

## **Human Rights Watch submission to the United Nation's Human Rights Committee in advance of its review of Lebanon**

This submission highlights areas of concern that Human Rights Watch hopes will inform the Human Rights Committee's consideration of the Lebanese government's compliance with the International Covenant on Civil and Political Rights (ICCPR). We hope it will inform the Committee's pre-sessional review of Lebanon and that the areas of concern highlighted here will be reflected in the list of issues submitted to the Lebanese government ahead of its review.

For deeper analysis of these issues, please see the following Human Rights Watch reports:

- **Lebanon: The Trial of Civilians by Military Courts, 2017**, <http://bit.ly/2kL0gS7>
- Lebanon: Syrian Refugee's Account of Torture, 2016, <http://bit.ly/2ie7Ymw>
- Lebanon: Reform Rape Laws, 2016, <http://bit.ly/2hLmh2X>
- Lebanon: Student Arrested for Facebook Post, 2016, <http://bit.ly/2gBvNZs>
- Lebanon: Syrian Women at Risk of Sex Trafficking, 2016, <http://bit.ly/2akVAAO>
- **Lebanon: Residency Rules Put Syrians at Risk, 2016**, <http://bit.ly/1N4ah2X>
- Lebanon: Stop Forcible Returns to Syria, 2016, <http://bit.ly/1Q1M7wk>
- Lebanon: Free Woman Alleging Rape by Soldiers, 2015, <http://bit.ly/1XegpO5>
- Lebanon: Police Violence Against Protesters, 2015, <http://bit.ly/2au8eOd>
- **Lebanon: Laws Discriminate Against Women, 2015**, <http://bit.ly/2jCAGLe>
- Lebanon: Migrant Workers' Children Expelled, 2014, <http://bit.ly/1Bb7AJS>
- Lebanon: Domestic Violence Law Good, but Incomplete, 2014, <http://bit.ly/2jrPrFc>
- Lebanon: Investigate Army Beatings, Death in Custody, 2013, <http://bit.ly/2iStKNS>
- **Lebanon: Police Torturing Vulnerable People, 2013**, <http://bit.ly/29fmciw>
- Lebanon: Stop "Tests of Shame", 2012, <http://bit.ly/2jcPM1b>
- Lebanon: Prison Deaths, Injuries Need Independent Investigation, 2011, <http://bit.ly/2jrMSDd>
- Lebanon: Reveal Fate of Disappeared Syrians, 2011, <http://bit.ly/2k77aVA>
- **Lebanon: Judiciary Failing to Protect Domestic Workers, 2010**, <http://bit.ly/2js2u9L>
- Lebanon: Migrant Domestic Workers Dying Every Week, 2008, <http://bit.ly/2jPCFQS>
- Lebanon: Investigate Army Shooting of Palestinian Demonstrators, 2007, <http://bit.ly/2iFfgoo>

### **Discrimination and Women's Rights (Articles 3, 7, 23, 26)**

In Lebanon, discriminatory provisions against women remain in personal status laws, nationality laws, and the penal code. Women also continue to remain at risk of domestic violence and marital rape.

On April 1, 2014, parliament passed the Law on the Protection of Women and Family from Domestic Violence. The law established important protection measures and related policing and court reforms, but narrowly defines domestic violence to the crimes stipulated in the law which relate to forced begging, prostitution, homicide, adultery, and the use of force or threats to obtain sex. The law criminalizes a spouse's use of threats or violence to claim a "marital right to intercourse," but does not criminalize marital rape itself.

Advocates have criticized the law's reference to a "marital right of intercourse," which does not exist under Lebanese criminal law, and fear it could be used to legitimize marital rape. The law also does not include individuals in intimate relationships who are not married, and those formerly in intimate relationships such as divorced and separated couples. Under the law, religious courts do not have to adhere to civil court rulings, undermining women's security in the home. For instance, a religious court could issue an "obedience and cohabitation" ruling requiring a woman to cohabit with her husband, while a civil court has granted the woman a protection order under the domestic violence law, requiring her husband to remove himself from the marital home.<sup>1</sup>

