the inspection of the place. After getting the required information to perform the duty, the CPT delegation held private meetings with the persons deprived of their liberty. 79 suspects and two prisoners were arrested by a decision of the Military Prosecutor's Office. The detention period is usually limited to 48 hours, and it can be extended only once for a similar period, with the approval of the office. The Committee for the Prevention of Torture met with detainees who had not been referred before the competent court. Some of these prisoners were sentenced in one case but are still waiting to be sentenced in other cases, this is why they were held in the detention centre for more than a year, and they were not transferred to an officially recognized prison. The conclusions were as follows:

- (a) The officer in charge informed the Committee for the Prevention of Torture that all detainees who had been summoned to the Ministry of Defence were interrogated in the presence of a lawyer. He stated that article 47 of the Code of Criminal Procedure is fully applied in the Military Police prison in Rihaniyeh . Parliament amended article 47 on September 30, 2020, to guarantee defendants the right to have a lawyer during preliminary interrogations in the security agencies. Article 47 guarantees defendants the right to remain silent, to contact a person of their choice, such as a family member, lawyer or employer, and to be examined by a forensic doctor. Detention officers must promptly inform all detained suspects of these rights upon arrest. Under Lebanese law, officers who breach the guarantees of article 47 are subject to prosecution for unlawful detention.
- (b) Signs in Arabic have been posted in the prison defining the rights of detainees. A box for filing complaints against officers was also set up with a questionnaire form that prisoners could fill.
- (c) Detainees shall be served, three times a day, with the same food as military personnel. During Ramadan, fasting prisoners are served their first meal after sunset. The prison is supplied with drinking water from the Dbayeh water station, which is checked regularly and differs from the water used for bathing and cleaning. Detainees are provided with hot shower water once every two days or as needed.
- (d) The Committee for the Prevention of Torture noted that cameras are located inside the cells. The delegation warned the officers not to install cameras in cells and bathrooms. One of the officers explained that this is a security issue, which is usually normal in military prisons. The Committee for the Prevention of Torture will discuss this matter of concern with the Ministry of National Defence (Army command).

227. Through inspections of the prisons and detention centres mentioned above, it is noted that their capacity in terms of space and financial and human resources is insufficient, not only due to cases of massive flows, but also for gradual increases in the number of detainees in a short time. A large number of challenges that need to be overcome was noted, even in the context of emergencies. The prison administration should take immediate action to maintain an updated list of translators for the main languages of foreign prisoners. Immediate measures must be taken with regard to the presence of a doctor around-the-clock, with a view to providing treatment to prisoners and detainees in accordance with applicable legislation, in order to avoid undesirable cases. It is necessary to take the necessary measures to improve the level of hygiene and sanitary conditions, and to restore the bathrooms.

228. In order to perform its duties, the National Human Rights Commission, which includes the Committee for the Prevention of Torture, can access all information received from the competent authorities regarding the content, progress of complaints, allegations or prosecutions relating to torture and other cruel, inhuman or degrading treatment or punishment, before the disciplinary or administrative authorities. On January 20, 2020, the Committee for the Prevention of Torture requested information from the Public Prosecutor's Office and the General Director of the Internal Security Forces on the results of the investigation into the leaked video reporting Internal Security Forces officer's ill-treatment of detained protesters upon their arrival at the Helou barracks in Beirut. The videotaped ill-treatment is just the tip of the iceberg since local and international organizations began documenting the torture and ill-treatment of detainees in Lebanon years ago. On March 19, 2020, the Committee for the Prevention of Torture received a letter from the Internal Security Forces stating that 9 of its members are subject to disciplinary sanctions because of this incident. The Committee considered that the results of the internal investigation in the Internal Security Forces were not transparent or effective, especially since the investigation was not conducted by the Internal Security Forces Committee for Combating Torture in Prisons, Detention Wards, Detention Centres and Interrogation Facilities.

