



General Assembly

Distr.: General
30 November 2015

Original: English

Human Rights Council

Thirty-first session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on freedom of religion or belief on his mission to Lebanon

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, on his mission to Lebanon from 23 March to 2 April 2015. The Special Rapporteur reviews the relevant legal framework and structures, and describes the implications for a country with a unique religious landscape in a region troubled by violence, often committed in the name of religion. He draws particular attention to the impact of religious laws and courts on matters concerning personal status. The Special Rapporteur also describes how Lebanese society has remained united, regardless of religious and denominational differences. However, with the heritage of religious pluralism now increasingly in jeopardy as a result of internal as well as external factors, the Special Rapporteur discusses the challenges in depth and makes recommendations for strengthening this unique legacy.

GE.15-21043(E)



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I. Introduction

1. The Special Rapporteur on freedom of religion or belief undertook a visit to Lebanon from 23 March to 2 April 2015. He expresses his gratitude to the Government of Lebanon for having invited him in accordance with the standing invitation extended to all thematic special procedures of the Human Rights Council. He also expresses his great appreciation to the regional office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Beirut for its logistical, organizational and intellectual support, as well as the interest demonstrated throughout the visit and its outcome.

2. The Special Rapporteur met representatives of government agencies, with whom he had a constructive discussion, although, regrettably, some meetings that he had requested were not held. He thanks all interlocutors from the broad range of civil society organizations, academics, leaders and members of various recognized and non-recognized religious communities, refugees and migrant workers, who shared their experiences, assessments and views. The many lively, frank and open discussions held in Beirut, Tripoli, Majd Al-Anjar, Anjar and Zahle offered important insights that helped to shape his findings.

3. During some of his meetings, the Special Rapporteur was asked “why Lebanon?” This is a legitimate question. The visit was prompted by the interest of the Special Rapporteur in gaining a better understanding of the factors that have enabled Lebanon to preserve its religious diversity and generally appreciated interreligious coexistence in a complicated region. While some neighbouring States are troubled by massive violence with obvious sectarian dimensions added to political ones, the situation between religious communities in Lebanon is by and large amicable. People generally practise their religion freely, and there is no religious persecution in the country. Moreover, Lebanon has successfully kept society united across religious boundaries, and built resilience in the face of religious extremism. These are major accomplishments that cannot be taken for granted. Apart from the interest in understanding the enabling factors of these accomplishments better, the visit was also forward-looking, allowing the examination of measures that could be taken to consolidate and further develop peaceful interreligious coexistence.

4. The question “why Lebanon?” also seemed at times to indicate a somewhat narrower understanding of freedom of religion or belief, which the Special Rapporteur had come across also in other country visits. Freedom of religion or belief requires more than preventing or eliminating religious persecution. While religious persecution – which can lead to killings, mass expulsion, harassment and discrimination, arbitrary arrest and detention, torture and other cruel, inhuman or degrading treatment or punishment – would without doubt constitute the most extreme forms of abuse, freedom of religion or belief may also concern restrictions that societal structures, including legislation, place on the free manifestation of religious beliefs and faith-related practices.

5. More subtle discriminatory structures are less visible and require some in-depth analysis. Generally speaking, the purpose of freedom of thought, conscience, religion or belief is to create an inclusive society in which the existing and emerging religious diversity may unfold freely and without any discrimination, be it State-induced, societal or structural. This remains a challenge for virtually all societies and countries.

II. Overview of relevant legal framework and structures

A. Historic development of the Constitution of Lebanon

6. Lebanon was established in its present borders in 1920 and gained effective independence in 1943. According to the Constitution, adopted on 23 May 1926 and amended on 21 August 1990, Lebanon is a parliamentary democratic republic based on respect for public liberties, social justice and equality of rights and duties.

7. Article 95 of the 1926 Constitution provides for the equitable representation of religious denominations in the public service. On this basis, the “national pact” adopted in 1943 stipulated an unwritten understanding that the office of President of the Republic would be reserved for a Maronite Christian, the office of Prime Minister for a Sunni Muslim and the office of Speaker of the House for a Shiite Muslim. This distribution of political power continues to provide the overall framework at both the national and local levels of government.

8. Following the 1989 Taif Accords, which marked the end of 15 years of civil war in Lebanon, the preamble to the Constitution envisaged the long-term abolition of political confessionalism in accordance with a national plan. In 1990, article 95 was amended to provide that the Parliament would take the measures necessary to abolish the political structure based on religious affiliation; until that time, only the highest positions in public civil service, including the judiciary, military, security forces, public and mixed institutions, would be divided equally between Christians and Muslims, regardless of the denominational affiliation within each of the two major communities.

B. Constitutional rights

9. Although the Constitution contains only a limited number of civil and political rights, it explicitly provides for the freedom of belief. The amended Constitution contains a chapter on the rights and duties of citizens. It declares the equality of rights and duties for all citizens without discrimination or preference, while stipulating a balance of power among the major religious groups.

10. Within the constitutional bill of rights, article 9 provides for “absolute freedom of conscience”. The State thus undertakes to respect all religions and creeds, and guarantees, under its protection, the free exercise of all religious rites, provided that public order is not disturbed. It also guarantees that the personal status and religious interests of all persons, to whatever religious sect they belong, are respected.

11. While article 9 declares its commitment to protecting freedom of conscience, it also seems to accord legal recognition to religions or creeds as such. From a human rights perspective, it should be clear that rights-holders ultimately are human beings, as individuals and in community with others. As mentioned above, article 9 also requires the State to respect all religions and denominations, and to guarantee respect for the personal status and religious interests of persons of every religious sect. Personal status laws therefore fall under the jurisdiction of religious communities and their religious courts.