Article 503 of the penal code explicitly excludes marital rape. It defines the crime of rape as "forced sexual intercourse [against someone] who is not his wife by violence or threat." The penal code, under articles 507-510 and beyond, refers to ill-defined violent acts of "indecency" rather than sexual assault.<sup>2</sup>

Article 522 of the penal code allows a rapist who marries his victim to escape punishment.<sup>3</sup> On December 7, 2016, members of the Parliamentary Committee for Administration and Justice announced an agreement to repeal article 522 of the Lebanese Penal Code, however parliament has yet to repeal the law.<sup>4</sup>

Women also continue to suffer discrimination under 15 Lebanese personal status laws, dependent on each individual's religious affiliation, all of which discriminate against women. In a 2015 report, Human Rights Watch found that all personal status laws erect greater barriers for women than men who wish to terminate unhappy or abusive marriages, initiate divorce proceedings, ensure their rights concerning their children after divorce, or secure pecuniary rights from a former spouse.<sup>5</sup> Furthermore, unlike Lebanese men, Lebanese women cannot pass on their nationality to foreign husbands and children and are subject to discriminatory inheritance laws.<sup>6</sup>

Human Rights Watch found many weaknesses and a lack of coordination in the Lebanese government's response to sex trafficking, with Syrian women at particular risk of trafficking into forced prostitution and sexual exploitation. A series of raids in 2015 and 2016 found dozens of Syrian women being held against their will and exploited. In March 2016, security officers freed as many as 75 Syrian women from two brothels. Staff of organizations working with trafficking victims told Human Rights Watch that the criminalization of sex work in Lebanon is a significant obstacle. They said that authorities tend to perceive all women in "prostitution" as criminals – even if they are trafficked into forced prostitution. This means that those forced into prostitution fear being arrested if they approach the authorities. In addition, many Syrian women in

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<sup>1</sup> "Lebanon: Domestic Violence Law Good, but Incomplete," Human Rights Watch news release, April 3, 2014, <https://www.hrw.org/news/2014/04/03/lebanon-domestic-violence-law-good-incomplete>.

<sup>2</sup> Lebanese Penal Code, arts. 503, 507-510.

<sup>3</sup> Lebanese Penal Code, art. 522.

<sup>4</sup> "Lebanon: Reform Rape Laws," Human Rights Watch news release, December 19, 2016, <https://www.hrw.org/news/2016/12/19/lebanon-reform-rape-laws>.

<sup>5</sup> "Lebanon: Laws Discriminate Against Women," Human Rights Watch news release, January 19, 2015, <https://www.hrw.org/news/2015/01/19/lebanon-laws-discriminate-against-women>.

<sup>6</sup> Human Rights Watch, *World Report 2017* (New York: Human Rights Watch, 2017), Lebanon chapter, <https://www.hrw.org/world-report/2017/country-chapters/lebanon>.

Lebanon do not have legal residency status, which increases risks of sexual and other exploitation and leaves them afraid to file criminal complaints against abusers.<sup>7</sup>

An estimated 250,000 migrant domestic workers, primarily women from Sri Lanka, Ethiopia, the Philippines, and Nepal, are excluded from the labor law protections and subject to restrictive immigration rules based on the *kafala* visa sponsorship system that ties workers to their employers and puts them at risk of exploitation and abuse.<sup>8</sup>

The most common complaints documented by Human Rights Watch, embassies of labor-sending countries, and civil society groups include non-payment or delayed payment of wages, forced confinement, refusal to provide time off, and verbal and physical abuse. In 2010, Human Rights Watch found that Lebanon's judiciary failed to hold employers accountable for these abuses. Migrant domestic workers suing their employers for abuse face legal obstacles and risk imprisonment and deportation due to the restrictive visa system.<sup>9</sup>

In 2008, Human Rights Watch found that migrant domestic workers were dying at a rate of one per week, with suicide and attempted escapes the leading causes of death.<sup>10</sup> Several migrant domestic workers in Lebanon committed suicide or attempted to commit suicide in 2016.<sup>11</sup>

Starting in May 2014, nearly a dozen female migrant workers, many longstanding residents of Lebanon, reported being denied residency renewal for themselves and their children. Some were told their children were not allowed to remain with them in Lebanon and were given a short period of time to leave the country.<sup>12</sup> In March 2015, General Security once again being issuing residency renewals to migrant domestic workers and their children. However, Human Rights Watch has received reports that General Security resumed detention and deportation of migrant workers with children in 2016 and 2017.