229. Law No. 62 adopted the definition of "deprivation of liberty" from article 4 (2) of the Optional Protocol to the Convention against Torture. According to article 22 (b) of Law 62, "deprivation of liberty" means any form of detention, imprisonment, or the placement of a person in a public or private custodial setting, which that person is not permitted to leave at will by order of any judicial, administrative or other public authority. Article 22(b) provides some examples of places of deprivation of liberty which include, but are not limited to, prisons, places of detention, police stations, juvenile centres, seaports, airports, hospitals and psychiatric institutions in Lebanon where there are persons who are or may be deprived of their liberty. The same article mentions the authorities that supervise these places, namely: The General Directorate of Internal Security Forces, the General Directorate of Public Security, the General Directorate of State Security, the Customs Administration, the Ministry of National Defence or the Ministry of Justice. This also fails to refer to the approval or consent of the public authority to certain types of deprivation of liberty, and thus limits the legal definition

of “deprivation of liberty” in Lebanon. The Committee for the Prevention of Torture considers that the Optional Protocol to the Convention against Torture was intended to cover a wide range of places where persons are deprived of their liberty, either at the instigation of a public authority or with its consent or acquiescence. Thus, a systematic interpretation of article 4, together with a consideration of the object and purpose of the Optional Protocol, leads to the conclusion that article 4(2) of the Optional Protocol must be interpreted in the light of the broader definition provided in article 4(1) of the Optional Protocol.

230. The Committee for the Prevention of Torture designed banners on the rights to combat torture of persons deprived of their liberty, with the support of the Community Policing Project in Lebanon funded by the European Union and implemented by the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP), and banners will be put during its visits to prisons and detention centres in 2023.

231. Due to their unique nature, the Independent National Human Rights Institutions (NHRIs) are among the leading and important institutions. New leaders face challenges in understanding their new roles and the complex work of NHRIs. Even experienced leaders regularly encounter new issues and obstacles. The Commission conducted a review and training on the role of its members in leadership inspired by the *NHRI Leadership: An Introductory Guide*, a new resource published by the Asia Pacific Forum of NHRIs, which aims to assist leaders in addressing these challenges and describes the roles and responsibilities of the different categories of NHRI leaders, including those who head the institution, those appointed to statutory positions, senior executive officers (SEOs) and other senior staff⁶⁵.

232. Since its formation, the Commission and the Committee have carried out many activities related to the prevention of torture and followed up many complaints in this regard. They have also followed up on the field some cases that require protection and participated in many conferences dealing with the prevention of torture. On November 20, 2018, members of the Commission and the Committee met, via videoconference, with the head of the National Preventive Mechanism against Torture in Uruguay, Wilder Tayler, at the headquarters of the Association for the Prevention of Torture in Geneva, as part of a training course organized by the Westminster Foundation for Democracy. On November 20, 2018, the Commission held a working session at the Wilson Palace in Geneva with the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A working meeting was held on November 21, 2018, between the Commission and the Swiss National Commission for the Prevention of Torture (NCPT), which included a member of the Commission, Dr. Philippe Gutmann, and the Executive Secretary Sandra Imhof at the Commission’s headquarters in Bern. On November 23, 2018, a working session was held at Wilson Palace in Geneva between the Commission and the Special Rapporteur on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Nils Melzer.

65. <https://nhrcblb.org/publicity/1>

233. On November 14, 2019, the Commission and the Committee followed up on the file and conditions of detention of the Lebanese citizen Khaldoun Jaber, who was arrested following the protests in Baabda. The Commission called for ensuring that procedures related to due process are taken and that the detainee gets a lawyer. It also called on the Public Prosecutor, Judge Ghassan Oueidat, to verify allegations of torture to which the detainee was subjected, and to ensure the application of Law 65/2017 on the punishment of torture and other forms of cruel, inhuman or degrading treatment or punishment in all allegations of torture in which complaints are submitted, and to ensure that detainees are referred to forensic doctors within 48 days of receiving complaints or notifications in this regard.

234. On May 14, 2019, the Commission held a press conference at the Lebanese Press Editors Syndicate in Hazmieh, in which it addressed the issue of the death of prisoner Hassan al-Dika⁶⁶ who died during interrogation by a security agency on May 11, 2019. On May 25, 2020, the Commission followed up on the file of the Filipino domestic worker who committed suicide inside a shelter centre affiliated with her embassy in Lebanon. On October 26, 2021, the Commission announced that the authorities had failed to activate the law criminalizing torture and demanded the activation of the Committee for the Prevention of Torture and to prosecute all perpetrators of torture in accordance with Law 65/2017.