C. Legal provisions against religious extremism and sedition

12. The Penal Code contains a number of provisions prohibiting calls to strife and sedition on religious grounds (arts. 295, 308, 310, 313, 317 and 318), and provides for penalties. Blasphemy (art. 473), contempt of religious rites (art. 474), disruption of religious ceremonies and demolition of places of worship (art. 475) and contraventions by men of religion in conversions from one religion or denomination to another one (art. 476) also expose violators to prison sentences or fines. Few cases have been filed for blasphemy in recent years, although some cases have been dismissed. The press law has similar provisions (art. 25).

13. Most of these provisions are not in line with human rights norms and standards relating to freedom of expression, nor with the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, to which Lebanon is bound as a State party to the International Covenant on Civil and Political Rights. A new general comment by the Human Rights Committee on article 19 of the Covenant (CCPR/C/GC/34) and the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, adopted by experts in Rabat on 5 October 2012, may provide useful guidance for legislators and authorities.

D. Judiciary

14. The judiciary is a civil law system and divided into four main court systems – judicial, administrative, military and religious each of which has a hierarchical structure. However, the 18 religious communities officially recognized in Lebanon continue to be able to apply their own laws and maintain their own judicial systems to deal with matters relating to personal status, marriage, divorce and other family issues.

15. The judicial court system is composed of civil and criminal courts of general jurisdiction at first instances, courts of appeal and the Court of Cassation (highest court). The administrative court system is composed of administrative tribunals and the State Consultative Council (Majlis Shura al-Dawla), which can also function as an appellate or cassation court. The jurisdiction of administrative courts is limited to matters involving or arising from administrative decisions made by the State or any of its agencies and institutions. There are also specialized tribunals, such as the Judicial Council, which deals with cases of sensitive criminal offences of a political nature, and the Constitutional Council, which examines the constitutionality of legislation but is not empowered to receive or adjudicate on individual petitions.

16. The religious court system pertains to the main religions of Christianity and Islam. The jurisdiction of the courts is limited to personal status and family law matters as authorized by law. Not all of the 18 recognized denominations have courts; some resort to out-of-court settlements facilitated by religious figures. The jurisdiction of Maronite courts extends beyond the borders of Lebanon and some cases for Catholics may reach the Tribunal of the Roman Rota of the Vatican.

E. Incorporation and status of international law in domestic law

17. Lebanon is recognized as having a comprehensive legal framework. It has ratified or acceded to the main international human rights treaties, including the

International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The international treaties ratified by Lebanon are integrated into domestic law upon the exchange or deposit of instruments of ratification or accession. The automatic incorporation takes effect upon publication of the treaty in the *Official Gazette*. Customary international law is also binding.

18. In the event of conflict between a domestic law and an international law, article 2 of the Civil Code recognizes the supremacy of the provisions of international treaties. Lebanese courts have applied international treaties in their jurisprudence, and the Court of Appeal has held that they have exclusive competency to interpret international treaties in cases involving individual rights and freedoms. However, no Court is empowered to declare a law invalid if it is found to contravene the Constitution or international conventions.

III. Legacy of religious diversity

A. Overview of the religious landscape

19. One of the most striking features of Lebanon is its tradition of religious pluralism, making the country unique, in particular in the Middle East, but also beyond. Over the centuries, Lebanon has been home to various Christian and Muslim communities. Article 9 of the Constitution provides for freedom of conscience and the free exercise of all religious rites within the general framework of public order. To date, 18 confessions have been officially recognized by the State. Religious diversity is compounded by ethnic diversity, given that Lebanese citizens of Armenian or Kurdish origin may have more than one religious affiliation.

20. Christian denominations include the Catholic, Orthodox, Oriental and Evangelical communities. The Catholics comprise Greek Catholics, Chaldeans, Armenian Catholics, Latins and in particular the Maronite Church, which has its worldwide centre in Lebanon. Among the various Orthodox Churches, Greek Orthodoxy is the by far most populous. Lebanon is also home to Oriental Churches – Assyrians, Syriac Orthodox, Armenian Apostolic and Copts – all of which keep their distinct traditions. The majority of Evangelical Churches – Episcopalians, Presbyterians, Baptists, Seventh-Day Adventists, various free churches and others – cooperate within the Supreme Council of the Evangelical Community. While some Christian communities have existed in Lebanon since the origins of Christianity, others entered the country in the nineteenth and twentieth centuries. The wealth of Christian liturgies (including liturgical languages), ceremonies and canon law traditions remains impressive.

21. Muslims include the Sunnis, the Shiites, the Alawites and the Druze. Like in the case of Christianity, the Muslim population is internally possibly more pluralistic than in any other country of the Middle East. Different schools of the sharia – in particular Hanafi and Ja'afari – exist in parallel. Under the wide umbrella of Shia Islam, the followers of Twelver Shia, Ismailis and Alawites represent distinct groups, maintaining their specificities in teaching and practice, while all of them regulate their personal status issues within the Ja'afari Twelver Shia) court system. The Druze combine traditional Islamic teachings with certain philosophical ideas and mystic practices. Moreover, they have their own religious court system. There is also a small community of Jews residing in Lebanon, comprising not much more than 100 people.

22. In reality, religious diversity has developed far beyond the recognized communities. Unrecognized religious communities include the Baha'is, Jehovah's Witnesses and Mormons. Recent waves of immigration have brought Hindus and Buddhists to the country, most of whom make their living as migrant workers. Moreover, many Lebanese see themselves as agnostics or atheists, and express quite critical views on religious issues. Some openly call themselves "non-believers". The existing and emerging religious and belief-related pluralisms in Lebanon thus obviously exceed the 18 officially recognized confessions.

B. Appreciation for diversity

23. There seems to be broad agreement in Lebanese society that the diversity of religions and beliefs deserves to be cherished, defended and further developed. In discussions, people often emphasized that no religious community in Lebanon would wish to see the country turned into a mono-religious entity, let alone a religious State. Interlocutors from different religious backgrounds furthermore stressed that the existence of "other" religions gave them more breathing space, even within their own religions.