#### Recommendations:

We encourage the Committee to make the following recommendations to the Lebanese government:

- Enforce the anti-trafficking law more effectively, remove obstacles to reporting trafficking, improve police coordination, and provide support to trafficking survivors.
- Ensure that the legal definition of rape is comprehensive, and does not make exceptions for marital rape.

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<sup>7</sup> "Lebanon: Syrian Women at Risk of Sex Trafficking," Human Rights Watch news release, July 28, 2016, <https://www.hrw.org/news/2016/07/28/lebanon-syrian-women-risk-sex-trafficking>.

<sup>8</sup> Human Rights Watch, *Without Protection How the Lebanese Justice System Fails Migrant Domestic Workers*, September 2010, <https://www.hrw.org/report/2010/09/16/without-protection/how-lebanese-justice-system-fails-migrant-domestic-workers>.

<sup>9</sup> *Ibid.*

<sup>10</sup> "Lebanon: Migrant Domestic Workers Dying Every Week," Human Rights Watch news release, August 26, 2008, <https://www.hrw.org/news/2008/08/26/lebanon-migrant-domestic-workers-dying-every-week>.

<sup>11</sup> Human Rights Watch, *World Report 2017* (New York: Human Rights Watch, 2017), Lebanon chapter, <https://www.hrw.org/world-report/2017/country-chapters/lebanon>.

<sup>12</sup> "Lebanon: Migrant Workers' Children Expelled," Human Rights Watch news release, September 2, 2014, <https://www.hrw.org/news/2014/09/02/lebanon-migrant-workers-children-expelled>.

- Clearly define sexual assault as a violation of bodily integrity and sexual autonomy, and rape as a form of sexual assault that is a physical invasion of a sexual nature without consent or under coercive circumstances.
- Adopt an optional civil code that would ensure equal rights for all Lebanese who wish to marry under it.
- Exercise oversight over religious courts and authorities to ensure compliance with human rights obligations and bring them in compliance with Lebanon’s international human rights obligations, guaranteeing women and men equal rights in all personal status matters.
- Require that religious confessions submit their laws to parliament for review. Those that have yet to codify their laws should do so before submitting them to parliament.
- Establish minimum education and training requirements for judges in religious courts, and require a law license and judicial training as a basic condition for their appointment.
- Reform the Law on Protection of Women and Family Members from Domestic Violence to expand the definition of domestic violence to meet UN guidelines and develop a national strategy to implement the law.
- Amend the law on citizenship in a way that ensures that all Lebanese women, regardless of the nationality of their husband, can pass on their citizenship to their children and husbands.
- Undertake a number of specific reforms to ensure the rights of migrant domestic workers:
  - Reform the visa sponsorship system so that workers’ visas are no longer tied to individual sponsors, and they can terminate employment without sponsor consent.
  - Extend labor protections in national law to domestic workers and introduce additional protections in line with the ILO Domestic Workers Convention.
  - Set up monitoring mechanisms, in consultation with civil society, to detect and investigate cases of domestic workers abuse.
  - Track the number and cause of domestic worker deaths annually and make this information publicly available.
  - Ensure that General Security considers the family interests involved before rejecting the renewal of residency for workers and their children or considering their expulsion.
  - Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention) and the ILO Domestic Workers Convention.

### **Torture (Article 7, 9, 10)**

Article 401 of the Lebanese penal code states that “anyone who inflicts violent practices not permitted by the law against another person with the intention to extract a confession of a crime or information related to it will be imprisoned from three months to three years.<sup>13</sup> This article falls short of meeting Lebanon's obligation to criminalize all acts of torture.

Human Rights Watch has documented several cases in which security forces in Lebanon reportedly committed acts of torture.

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<sup>13</sup> Lebanese Penal Code, art. 401.