235. On February 8, 2021, the Commission participated in the meeting of the Emergency Committee to Raise the State of Alert in the Lebanese Prisons formed at the initiative of the Minister of Interior and Municipalities, Brigadier General Mohammad Fahmi, in the hall of honour in the barracks of the general headquarters of the General Directorate of the Internal Security Forces, to study and discuss the results of the emergency plan designed to combat the spread of the coronavirus disease (COVID-19) and to limit and control its spread in prisons. The Commission made the following recommendations during the meeting:

(a) The need to take into consideration the guidelines of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the States Parties to the Convention Against Torture and the National Preventive Mechanisms on the coronavirus disease (COVID-19), especially since the Subcommittee will visit Lebanon in 2021 and the various procedures related to prisons will be scrutinized and followed up by the Subcommittee;

(b) The need to expand the work of the Committee to include various places of deprivation of liberty, in particular detention facilities, centres for foreigners, closed refugee camps and psychiatric hospitals;

(c) The need to seriously discuss the adoption of a package of legislation that would make it possible to reduce the number of prisoners and detainees in line with the recommendations of the Subcommittee and the United Nations and in a manner that ensures reducing the number of prison populations and other persons in detention, wherever possible, through

66. <https://www.youtube.com/watch?v=1Nqn19Czjdk>

the implementation of plans for early, conditional or temporary release or replacement of an imprisonment sentence by social service, when it is safe to do so, and in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

236. On June 14, 2022, the Commission and the Committee participated in the non-public working session with the Asia and Pacific Regional Group of the United Nations Subcommittee on Prevention of Torture and Other Cruel and Inhuman Treatment, or Degrading Treatment or Punishment, by teleconference, within the framework of the forty-seventh session of the Subcommittee. The meeting aimed to exchange information on the activities of the NPMs and their specific needs with regard to the support provided by the Subcommittee. During the meeting, the Commission highlighted priority areas related to the prevention of torture and other cruel, inhuman or degrading treatment or punishment in Lebanon.

237. On July 8, 2022, the Commission and the Committee announced that it was “following up on the course of justice for child victims of the horrific violations committed in the town of al-Qaa in the Bekaa,” which preliminary investigations revealed the ugliness and atrocity of the perpetrator. The Commission stated that the Grievance Committee for Child Victims of Child Rights Violations established under the Commission’s rules of procedure monitors the reactions of the local community against these crimes, in addition to the law enforcement and judicial agencies. It recommended that special attention be paid to the interests and circumstances of children/survivors, which required the provision of clear pathways for service delivery, with appropriate medical, psychological and social support for child victims. It also called on the judicial authorities to tighten penalties against crimes of sexual violence and to achieve justice as quickly as possible under the jurisdiction of judicial and not military courts, noting the necessity for the legislative authority to amend the Lebanese Penal Code in line with the tightening of sanctions. It also called to countering the trivialization and normalization of the impact of crimes against children from any party, especially the local authorities, clerics, or any other party, and stressed the need not to publish information related to child victims, including names, photos and videos that contain violent scenes.

238. On July 13, 2022, the Committee asked the Public Prosecutor of the Court of Cassation, Judge Ghassan Oueidat, to inform it of the content and progress of the complaint and submissions filed to the judicial, disciplinary or administrative authorities by Lebanese and Syrian youths and children who were subjected weeks ago to the cruellest forms of torture and other forms of cruel treatment or punishment in Majdal al-Aqoura. The Commission pointed out that the scenes of brutal torture committed against agricultural workers in Majdal al-Aqoura recall the seriousness of the culture of impunity that the Lebanese judiciary bears a fundamental role in perpetuating, due to its failure to implement Law No. 65/2017 (punishment of torture and other forms of cruel treatment or punishment or inhumane or degrading).

239. On July 18, 2022, the Commission and the Committee called for the prohibition of “refoulement” and for the non-violation of Lebanon’s obligations as a party to the Convention against Torture, especially as it found out that many municipalities in various Lebanese regions

continue to carry out grave violations of human rights, especially against Syrian refugees. The Complaints Commission is investigating one such violation that was committed within the municipality of Dekwaneh and reported by an NGO. The Commission called on the local authorities to retract any decisions taken on racial grounds, such as forced displacement or curfews on refugees. The Commission pointed out that the Lebanese authorities did not take serious measures to prohibit and punish racist hate speech and incitement to racial hatred or racial discrimination, especially against refugees and displaced persons, asylum seekers and stateless persons. The Commission recalled the obligation to prohibit “refoulement” and refrain from violating Lebanon’s obligations as a party to the Convention against Torture and customary international law, which requires that no individuals at risk of torture and persecution be returned or extradited to their countries of origin.