24. Mixed marriages between Christians and Muslims, or between those from different Christian denominations or schools of Islam, are widespread in Lebanon, resulting in religious pluralism within family life. Unlike in most other Arab countries, the Lebanese may change their religious affiliation legally, converting not only from Christianity to Islam, but also from Islam to Christianity. Conversions also take place between different Christian denominations and (albeit rarely) between followers of different branches of Islam.

25. Violent clashes with sectarian overtones have been comparatively rare in recent years. The Special Rapporteur was nonetheless informed of serious concerns that the mounting tensions throughout the region between Sunnis and Shias, and the States that claim to represent them, could have an impact on the coexistence between these two communities in Lebanon too. Religious persecution is unknown in the country. As much was confirmed also by members of non-recognized communities, such as the Baha'is and Jehovah's Witnesses, who, although feeling exposed to stereotyping and discrimination, still voiced their clear appreciation for the fact that they can live in Lebanon in safety and in accordance with their religious convictions.

IV. Living together in a religiously diverse society

26. The rise of religious extremism in the Middle East has sharpened the awareness that diversity cannot be taken for granted, and that much is currently at stake. While some interlocutors expressed varying degrees of confidence in the stability of the country, others went so far as to say that violent conflicts could re-emerge at any time.

27. When discussing the factors that have kept Lebanese society united across all religious and denominational boundaries, the Special Rapporteur heard different views that pointed to different dimensions of coexistence, all of which should be taken into account: efforts at interreligious communication; the everyday culture of living together; common Lebanese citizenship; and the system of power-sharing that balances the claims of various communities.

A. Interreligious communication and cooperation

28. One factor regularly mentioned in discussion on diversity was interreligious dialogue. The Special Rapporteur attended a “Christian-Islamic spiritual meeting”, an interreligious celebration on the day of the Annunciation, held at Collège Notre-Dame de Jamhour. In recent years, 25 March, which is of religious significance for Christians and Muslims alike, has been celebrated as an interreligious national holiday. During the ceremony, Christian and Muslim dignitaries symbolically proclaimed their mutual appreciation in consideration of their common religious roots. The ceremony was opened by a Muslim cleric citing verses from the Koran in harmony with the ringing of church bells. Young students from different religious backgrounds performed a dance through which they symbolically expressed their determination to work together against any violence committed in the name of religion.

29. When meeting with religious leaders from the various communities, the Special Rapporteur heard numerous commitments to interreligious dialogue with a view to fostering coexistence and cooperation. A term frequently used in this context was “conviviality”, which goes beyond mere tolerance, implying that people take an active interest in each other. Interreligious dialogue projects exist in different structures and formats, some remaining reserved to high-ranking religious dignitaries, while others also involve civil society organizations. Religious leaders have their regular summits, in which they discuss, inter alia, political issues of common concern. According to the Christian-Muslim Committee for Dialogue, cooperation between religious leaders will be further consolidated institutionally in the near future.

30. The Lebanese Foundation for Interfaith Studies and Spiritual Solidarity (ADYAN) pursues a different approach by focusing more on ordinary members of different Christian and Muslim denominations. It believes in building (or rebuilding) coexistence in pluralistic and post-conflict societies, making diversity an added value for all, and fostering a sustainable reconciliation process. The Foundation promotes interreligious and intercultural communication in a number of Arab countries, including Lebanon, with a view to enabling people to discover common values and interests that foster the development of “inclusive citizenship”. Other dialogue projects aim at providing humanitarian assistance to people in need, including refugees from the Syrian Arab Republic and elsewhere. Maan (“One Community”) is a programme aimed at developing trust and social solidarity between different religious communities and their local leaders. Moreover, Association Justice et Miséricorde and others cooperate in contacting prison inmates to support their spiritual and social needs, given that, because of their living conditions and lack of prospects, many could become easy prey to religious radicalization. The Association also has working relations with radical figures in detention.

31. Interreligious dialogue projects have different formats and pursue different purposes. While some mainly involve religious leaders, others reach out to community members more broadly. While some encounters chiefly aim at sending out symbolic messages, others have a more practical orientation. Many of the projects have a common purpose in improving conditions for better mutual understanding.

32. Whatever their precise formats or specific agenda, interreligious encounters, when held on a regular basis and on an equal footing of respect, can facilitate the development of sustainable trust across religious and denominational boundaries.

Even in situations when relationships may become temporarily tense, people who already know each other can still communicate with each other in order to prevent serious and possible fatal misunderstandings. In order to broaden ownership in religious cooperation, it is important to ensure that more women, who continue to be heavily underrepresented in such projects, are involved, as well as members of the younger generation.¹

B. Resilience in the face of extremism in everyday life

33. Another frequently mentioned factor was the everyday culture of living together, often without paying much, if any, attention to religious differences. Many young Lebanese grow up in religiously pluralistic families. When attending school, they may sit next to students from another confession, a situation that may not even be seen as an issue for discussion. Professional cooperation and common economic interests can furthermore create bonds across denominational lines, depending on the specific professional activities. Moreover, many people live in residential areas where they may not even know which religions their neighbours profess, and they may enjoy cultural performances or sports events together.

34. The resilience originating from the cross-denominational coexistence in everyday life constitutes a complementary accomplishment besides projects for promoting interreligious dialogue. The two approaches are very different and can thus complement each other: while formally organized projects typically highlight religious and confessional diversity as one of the defining factors of dialogue, the coexistence in everyday life may often – deliberately – ignore such diversity. What both approaches have in common is the creation of communication channels across (alleged) boundaries. However, the opportunities for people to meet regularly across denominational lines depend on, inter alia, socioeconomic factors, and thus do not include all strata of society equally (see paras. 49–54 below).