In July 2013, Human Rights Watch documented seven cases of torture of detainees in military custody, including two children, following clashes between followers of Sheikh Ahmed al-Assir and the Lebanese army. All of the former detainees said that army personnel kicked and beat them with fists and, in some cases, sticks, cables, and batons during initial interrogations at checkpoints. At the time of interviews, all bore visible marks consistent with the beatings. Two of the detainees showed Human Rights Watch marks on their bodies that they said were from soldiers burning them with cigarettes. Some said that they had witnessed the beatings and torture of other detainees. Human Rights Watch also received troubling information that another man, Nader Bayoumi, died in military custody during this period. His family told Human Rights Watch that Military Intelligence instructed them to pick up Bayoumi's body, which was heavily bruised, from the military hospital three days after he disappeared on June 23.<sup>14</sup>

In a 2013 report, Human Rights Watch found that Lebanese Internal Security Forces threaten, ill-treat, and torture drug users, sex workers, and lesbian, gay, bisexual, and transgender (LGBT) people in their custody. The most common forms of torture reported were beatings with fists, boots, or implements such as sticks, canes, and rulers. Former detainees reported torture and mistreatment in all of the facilities that Human Rights Watch investigated.<sup>15</sup>

Twenty-one of the 25 women interviewed who had been arrested for suspected drug use or sex work told Human Rights Watch that police had subjected them to sexual violence or coercion, ranging from rape to offering them "favors" in exchange for sex. Almost all those who spoke to Human Rights Watch said that they were threatened with physical violence, with five reporting that police threatened to physically harm their families as a form of retaliation or punishment.<sup>16</sup>

All of the members of these marginalized social groups interviewed by Human Rights Watch faced obstacles to reporting abuse and obtaining redress, leaving the abusers unaccountable for their actions. Twelve individuals told Human Rights Watch that police officers threatened and warned them outright against reporting. In addition, five former detainees told Human Rights Watch that investigative judges dismissed their allegations of mistreatment, intimidation, and abuse without further inquiries.<sup>17</sup>

In June 2015, leaked videos appeared to show police torturing prisoners in Roumieh prison north of Beirut following a prison riot. The interior minister confirmed the authenticity of the videos.<sup>18</sup> In 2016, a Syrian refugee, arrested by Lebanese Military Intelligence officers apparently on suspicion that he was gay, was allegedly tortured while detained at Military Intelligence, Ministry of Defense, Military Police, and Jounieh police centers.<sup>19</sup>

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<sup>14</sup> "Lebanon: Investigate Army Beatings, Death in Custody," Human Rights Watch news release, July 17, 2013, <https://www.hrw.org/news/2013/07/17/lebanon-investigate-army-beatings-death-custody>.

<sup>15</sup> Human Rights Watch, *It's Part of the Job": Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations*, June 2013, <https://www.hrw.org/report/2013/06/26/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations>.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> "Lebanon: Monitor Detention to Combat Torture," Human Rights Watch news release, June 26, 2015, <https://www.hrw.org/news/2015/06/26/lebanon-monitor-detention-combat-torture>.

<sup>19</sup> "Lebanon: Syrian Refugee's Account of Torture," Human Rights Watch news release, December 21, 2016, <https://www.hrw.org/news/2016/12/21/lebanon-syrian-refugees-account-torture>.

Lebanon's parliament on October 19, 2016 took a positive step to try to end the use of torture with a new law to establish a National Human Rights Institute (NHRI), which will include a Committee for the Protection from Torture, known as a national preventative mechanism. The committee will have the authority to conduct regular unannounced visits to all detention sites, investigate the use of torture, and issue recommendations to improve the treatment of detainees.<sup>20</sup>

#### Recommendations:

We encourage the Committee to make the following recommendations to the Lebanese government:

- Pass legislation to criminalize all forms of torture and ill-treatment.
- Amend article 49 of the code of criminal procedure to explicitly guarantee suspects the right to a lawyer during interrogation.
- Thoroughly investigate all allegations of torture and mistreatment by security forces, and prosecute offenders to the full extent of the law.
- Enforce the prohibition of admission of statements that are extracted through torture or coercion and require that judicial authorities thoroughly investigate the circumstances under which confessions were allegedly obtained through torture or ill-treatment.
- Fund and staff the National Human Rights Institute with qualified, independent experts and ensure that it is able to visit all detention sites in the manner and with the frequency it wishes without fear of sanction or reprisal.