240. On July 30, 2022, on the occasion of the World Day Against Trafficking in Persons, the Commission and the Committee issued a statement stressing the need for substantial amendments to the anti-human trafficking draft law prepared by the Ministry of Justice. The Commission also stressed the need to amend the Lebanese Penal Code. On September 3, 2022, the Commission and the Committee issued a statement denouncing the killing of the detainee Bashar Abdel Saud under torture and issued recommendations to the executive and judicial authorities and the State Security Agency. They expressed their deep concern about the information and pictures circulating regarding the circumstances of his death as a result of the brutal torture he was subjected to during his interrogation by the Bint Jbeil Regional Office of the State Security Agency at the Tibnin Serail in southern Lebanon. The Commission stated that, based on its powers under Law No. 62/2016, the Committee for the Prevention of Torture demanded the Public Prosecutor of the Court of Cassation, Judge Ghassan Oueidat, to inform it of the content and progress of the complaint and submissions filed to the judicial, disciplinary or administrative authorities with respect to this offence, which prove that the law enforcement agencies in Lebanon are still employing prohibited practices that they were supposed to have abandoned under international conventions, national laws, training and qualification programs, and codes of conduct that their officers and staff had been trained. In its statement, the Commission presented these urgent recommendations:

- (a) Freezing all the investigations across all the regional offices of the State Security Agency and limit them to the central detention centre in the General Directorate in Jnah, under the supervision of the competent judicial authority, taking into account strict adherence to the application of Law No. 191/2020 that aims to strengthen the basic guarantees and reinforcing the defence rights in the Code of Criminal Procedure, especially under article 47 of the said law;
- (b) Demanding the Prosecutor General of the Court of Cassation, Judge Ghassan Oueidat, to refer this offence to the judicial investigative judge rather than the military investigative judge and to comply strictly with Law No. 65/2017, which criminalizes and punishes torture.

- (c) Demanding Prime Minister-designate Najib Mikati, the Minister of Finance Youssef Khalil and the Minister of Justice Henry Khoury to stop arbitrary practices against the National Human Rights Commission, which includes the Committee for the Prevention of Torture, such as their failure to sign its regulatory decrees and the decree governing the transfer of appropriations from the general budget to its accounts, and their attempt to establish a guardianship authority to oversee its work.

241. Although 6 years have passed since the adoption of the Anti-Torture Law No. 65/2017, the Lebanese judicial authorities have failed to investigate the serious allegations of torture made by the victims. The Public Prosecutor's failure to investigate these allegations highlights serious shortcomings in the way the Lebanese judiciary handles torture complaints. Procedures contained in the Torture Punishment Law aim to protect evidence and provide accountability for the crime of torture. However, five years later, the authorities have failed to apply the law in 18 cases. The Committee for the Prevention of Torture affirms that all those responsible for law enforcement, including the Internal Security Forces, the General Security Forces and the Army, still do not implement the provisions of Law No. 65/2017, especially in light of the current practices of the Public Prosecutor, which is a violation of article 5 of the said Law. The Central Criminal Investigation Department and the Information Division of the Internal Security Forces, the Military Intelligence Directorate of the Lebanese Army, and other state security agencies continue to conduct investigations into cases of torture, even though the Anti-Torture Law prohibits security agencies from conducting torture investigations. The investigation conducted by the security agencies into the acts committed by its members is neither independent nor impartial.

242. Law No. 65/2017 does not meet the requirements of article 7 of the International Covenant on Civil and Political Rights. In March 2022, the Parliamentary Human Rights Committee considered re-adopting an amendment to Law No. 65/2017, after the Parliament's plenary failed to ratify the proposed amendments. Law 65 does not comply with the standards stipulated in the UN Convention against Torture – which Lebanon ratified in 2000. The National Human Rights Commission, which includes the Committee for the Prevention of Torture, noted that the current law and several proposed amendments define “torture” in a restrictive way. Given that torture may also occur outside the scope of this definition, it is necessary to remove the relevant restrictions.