35. Some interlocutors expressed the view that resilience in the face of extremism is something quite natural in Lebanon, while most people are also tired of the conflicts and violence of the past. They pointed to people's determination not to let themselves be intimidated by acts of terrorism or extremism and to defend their specific ways of life. In this context, one person referred to the Lebanese *joie de vivre* as a possible antidote to the grim apocalyptic messages of Islamic State in Iraq and the Levant (ISIL) and other extremist groups. With regard to the sustainability of anti-extremist resilience, the Special Rapporteur heard different assessments, ranging from rather optimistic and confident to more sceptical views.

C. Common Lebanese citizenship

36. Another factor enabling unity is common Lebanese citizenship. Lebanon defines itself as a “civil State” based on common citizenship rather than one particular religious creed. There is broad consensus that this civil structure should be preserved, and that much needs to be done to strengthen and develop it further. This includes endeavours, currently still in an early stage to come to terms with the State's recent history of violent conflict, culminating in the war from 1975 to 1990

¹ See the report of the Special Rapporteur on freedom of religion or belief on the role of the State in promoting interreligious communication (A/66/156).

and subsequent internal clashes and conflicts with Israel, as well as to overcome political confessionalism.

37. People committed to common citizenship across religious and denominational lines sometimes voiced frustration about typical misunderstandings of such notions as “secularity” or *laïcité*, which they felt were often wrongly perceived as a proxy for atheism. The Special Rapporteur had numerous discussions on these issues. Admittedly, the broad variety in which these and similar terms are used may create confusion and misunderstanding. It seems important, in any case, not to confuse the inclusive space provided by the State for religious diversity with an anti-religious attitude.

38. Civil society organizations, which are a vibrant reality in Lebanon, work to broaden the space in which people cooperate on political issues across diverse religious and denominational backgrounds. Many civil and human rights activists campaign for a unified Civil Code in order that every citizen of Lebanon may be treated equally, across denominational lines, including those who do not profess any religion. The educational system obviously plays a critical role in promoting “civic” principles, including human rights, on which the Constitution is based.

39. Social media activism has also played an increasingly popular and important role in social, civil and human rights movements, especially among young activists in recent years. In 2014, Lebanon was listed as one of the five most active Arab countries in the use of social media networks, and had the highest rate of female social network users in the region. This facilitates cross-boundary communication, builds coalitions and strengthens relationships, while it also offers instant visibility and access to information; indeed, activism for women’s rights made significant progress in 2011 through social media.

D. Power-sharing and “balancing”

40. The Special Rapporteur noted that the term “balance” often came up in discussions on the relationship between religious communities. Reference to a workable “balance” (often in conjunction with the term “equilibrium”, which has a similar metaphorical connotation) seemed to be indicative of the way in which the Lebanese manage their religiously diverse society. The term is used, depending on the specific context, to convey different meanings: sharing power among different communities, in particular Christians, Sunnis and Shias; building trust on the basis of respect for each community’s vital interests; respecting religious sensitivities by avoiding unnecessary provocations; or being aware of particular challenges, not least the demographic challenges that might undermine the existing system of coexistence. Concerns about how to uphold the existing balance were also typically voiced in discussions about the recent influx of refugees from the Syrian Arab Republic.

41. Notions like “balance” or “equilibrium” seem to reflect a pragmatic, yet cautious approach to handling diversity issues. They therefore reveal a certain ambiguity: on the one hand, respect for inter-confessional balance reflects openness for the vital interests of other communities and prevents monopolies of power, which certainly constitutes an important accomplishment; on the other, reference to a delicate balance may also reflect a will to prevent existing structures from developing out of fear that any far-reaching change to the status quo might jeopardize the legacy of interreligious coexistence in Lebanon.

V. Challenges to the development of interreligious coexistence

A. Registration of religions

42. Religious communities may conduct their collective religious activities by obtaining formal recognition by the Government. The Government takes the decision to grant official recognition on the basis of a statement of doctrine and moral principles of the religious group, in order to ensure that nothing contradicts the Constitution or popular values. The number of adherents must be maintained at a certain level to ensure continuity of the group. Religious groups may otherwise apply for indirect recognition through another religious group that has already been recognized. Formal recognition entails certain social benefits, such as exemption from taxes and the right to apply the codes of the religion to matters of personal status. The Special Rapporteur was unable to document the procedure whereby a community gains recognition, as has been the case in recent years of the Copts and the Alawites, given that his attempts to meet the persons in charge failed.

43. A person wishing to become a member of a religious community is required to obtain approval from the leadership of the community. Religion is encoded on national identity cards and noted on official registry extracts (*ikhraaj qaid*). The Government complies with requests of citizens to change their civil records to reflect their new religious status. In 2009, the Minister of the Interior issued a decree granting citizens the option of removing their religious affiliation from civil registry records and national identity cards. Electronically printed identification cards no longer contain any indication of religious affiliation. Nonetheless, it is not difficult to know which confession the individual belongs to, as any Lebanese citizen wishing to marry, divorce or adopt, or to register a birth or a death, is required to refer to courts that are run by the religious community to which the individual belongs.

44. Certain religious groups, such as the Baha'is, Buddhists, Hindus and unregistered Protestant Christian groups, do not enjoy official recognition and are disadvantaged under the law in that their members do not qualify for certain government positions, and the groups themselves do not have legal identity and therefore no right to own land or property collectively or to import religious materials into the country. For example, no seats are allocated for the Baha'i confession; consequently, Baha'is are not qualified to run for Parliament as Baha'i candidates, nor can they hold senior positions in the Government. Some members of unregistered religious groups are thought to be recorded under the recognized religions; for instance, it was reported that some Baha'is are registered as Shia Muslims. Under that registration, a member of the Baha'i community may run for office and occupy a seat allocated to the Shia community. Similarly, some Mormons have reportedly been registered under the Greek Orthodox faith.