#### Due Process (Article 10, 14)

The military court system in Lebanon is an exceptional judicial system that falls under the jurisdiction of the Ministry of Defense. It has broad jurisdiction over civilians, including children. According to the Union for Protection of Juveniles in Lebanon, 355 children were tried before the military courts in 2016.<sup>21</sup>

The composition of the military courts and the system for the appointment of judges undermine the courts' competence, independence, and impartiality. Military judges are appointed by the Minister of Defense, and military judges on the courts are not required to have a law degree. Furthermore, access to military court proceedings is restricted, which means that human rights organizations and journalists are not able to freely monitor the trials. Four Lebanese lawyers told Human Rights Watch that sentencing in the military courts is inconsistent and seemingly arbitrary, and that they have come to expect guilty sentences regardless of the evidence against their client. According to Lebanese lawyers, there is only a limited right to appeal within the military court system, and the use of confessions extracted under torture in order to obtain a conviction is not considered grounds for appeal.<sup>22</sup>

Individuals tried before the military courts and lawyers described a range of detainee rights and fair trial violations that they or their clients suffered before the military courts, including interrogations without the

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<sup>20</sup> "Lebanon: New Law a Step to End Torture," Human Rights Watch news release, October 28, 2016, <https://www.hrw.org/news/2016/10/28/lebanon-new-law-step-end-torture>.

<sup>21</sup> Human Rights Watch, *It's Not the Right Place for Us: The trial of Civilians by Military Courts in Lebanon*, January 2017, <https://www.hrw.org/report/2017/01/26/its-not-right-place-us/trial-civilians-military-courts-lebanon>.

<sup>22</sup> *Ibid.*

presence of a lawyer, ill-treatment and torture, incommunicado detention, the use of confessions extracted under torture, lengthy pretrial detention, decisions issued without an explanation, seemingly arbitrary sentences, and a limited right to appeal.<sup>23</sup>

In recent years, the military prosecutor has brought charges against human rights lawyers and activists who have spoken out about torture by the Lebanese military. Defendants, lawyers, and Lebanese human rights organizations have expressed concern that officials within the Ministry of Defense or Lebanese Army are using the overbroad jurisdiction of the military courts as a tool for intimidation or retaliation against political speech or activism.<sup>24</sup>

Human Rights Watch documented eight cases in which individuals tried before the military courts on terrorism or security related offenses were tortured, forced to confess, and had their coerced confessions used as evidence against them in court. In some of these cases, the coerced confession was the only evidence of guilt presented against the accused.<sup>25</sup>

Survivors of torture described beatings, psychological torture, electrocution, balanco [hanging a detainee by the wrists tied behind his back], and being ordered to sign statements while blindfolded. Human Rights Watch also documented two cases in which military personnel tortured children and extracted forced confessions from them. Both children were tried in military courts.<sup>26</sup>

#### Recommendations:

We encourage the Committee to make the following recommendations to the Lebanese government:

- Reform the military court system by removing civilians and children from the military courts' jurisdiction and ensure that judges deem inadmissible all confessions and evidence obtained under torture.
- Expressly guarantee the right to a lawyer during interrogation and criminalize all forms of torture.
- Refer all allegations of torture to the public prosecutor and implement a policy of zero tolerance for all forms of torture and inhuman or degrading treatment within the Ministry of Defense.
- Ensure all serving judges are fully independent and impartial, including ensuring that no judge is within the military chain of command.

#### **Freedom of Movement (Article 12)**

There are more than 1 million registered Syrian refugees in Lebanon, though the government estimates that the true number of Syrians in the country is 1.5 million. Lebanon introduced harsh new residency regulations in January 2015 that most refugees have been unable to comply with, resulting in an estimated 60 percent of refugees losing legal status. Without residency, refugees can be arrested, restricting their freedom of movement. This makes it difficult for them to work, send their children to school, or get health care. An estimated 250,000 Syrian refugee children are not in school in Lebanon. It has also hindered their ability to register marriages and births, leaving tens of thousands of Syrian children born in Lebanon at risk of

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<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

statelessness. An inability to work has exacerbated poverty among refugees, leading to increased child labor and early marriages.<sup>27</sup>