243. Law No. 65/2017 introduces the definition of torture into the Penal Code. The National Human Rights Commission noted that the wording of the definition limits torture to cases of investigation, interrogation, judicial investigation, trial, and punishment. Given that torture may also occur outside of these cases, for example as punishment for another person's crime, it is necessary to remove the relevant restrictions. Furthermore, we recommend amending article 2 (Special Provisions Concerning Illegal Orders) of Law No. 65/2017, which expressly excludes exceptional circumstances, a state of war or threat of war, internal political instability, or any other public emergency, as a justification for torture (Article 2 of the Convention).

244. On May 25, 2021, the Committee for the Prevention of Torture sent its general comment on the amendment of article 4 of the Optional Protocol to the Convention against Torture, at the request of the United Nations Subcommittee on Prevention of Torture. The Committee's comment notes that article 4 is one of the key provisions of the Optional Protocol to the United Nations Convention against Torture (OPCAT) because it defines the scope and limits of the mandates of both the NPMs and the Subcommittee on Prevention of Torture (SPT) regarding the types of places of deprivation of liberty that these entities may visit. Therefore, the correct interpretation and application of this provision is necessary for proper compliance with the obligations undertaken by States Parties upon ratification of the Optional Protocol. Article 4(1) of the Optional Protocol obliges States Parties to allow the National Preventive Mechanisms NPT and the SPT to conduct visits to any place under their jurisdiction and control where persons are or may be deprived of their liberty "either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence". This is a very broad definition which means that visits should be allowed not only to places like prisons and police cells where people are deprived of their liberty by order of a public authority, but also to private places of detention. This means that visits should also be allowed to institutions such as private hospitals, nursing homes and children's homes because while people may be detained in such places by non-state actors, this is done with the knowledge and acquiescence of a public authority. Thus, article 4(1) of the Optional Protocol applies. However, a potential conflict arises between article 4(1) and 4(2) of the Optional Protocol because article 4(2) appears to specify a limited definition of "deprivation of liberty". In accordance with article 4(2), "deprivation of liberty" means "any form of detention or imprisonment, or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority." This omits to refer to the consent or acquiescence by public authority, and therefore it seems that mere knowledge of detention, as described above, would not be sufficient.

245. In the present case, the Committee considers that the text of the Optional Protocol clearly intended to cover a wide range of places where persons are deprived of their liberty either at the instigation of a public authority or with their consent or acquiescence. Thus, a systematic interpretation of article 4 as the consideration of the object and purpose of the Optional Protocol lead to the conclusion that article 4(2) of the Optional Protocol must be interpreted in the light of the broader definition provided in article 4(1) of the Optional Protocol. All of this poses a challenge in Lebanon, which is in the process of implementing its obligations under the Optional Protocol. During the recent government response to the COVID-19 pandemic, the Lebanese Committee worked to promote the recommendation mentioned in the guidelines of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to States Parties and National Preventive Mechanisms related to the Coronavirus (COVID-19) pandemic. On March 22, 2020, the Committee wrote a letter to the Prime Minister requesting that minimum support and capacity-building be provided to ensure that members and experts of the NPM can exercise their authority to visit quarantine places

and protect against torture, cruel, degrading and inhuman treatment. The Ministry of Public Health responded to this message, indicating that the quarantine places that the Ministry had prepared for emergencies had not yet been used. At a later stage, the Committee team was trying to visit hospitals that were used as quarantine places, and unfortunately the government did not provide the necessary personal protective equipment to carry out this task. In January 2021, the Committee was invited to participate in the meetings held by a committee set up by the Ministry of Interior to deal with the COVID-19 pandemic in detention centres. According to the reports submitted by this committee, the definition of “places of deprivation of liberty” was limited to prisons and detention centres only.

246. Through its activities, the Committee has established conclusions about the existence of reasonable grounds to believe that crimes of murder, torture, arbitrary arrest, enforced disappearance, and other inhumane acts have been committed in many places of detention in Lebanon since the ratification of the Convention against Torture. The Commission and the Committee documented the prevalence of acts that constitute crimes in prisons and places of detention of the various military and security agencies, noting that the largest violations were recorded in places of deprivation of liberty run by the Military Intelligence, the Military Police of the Lebanese Army, and the State Security Agency.

247. Victims of detention-related violations and abuses come from all segments of society, including children, adult men and women, human rights defenders, political participants, representatives of civil society, and people who have or are likely to have different sexual orientations and gender identities and beliefs. In addition, almost all the victims and witnesses interviewed by the Commission and the Committee were not confronted with incriminating evidence and were detained without clear charge. As mentioned by the Commission and the Committee in its previous reports, the conditions of detention in Lebanese detention centres were often deplorable, as detainees were subjected constantly to torture and solitary confinement with no contact with the outside world. Detainees were also denied adequate access to water, food, toilets, sanitary facilities, lighting, exercise, medical care, legal advice, and communication with family members.