B. Ambiguous aspects of religious pluralism

45. The appreciation of religious diversity generally prevalent in Lebanon does not include all communities equally. In most interreligious dialogue or project, the full diversity of the country, including non-recognized religious communities, typically fails to be reflected. Adherents to non-recognized denominations, such as the Baha'is or Jehovah's Witnesses, although mostly enjoying freedom to confess and practise their beliefs, face problems when attempting to build an infrastructure that would enable them to consolidate their community life. Some individuals remain

officially registered under a recognized faith that they inherited but actually no longer confess— a situation that may create feelings of unease or self-betrayal. Agnostics and atheists expressed similarly ambiguous feelings. While appreciating the open atmosphere in Lebanon, in which people are generally free to voice criticism of religions, they also expressed frustration that they are caught inside a closed system of recognized confessions in which they are forced to remain in order not to lose career options and social opportunities. Members of religious groups that entered the country more recently (such as Buddhists) are more or less ignored of their existence in Lebanon.

46. Relations between communities are not always easy, even within the system of recognized confessions. Issues may for instance arise from a mixed marriage (such as in the case of annulment, divorce or custody), at times leading to friction between different Christian denominations. Moreover, some Evangelical churches have been suspected by members of other churches of engaging in proselytism, an accusation that the Supreme Council of Evangelical Churches rejects. The Special Rapporteur occasionally encountered aggressive rhetoric with an obvious anti-Semitic overtone – maybe one of the reasons why the Jewish community in Lebanon, although officially recognized, has dwindled to a tiny group composed of just a few families.

47. Alawite religious leaders see themselves discriminated against within the current system. They are not allowed to run their own religious courts, and their issues concerning personal status are heard in Ja'afari courts. Members of smaller communities sometimes feel excluded from interreligious dialogue projects and public ceremonies. Moreover, there is tangible concern that demographic changes may eventually undermine the existing balance between Christians and Muslims, who, in spite of internal diversity, are largely perceived as constituting the two main religious communities shaping the country.

48. The Special Rapporteur emphasizes the fact that even those who expressed somewhat sceptical views on relations between religious communities in Lebanon still described the situation in rather positive terms, in particular when compared with other Middle-Eastern countries.

C. Sensitive historical issues and their impact on religious communities

49. As mentioned above, the frequent reference to inter-confessional balance or “equilibrium” reflects a widespread willingness to take a cautious approach to religious sensibilities. Such an approach, which has many advantages, may also invite restrictive measures, including measures of prior censorship that seem strangely at odds with the generally prevalent spirit of open public discourse in Lebanon. Reportedly, religious leaders are actively consulted in censorship issues concerning religious sensitivities, and they may even take initiatives to prevent television or feature films deemed “offensive” or “provocative” by some, as was recently the case of the Turkish film “Fateh”, which depicted Orthodox figures before the Muslim conquest of Constantinople. This raises concerns for freedom of expression, as guaranteed by article 13 of the Constitution.

50. Moreover, there seems to be a general reluctance to address the complicated history of violent conflicts in the war fought between 1975 and 1990 in Lebanon. Although virtually everyone seemed to agree that various political factors, not sectarian rivalries nor the presence of Palestine refugees, were the main reason for the conflict, it clearly had a far-reaching impact on religious communities. Some

politicians associated with denominational groups were actively involved in killings, possibly even massacres, and painful memories still linger within all communities.

51. Official schoolbooks and curricula do not cover the traumatizing events of recent history; indeed, there is no single unified textbook on history.² According to some interlocutors, interreligious coexistence in Lebanon is no less based on certain taboos than on open dialogue, and serious cross-denominational communications are often hampered by sensitive issues that people prefer to avoid in discussions. Attitudes of this type may also affect the depth and credibility of the widely evoked interreligious conviviality.

52. The instability and repeated cycles of violence of recent history in Lebanon may be due in part to a failure to address the complicated legacy of the past in a meaningful, responsible and sustainable way, necessary for the promotion and strengthening of trusting relationships between communities. Painful collective narratives, especially if told inside closed circles without any exposure to counter-narratives of other groups, can foster bitterness and a climate of mutual mistrust. In other words, the development of more trust within society requires the possibility of discussing sensitive issues without having to fear the return of the “ghosts of the past”. It goes without saying that coming to terms with traumatic collective experiences is a long-term process, which can be successful only if based on broad participation and an honest attempt to face the facts.

53. Civil society organizations have begun to pave the way for this to happen in Lebanon. Several groups, such as the International Centre for Transitional Justice, perform an important task in the service of common citizenship, while enhancing the quality of intergroup communications.

54. The Special Rapporteur held a discussion with students from public and private schools who had participated in the project on the theme “Teaching divided histories”, facilitated by the British Council and supported by the Ministry of Education. The commitment reflected in the posters presented by school students participating in the initiative was quite heart-warming. Some students made a strong commitment to peace based on interreligious and inter-confessional respect. They also expressed their willingness to learn from the violent past. Nonetheless, the posters presented by one school depicted a child soldier in a heroic posture, thus inadvertently indicating how much still needs to be done to address recent events in Lebanese history with a critical spirit.

D. Societal factors of separation

55. Any meaningful interaction among denominations naturally depends on the possibility for people to meet on a regular basis and without a need for too much effort. The preconditions for such interaction differ widely within the country: in some residential areas, people from different religious backgrounds live closely together; others are mainly inhabited by followers of one particular religion. People from higher social strata are generally more likely to live and work in a religiously mixed environment. Social and economic factors thus also seem to have an enormous impact on the quality of interreligious coexistence.

² See the report of the Special Rapporteur in the field of cultural rights on writing and teaching of history (A/68/296).

56. The educational system is an important example. The main divide runs between private and public education. While only 45 per cent of schools in Lebanon are public, their student intake is even lower than 30 per cent, which accounts for the large role that private school education plays in Lebanon. The majority of private schools are run by religious communities, in particular Christian communities. They generally enjoy a good reputation, but may also charge quite substantial tuition fees. By contrast, public schools, although free of charge, often have a poorer reputation. Many of them cater mainly to pupils from economically disadvantaged families.