A new policy, announced recently by the General Security, would waive the annual \$200 residency fee for many Syrian refugees in Lebanon. However, the policy excludes Syrians not registered with UNHCR, almost 500,000 people by government estimates, as well as anyone who has previously used a Lebanese sponsor to maintain legal status.<sup>28</sup>

Lebanese municipalities have imposed curfews on Syrian refugees. The curfews restrict refugees' movements and contribute to a climate of discriminatory and retaliatory practices against them. Human Rights Watch also received information about the creation of local vigilante groups to enforce curfews, raising concerns about abuses. The curfews are also not being carried out under any law, as required by Lebanon's international human rights obligations, and their implementation by municipalities appears to contravene Lebanese domestic law.<sup>29</sup>

#### Recommendations:

We encourage the Committee to make the following recommendations to the Lebanese government:

- Cease arrests and detention of refugees for lack of legal residency.
- Allow refugees to maintain legal status by expanding the residency fee waiver to all Syrians in Lebanon.
- End the use of discriminatory curfews for Syrian refugees.

#### **Freedom of Expression (Article 18, 19)**

Criminal defamation laws, and laws criminalizing criticism of public officials and symbols, continue to stifle freedom of expression in Lebanon. Article 13 of the Lebanese constitution guarantees freedom of expression and freedom of the press "within the limits established by law." But the press law, penal code, audiovisual media law, and military code of justice don't have adequate safeguards to protect the right to freedom of expression. For example, article 384 of the penal code authorizes imprisonment of six months to two years for insulting the president, the flag, or the national emblem. Additionally, "libel," "defamation," and "insult" are not well-defined in Lebanese law, and such vague and broadly worded provisions can be used to quell criticism of the actions or policies of government officials.<sup>30</sup>

Human Rights Watch has documented a pattern of arrests and prosecution of individuals for expressing criticism of Lebanese officials or governmental bodies.

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<sup>27</sup> Human Rights Watch, *"I Just Wanted to be Treated like a Person": How Lebanon's Residency Rules Facilitate Abuse of Syrian Refugees*, January 2016, <https://www.hrw.org/report/2016/01/12/i-just-wanted-be-treated-person/how-lebanons-residency-rules-facilitate-abuse>.

<sup>28</sup> "Lebanon: New Refugee Policy a Step Forward," Human Rights Watch news release, February 14, 2017, <https://www.hrw.org/news/2017/02/14/lebanon-new-refugee-policy-step-forward>.

<sup>29</sup> "Lebanon: At Least 45 Local Curfews Imposed on Syrian Refugees," Human Rights Watch news release, October 3, 2014, <https://www.hrw.org/news/2014/10/03/lebanon-least-45-local-curfews-imposed-syrian-refugees>.

<sup>30</sup> Lebanese Penal Code, arts. 317, 384.



In 2006, prosecutors charged one of Lebanon's prominent human rights lawyers Dr. Muhammad Muqraby, with slandering the military establishment and its officers. He was charged after delivered a speech criticizing the Lebanese government's use of military courts to prosecute civilians for dissent.<sup>31</sup> In 2014, the publications court sentenced Jean Assy, a blogger, to two months in jail for defaming and insulting former president Michel Sleiman on Twitter.<sup>32</sup>

In 2015, the Lebanese army referred Layal al-Kayaje to the military prosecutor her for allegedly harming the military's reputation after she told a journalist that she was tortured and raped in military detention.<sup>33</sup>

In 2016, Lebanese authorities arrested and detained a journalism student, Bassel al-Amin, for a critical Facebook post, and in March 2017, Lebanese authorities arrested and held the activist Ahmad Amhaz in detention for nine days for a Facebook post critical of government authorities.<sup>34</sup> Both al-Amin and Amhaz face up to two years in prison if convicted.

### **Freedom of Assembly (Article 21)**

Security services in Lebanon have sometimes used excessive force to disperse protests.