Sixth:

Conclusions and recommendations

A- Recommendations to the Lebanese Authorities

248. Ratify and publish all implementing decrees of Law No. 62/2016 for the full implementation of articles 7 and 30 and for full adherence to article 18 of the Optional Protocol to the Convention against Torture and the Principles relating to the Status of National Institutions (Paris Principles), adopted by General Assembly Resolution 48/ 134 of December 20, 1993, and in reference to General Observation No. 1.10 of the Global Alliance of National Human Rights Institutions on adequate funding for these institutions.

249. Article 25, paragraph (b) of Law No. 62/2016 (Establishment of the National Human Rights Commission, including the Committee for the Prevention of Torture, dated October 27, 2016, and its amendments) stipulates that the Committee for the Prevention of Torture is competent to deal with the content and conduct of complaints, allegations or defences submitted to judicial, disciplinary or administrative bodies alleging any act of torture or other cruel, inhuman or degrading treatment or punishment. The Lebanese authorities should recognize that the prevailing patterns of their interaction with the National Human Rights Commission, which includes the Committee for the Prevention of Torture, do not yet clearly meet the standard of “full cooperation” established by Law 62/2016, especially in terms of allocation of budgets, issuance of the regulatory decrees, provision of a permanent headquarters, and responding to the Commission’s requests for the prevention of torture and facilitating the work of the National Preventive Mechanism (Committee for the Prevention of Torture), which prevents the establishment of an effective monitoring system and does not effectively address the majority of allegations of torture and ill-treatment brought to justice in order to reverse this trend.

250. The National Human Rights Commission, which includes the Committee for the Prevention of Torture, recommends that the Lebanese authorities recognize unequivocally the following issues and reaffirms that:

- (a) The prevention, investigation and prosecution of acts of torture and ill-treatment, bringing the perpetrators to justice and compensating the victims is not a matter of public policy, but an absolute and non-restrictive obligation binding on the Lebanese state, regardless of its treaty obligations;
- (b) No exceptional circumstances can be invoked to justify or condone any practice of torture or ill-treatment;
- (c) Individual criminal liability under universal jurisdiction does not only arise from active participation in acts of torture, but also from tacit acceptance of torture by state officials;
- (d) With the lack of full transparency and strict accountability, tolerance of torture and ill-treatment will remain deeply ingrained in any society and system of government.

251. When assessing their interaction with the mandate and competence of the National Human Rights Commission, which includes the Committee for the Prevention of Torture, The Lebanese authorities should consider:

- (a) whether a response has been received to allegations of torture or ill-treatment that were brought to justice or contained in the reports of the National Commission to the contractual and non-contractual bodies and that were officially communicated to the relevant departments and law enforcement agencies, or to those that were addressed in the reports of international non-governmental organizations, and whether they were

effectively addressed through appropriate prevention, investigation, prosecution and compensation measures. Where this is not the case, the state's interaction with the National Human Rights Commission, which includes the Committee for the Prevention of Torture, does not meet the standard of "full cooperation" defined by the law establishing the Commission and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

252. Verify that the interaction with the National Human Rights Commission, which includes the Committee for the Prevention of Torture, meets the standard of "full cooperation" set out in the founding law and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In particular, the Lebanese authorities should:

- (a) Cooperate fully with the National Human Rights Commission, which includes the Committee for the Prevention of Torture and assists it in carrying out its functions;
- (b) Provide the National Human Rights Commission, which includes the Committee for the Prevention of torture with all the information it requests, and respond to its letters adequately and promptly;
- (c) Respond to its requests related to activating its role and engaging in constructive dialogue with it on these requests;
- (d) Ensure that its recommendations and conclusions are duly followed up.

Open serious investigations and take prompt preventive measures to ensure that the acts of torture described in the report are not perpetuated either by members of the Baabda Judicial Detachment in the Regional Criminal Investigation Department of the Judicial Police Unit at the General Directorate of the Internal Security Forces or any other member, especially those in charge with Judicial Police functions.