57. Private schools usually attract students from various religious communities (provided that they can afford the fees). Many private Christian schools also have Muslim students, who in some cases even account for the majority of students enrolled. This situation reflects and indeed strengthens the general openness observed in society, and furthermore helps to promote sustainable relationships between students from diverse denominational backgrounds.

58. By contrast, public schools in certain regions sometimes have a mainly or even exclusively one-confessional student population, depending on the specific location. The educational system thus exacerbates the effects of economic stratification, depriving some children from poor families of opportunities to develop a positive experience of religious diversity at school. Given that the socialization experienced at school plays a major role in shaping a person's mentality, it is an area in which structural reforms are urgently needed.

E. Gender-related issues

59. Some private schools reportedly apply strict dress codes, which affect mainly women and girls. Depending on the orientation of the school, these rules can either prescribe or prohibit the wearing of the Islamic veil, possibly without due respect to diverse personal expressions of religious identity. The situation varies from school to school, however, and no common pattern seems to exist. In this regard, the policies of public schools are generally more accommodating, although much depends on the decisions of local headmasters.

60. Even though women are involved in some interreligious dialogue projects, in particular those initiated by faith-based civil society organizations, they are often absent from more traditional settings. The frequent reference to interreligious "brotherhood" (a term hardly ever questioned) thus inadvertently reflects the marginalization of women. Their underrepresentation in interreligious dialogue reflects in addition their generally subordinate position in most (though not all) religious communities, where most leadership roles continue to be reserved for men.

61. Religious family laws and courts have become a publicly contested area, in which the issues of religious freedom and gender-related discrimination largely overlap (see also paras. 68–74 below). Depending on many complicated details (for example, confessional registration of one or both spouses), women suffer to different degrees from discrimination in certain important issues, such as divorce, custody of children and inheritance. In denominationally mixed marriages, the religious affiliation of the husband usually determines under which legal regime the marriage will fall and, consequently, also the religious socialization of the children.

62. Recently, the lesbian, gay, bisexual, transgender and queer community in Lebanon launched a new public campaign to counter discrimination and social taboos based on sexuality. The campaign was organized to recall the decision made in 2013 by the national psychiatric board to remove homosexuality from a list of

mental illnesses, in which it stressed that homosexuality was not an illness to be treated. While article 534 of the Penal Code states that sex acts “against nature” are a criminal offence punishable by imprisonment, in 2014 a court ruled that same-sex relations were in fact not a violation of the Penal Code. The Special Rapporteur encourages the ongoing discussions on the decriminalization of same-sex relations, including by challenging religious “justifications” for homophobic attitudes.

F. Ambiguities of political confessionality

63. The cautious approach taken to preserve the existing interreligious balance can be witnessed in various social spheres, such as the labour market, the public service sector and, in particular, the political system. Although, in the wake of the Taif Accords, the Constitution now proclaims a commitment to ultimately overcome political confessionality, informal and formal religious quotas continue to shape expectations, mentalities and careers. In discussions with the Special Rapporteur, people often expressed their concern at the fact that the post of President of the Republic, traditionally reserved for a Maronite, had been vacant since May 2014. Many Christians saw this as further proof of their demise in the region.

64. In discussions on this issue, most people agreed that the existing system had both advantages and disadvantages. On the one hand, it ensured stability and predictability among religious communities (which in such a volatile political context as the Middle East can certainly be seen as an advantage); on the other, it could weaken the principle of common citizenship and exacerbate political fragmentation.

65. The fact that social and political opportunities depend so much on affiliation to an officially recognized religious community can at times lead to situations that some interlocutors described as “schizophrenic”. For instance, people who openly regarded themselves as non-believers still had to refer to their religion of origin when applying for certain posts, and some members of non-recognized religious communities continue to be registered as Orthodox or Catholic. The Special Rapporteur encountered numerous examples of such discrepancies between formal membership and actual belief. As a result, many people have an incentive to pretend (at least in certain circumstances) to follow a religion that they have actually abandoned or replaced by another belief. While some people do not mind such pretence, others feel that it runs counter to their principles of moral and religious authenticity.

66. From the perspective of freedom of religion or belief, this situation gives rise to concern. The way in which religious membership is deeply interwoven with political, social and economic opportunities obliges many people to use religion as a “ticket” for gaining access to certain services or posts. Individuals whose beliefs do not fit into the system thus face a dilemma: they either have to use the religious “ticket” against their true convictions or risk forfeiting certain social opportunities; in other words, a choice between self-betrayal and self-marginalization. Disentangling political and societal opportunities from religious belonging, in accordance with the Taif Accords, would thus also be in the interest of freedom of religion or belief. It would help to create an open, inclusive society based on common citizenship, in which religious diversity can unfold openly, authentically and without discrimination.

67. The current wave of religious extremism in the Middle East, which threatens to wipe out all traces of religious diversity, not only of the present but also of the

past – may raise concern that, without informal or formal quotas, unabashed majority rule could prevail and possibly erode the State’s legacy of religious coexistence. Such worries are more than understandable. Unqualified majority rule is not, however, the only viable alternative to the current system of political confessionalism. Most contemporary democracies have complex institutional arrangements in place to ensure that the fundamental rights of individuals and communities are guaranteed without discrimination. Replacing a quota-based system designed to anchor diversity by a more consistently implemented rights-based approach to promoting diversity may actually be a more promising, long-term way of preserving the Lebanese legacy of interreligious coexistence.