In 2007, army forces and civilians attacked a Palestinian demonstration, killing two Palestinians and injuring at least 28 as army forces opened fire.<sup>35</sup> In 2015, police repeatedly used force to disperse protesters demonstrating against the government's failure to resolve a waste collection crisis and corruption. Police used force to disperse a peaceful protest on August 19, 2015, failing to uphold human rights standards. Three witnesses told Human Rights Watch that security forces used excessive force to disperse a crowd of approximately 100. The witnesses said that the police fired water hoses without warning, kicked protesters, and beat them with batons after protesters attempted to remove the barbed wire separating them from a government building.<sup>36</sup>

Impunity for violence by security forces is a recurring problem in Lebanon. All public information available indicates that Lebanon does not adequately investigate incidents in which security forces, including the army, used force against protesters.

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<sup>31</sup> "Lebanon: Military Courts Used to Prosecute Dissent," Human Rights Watch news release, March 16, 2006, <https://www.hrw.org/news/2006/03/16/lebanon-military-courts-used-prosecute-dissent>.

<sup>32</sup> Lama Fakih (Human Rights Watch), "Freedom of expression under fire in Lebanon," commentary, *Executive Magazine*, April 2, 2014, <https://www.hrw.org/news/2014/04/02/freedom-expression-under-fire-lebanon>.

<sup>33</sup> "Lebanon: Free Woman Alleging Rape by Soldiers," Human Rights Watch news release, October 16, 2015, <https://www.hrw.org/news/2015/10/16/lebanon-free-woman-alleging-rape-soldiers>.

<sup>34</sup> "Lebanon: Student Arrested for Facebook Post," Human Rights Watch news release, Dec 13, 2016, <https://www.hrw.org/news/2016/12/13/lebanon-student-arrested-facebook-post>; "Lebanon: Activist Charged for Facebook Post Criticizing Politicians," Human Rights Watch news release, March 27, 2017, <https://www.hrw.org/news/2017/03/27/lebanon-activist-charged-facebook-post-criticizing-politicians>.

<sup>35</sup> "Lebanon: Investigate Army Shooting of Palestinian Demonstrators," Human Rights Watch news release, July 3, 2007, <https://www.hrw.org/news/2014/04/02/freedom-expression-under-fire-lebanon>.

<sup>36</sup> "Lebanon: Police Violence Against Protesters," Human Rights Watch news release, August 22, 2015, <https://www.hrw.org/news/2015/08/22/lebanon-police-violence-against-protesters>.

### Recommendations:

We encourage the Committee to make the following recommendations to the Lebanese government:

- Repeal laws that allow imprisonment in response to criticism of individuals, state officials, and national symbols.
- Ensure pre-trial detention is used only as an exception, not the rule, and that all detained persons have the legality and necessity of their detention promptly reviewed by a judge.
- Investigate reports of unlawful use of force by security personnel against protestors, prosecute those found to have committed violations, and compensate victims.

### **Freedom of Association (Articles 22)**

There are an estimated 250,000 migrant domestic workers in Lebanon, primarily from Sri Lanka, Ethiopia, the Philippines, and Nepal. Article 7 of the Lebanese labor code specifically excludes domestic workers, both Lebanese and migrants, denying them protections afforded other workers. While article 92 of the labor code allows some foreign workers to join unions and associations, the code has been interpreted to bar union membership for domestic workers and others excluded from the labor law.

In December 2014, six Lebanese workers submitted a request to the labor ministry to form a union for domestic workers. Approximately 350 domestic workers of various nationalities gathered for the union's inaugural congress on January 25, 2015. The labor ministry denounced the formation of a domestic workers union on the grounds that it was illegal. According to union members, the application for the union had still not been approved at the time of writing.

In a crackdown on freedom of association, Lebanon's General Security agency detained two active members of that union, Sojana Rana and Roja Limbu, in 2016.<sup>37</sup> Authorities deported Rana on December 10, 2016, International Human Rights Day, and deported Limbu after 55 days in detention.

### Recommendations:

We encourage the Committee to make the following recommendations to the Lebanese government:

- Recognize the domestic workers' union and extend labor protections to domestic workers.
- Ensure the right to freedom of association and the right to collective bargaining without discrimination to all workers.

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<sup>37</sup> Bassam Khawaja, "Lebanon Deports Domestic Worker Rights Organizer," commentary, Human Rights Watch Dispatch, December 13, 2016, <https://www.hrw.org/news/2016/12/13/lebanon-deports-domestic-worker-rights-organizer>.