253. Amend Law No. 65/2017 criminalizing inhuman or degrading treatment and/or punishment, to explicitly state that the crime of torture shall not be subject to a statute of limitations, and that penalties be imposed for cruel, inhuman or degrading treatment or punishment. Pending the amendments, the Anti-Torture Law No. 65/2017 should be fully respected and implemented, and allegations of torture should be investigated by a judicial investigative judge, especially upon receipt of a complaint or notification by the Public Prosecutor's Office, within 48 hours, to decide either to dismiss the complaint or to bring it before the investigative judge without allowing any preliminary investigation or enquiry in this regard to be conducted but by it personally, except for the necessary decisions to preserve and seize the evidence and to assign a forensic doctor to examine the alleged victim of torture in case the complaint's annexes do not contain such a medical report. The investigative judge must undertake all procedures for investigating acts provided for in article 401 of the Penal Code, without commissioning a judicial officer or any other security agency to carry out any action except for technical tasks.

254. Investigate and prosecute individuals who have allegedly committed violations and abuses contrary to international humanitarian law, international human rights law, and domestic criminal law and prosecute them according to due process guarantees and the principle of legality. To this end, amnesties for serious human rights violations must be excluded and a safe working environment must be provided for judges, lawyers and prosecutors.

255. Abide by the commitments made to the Human Rights Council in previous years, particularly during the Universal Periodic Review, to use the Commission's findings and recommendations as a basis for future reports on Lebanon to the Human Rights Council under the Universal Periodic Review and the human rights treaty bodies.

256. Fully cooperate with the United Nations human rights system and implement the recommendations of all United Nations Special Procedures mandate holders. In addition, unobstructed and safe access all over Lebanon and to all places of detention must be facilitated, when required.

257. Cease all military trials of civilians, suspend Military Court sentences against civilians and ensure fundamental rights, including the free and safe exchange of opinions and information.

258. Protect and promote the rights of women, children, people of different sexual orientations and gender identities, civil society activists, journalists and human rights defenders, and encourage their participation in political and public life. Eliminate all forms of discrimination against women, including by taking appropriate measures to modify practices that marginalize women in the public and private spheres. Ensure that comprehensive legislation contributes to the protection from, prevention and punishment of violence against women.

259. Amend the provisions of the Lebanese Penal Code, the Publications Law, the Electronic Transactions and Personal Data Law, and the legislation related to the media, as necessary to bring them into conformity with international human rights law.

260. Strengthen legislation prohibiting racist hate speech and crimes of a racist nature, in particular by amending articles 317 and 318 of the Criminal Law, so that they are fully compatible with the provisions of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, take measures to prevent, condemn and combat racist hate speech against migrants and refugees, including on the Internet and social media, and by public figures and political officials, and ensure that all reported cases of racist hate speech are effectively investigated and, where appropriate, prosecuted and punished.

261. Bearing in mind the indivisibility of all human rights, the Commission encourages that the ratification of international human rights instruments to which it is not yet a party be considered. The Commission reiterates its recommendations contained in the UPR urging the Lebanese authorities to abolish the sponsorship system, ensure that the employment of

migrant domestic workers is regulated under the Labour Law, and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Domestic Workers Convention of 2011 (No. 189) of the International Labour Organization. It also calls for combating the abuses of foreign migrant workers recruiting agencies, and for ensuring that a standard contract that adequately protects the rights of such workers is adopted and is effectively enforced.

262. Take remedial measures to implement the rights of victims, especially those of enforced disappearance, to truth, justice and reparation. To this end:

- (a) Develop and adopt a comprehensive national action plan for human rights that reflects international human rights law and international human rights standards, and addresses all findings and recommendations reached by international human rights bodies;
- (b) Enact legislation and a system for the protection of victims and witnesses from reprisals;
- (c) Develop a comprehensive, inclusive, and detailed, victim-centred roadmap for transitional justice and accountability in Lebanon;
- (d) Initiate a search for mass graves about which information has been received or which are still missing. To this end, steps must be taken to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

B. Recommendations to the United Nations and Donors

263. Implement a strict human rights due diligence policy when providing support to the authorities in Lebanon, particularly with regard to the security sector in Lebanon.

264. Assist Lebanon in developing and implementing a national human rights action plan by providing independent national bodies with technical support, capacity building, and more.



الهيئة الوطنية لحقوق الانسان

المتضمنة لجنة الوفاية من التعذيب

National Human Rights Commission

including the committee for the prevention of torture