VI. Debate around civil marriages

A. Role of religious laws and courts

68. While the State of Lebanon is secular by nature, issues of personal status – such as marriage, divorce, custody of children or inheritance – are addressed in religious courts and based on religious laws. Various Christian denominations have ecclesiastical courts that apply their own version of canon law. Similarly, Muslims have sharia courts that operate under the auspices of the Hanafi school (for Sunnis) and the Ja’afari school (for the various communities of Shias). The Druze have their own courts.

69. Religious diversity in Lebanon thus manifests itself also in a plurality of religious laws and courts. Persons whose beliefs do not fit within the existing infrastructure of religious courts, or who do not wish to fit in, may contract their marriages abroad and have them subsequently registered in Lebanon. Cyprus, which introduced civil marriage in the 1960s, offers a viable and affordable alternative used by many couples. Upon return to Lebanon, however, matters relating to the personal status of Muslim couples (namely, if both spouses are Muslims) are subject to the provisions of sharia law.³

B. Discontinuation of civil marriage registrations

70. In recent years, the system handling matters of personal status has come under criticism. Women’s rights activists and non-governmental organizations (such as Legal Agenda) have denounced gender-related discrimination that, to different degrees, is structurally built into various versions of canon law and sharia law. Others feel embarrassed about having to travel abroad to contract a valid marriage. Indeed, even the option of marrying abroad does not satisfactorily solve all disputes on divorce, custody or inheritance, and for Muslim couples who marry abroad, there is no way to avoid being subject to sharia courts.

71. In recent years, some couples have succeeded in claiming their right to register a civil marriage (namely, a marriage outside the system of religious laws) in Lebanon. Although no civil marriage law has been formally adopted in Lebanon and the legal basis of registration is often contested, their civil marriages are considered valid. Nonetheless, these couples are issued merely with a family civil certificate,

³ See Human Rights Watch, “Unequal and Unprotected: Women’s Rights under Lebanese Personal Status Laws”, 19 January 2015.

not with any proof of marriage. This has serious implications for their children. The Special Rapporteur was informed of alleged death threats made to a child born to a couple whose civil marriage had been registered in Lebanon, where the child is regarded as a “natural child”, a status that will entail difficulties in registering the child for school. The practice of registering civil marriages was discontinued by decision of the Minister of the Interior.

C. Calls for legal reforms

72. During his discussions, the Special Rapporteur sensed varying degrees of openness to reforms in marriage law, not least also among religious dignitaries and members of various religious communities, Christians as well as Muslims. Indeed, the absence of civil law options in Lebanon creates situations that are problematic also from the perspective of freedom of religion or belief. For instance, Catholics wishing to find a way out of an unhappy marriage often convert to Islam. Others convert to other Christian denominations that have a more lenient approach to divorce. The availability of a civil law alternative would certainly not alter the strict interpretation of the indissolubility of marriage under Catholic canon law; however, people would at least be less likely to turn to another religion without really believing in its teachings. Significantly, after having formally converted to Islam, some wish to return to their previous religious community, which may be difficult or even impossible. In such cases, the question of what “conversion” actually means, and how genuine it is, needs to be asked. While ultimately no one has the right to pass judgement on the authenticity of another person’s conversion, religious law relating to matters of personal status raises issues in this regard because it mixes religious and legal motives. It should be recalled that, in exceptional cases, persons convert from one branch of Islam to another (for example, from Sunni to Shia Islam) in order to benefit from more favourable inheritance conditions.

73. Those wishing to uphold the existing system of religious laws pertaining to personal status value the current system as an anchor of stability for religious pluralism. While appreciating this reason, the Special Rapporteur believes that a civil marriage option available to all in Lebanon would not necessarily weaken the legacy of religious diversity; indeed, the opposite may be true. Religion is ultimately a matter of conviction that thrives best in an atmosphere of freedom. That coercion should never be intermingled with religious issues is a principle found in most religious traditions, and an insight that lies at the heart of the human right to freedom of religion or belief.

74. The Special Rapporteur reiterates in this context that coercion comes not only in the form of violent persecution; in more subtle ways, it also exists within the enforcement mechanisms of legal norms through which very important issues such as marriage, divorce or custody of one’s children are regulated on the basis of an ascribed faith.

VII. Regional dynamics

A. Violence committed in the name of religion

75. In the Middle East and beyond, people are witnessing acts of cruelty beyond imagination that affect millions of people. The description of these acts as “barbaric” seems to suggest that they belong to a totally different era, disconnected from the

contemporary world. Nonetheless, they are being perpetrated by people living in the twenty-first century who know precisely how to make use of the most advanced communications technology and how to cater to international media voyeurism. Abductions, killings, mass expulsions and displacements occur on a daily basis in the countries with which Lebanon shares its borders. Many atrocities are perpetrated in the name of God. Extremist and apocalyptic interpretations of religious messages can indeed become a factor in the escalation of violence, although when observed more closely, it is clear that most of the root causes of conflicts in the Middle East are mainly political. They include endemic corruption; lack of good governance; loss of trust in the fair functioning of public institutions (including the judiciary); the breakdown of meaningful intergroup communications; failures within the educational system; historical reasons; widespread impoverishment of the population; proxy conflicts carried out on the territories of institutionally weak countries; the occupation and settlement of populations on occupied lands; and a prevailing macho culture.

76. The dramatic developments unfolding in the Syrian Arab Republic, Iraq, Yemen and other countries within the region have a direct and far-reaching impact on Lebanon. Many people with whom the Special Rapporteur discussed these issues emphasized that the survival of the State was at stake, as were its unique legacy of religious pluralism and the culture of living together across religious and denominational boundaries.

B. Refugees

77. The most salient impact that the current regional conflict has on Lebanon is the mass influx of refugees from the Syrian Arab Republic. Approximately 1.17 million Syrians, after fleeing the atrocities of the civil war, have been registered by the Office of the United Nations High Commissioner for Refugees (UNHCR) as refugees in a small country, which is already hosting hundreds of thousands of Palestine and Iraqi refugees and which welcomed numerous Armenians and other Christians from the Ottoman Empire, as well as Kurds, in the early twentieth century. Lebanon has nonetheless not ratified the Convention relating to the Status of Refugees, and its policies regarding refugees lack transparency, coherence and a legal framework.

78. During the relevant discussions held by the Special Rapporteur, political concerns that the majority of Sunnis among the Syrian refugees might erode the confessional balance in Lebanon were tangible. The patterns of settlement of refugees throughout Lebanon (in the absence of approved large camps) have revealed a preference by refugees, especially those from small communities, for settling with coreligionists, if only to benefit from their solidarity and to have access to places of worship. In January 2015, the Government stopped accepting new refugees into the country, although the borders are not entirely closed and members of some communities may still be admitted. In May 2015, UNHCR was instructed to suspend registration of Syrian refugees pending the introduction of a new procedure with the Government. Palestine refugees from the Syrian Arab Republic have been unable to enter Lebanon since May 2014. A certain degree of concern that demographic changes might undermine the confessional balance were tangible, and the Government seems intent on discouraging any further influx of refugees.

79. The vast majority of Syrian refugees, although registered through UNHCR, do not have a residence permit in Lebanon. Approximately three quarters of Syrian refugee children have difficulties in the realization of their right to education despite

efforts by the Government of Lebanon to facilitate their access to public schools. Some schools offer extra afternoon classes for refugee children. United Nations agencies, local administrations, non-governmental organizations and religious communities provide humanitarian assistance. Private religious schools have, for instance, admitted refugee children without requesting the usual tuition fees, although this measure is a heavy burden on their resources. While some private religious schools concentrate on refugees from within their own religious communities, many religious schools accommodate refugee children from across the religious spectrum. Unfortunately, external subsidies are scarce and some foreign donors have recently reduced or even withdrawn their financial support. The international community has an obvious responsibility to do the utmost to overcome this deplorable situation.

80. Syrian refugees can and do use religious facilities that exist in their vicinity. There is no problem for them to visit a mosque and to participate in prayers. When trying to bury their dead, however, they are faced with a lack of land for graveyards, a problem for which no long-term solution is currently envisaged.

C. Migrant workers

81. Little attention has so far been given to the religious beliefs and practices of the tens of thousands of migrant workers residing in Lebanon, many of whom come from African and Asian countries, including Bangladesh, Ethiopia, the Philippines, Sri Lanka and the Sudan. In particular those who serve in private households are hardly visible in society and tend to be largely ignored. Lack of political and social support renders many of these people, particularly women and girls, vulnerable to exploitation and abuse. The children of migrant workers sometimes encounter difficulties in enrolling in public schools, and tuition fees for private education are rarely affordable. As a result, parents may be faced with the dilemma of either sending their children back to relatives in their home country or forfeiting their chances of providing even a minimal school education.

82. The migrant workers who shared their experiences with the Special Rapporteur did not see any problem in confessing and practising their religions. One interlocutor who had spent some time in other Arab countries confirmed that the standard of religious freedom in Lebanon was comparatively high, including for migrant workers. They are able to join existing religious communities or run their own churches, which may offer services in their language of origin. Some religious communities support the school education of children of migrant workers by subsidizing tuition fees in private religious schools.

83. In the wake of work-related migration, Buddhism has become a largely overlooked reality in Lebanon. Although no statistics exist, the number of Buddhists residing in the country has been estimated to run into the tens of thousands. According to information received, no Buddhist temples exist yet in Lebanon, although requests for acquiring premises or land to build a temple have reportedly been submitted. Apparently, quite a number of Buddhists living in Lebanon have converted to Christianity, which is another largely ignored feature of the changing religious landscape in Lebanon.

VIII. Conclusions and recommendations

84. In Lebanon, people are free to confess and practise their religions and beliefs in the way they see fit. Conversion in different directions is possible and indeed a reality – in stark contrast to the situation in most other Middle-Eastern countries. People can also bear public testimony to their faith and engage in missionary or *dawa* activities. Religious diversity is a visible and audible reality, as churches and mosques often stand in close vicinity and the ringing of bells at times intermingles with the Muslim call to prayer. Some Lebanese openly declare themselves as agnostics or atheists, and express critical views on religion in general, which is mostly appreciated as something quite natural in an open society.

85. The country's pluralistic heritage is a counterpoint to the aggressive agendas of sectarian homogenization that haunt some neighbouring countries. Over the centuries, a culture of interreligious coexistence has emerged that today helps to build resilience against extremist interpretations of religious traditions. Many families comprise persons of different religious orientations. Many people live, learn and work together across confessional lines, a situation that quite naturally fosters the discovery of common interests, values and convictions.

86. In discussions on how to preserve and further develop religious diversity in the face of external threats and internal challenges, the Special Rapporteur sensed different degrees of readiness for reforms. There seems to be growing awareness also among religious leaders and community members that the current system, in which religious membership and societal or political opportunities are interwoven in complex ways, leads to situations that may undermine the credibility of religious messages and norms. Untangling the tightly knit web of religious loyalties, political affiliations, social positions and societal opportunities may thus improve the prospects of common citizenship while ensuring that the inner attractiveness and persuasiveness of religious messages can unfold without getting mixed up with non-religious incentives.

87. Similarly, the Special Rapporteur sensed a certain willingness to introduce optional civil marriage in Lebanon, in order to accommodate the realities of modern life in a more honest and open manner. In discussions with religious leaders and dignitaries, he rarely encountered a whole-hearted and clear defence of the status quo. Fears that the option of contracting civil marriages in Lebanon might erode the existing religious diversity would indeed betray a lack of confidence in the inner persuasiveness of religious traditions. In order to preserve and further develop the legacy of religious diversity in an increasingly complicated region, religious communities and civil society organizations in Lebanon will have to cooperate more closely and build trust that is based on a common commitment to human rights, including the right to freedom of religion or belief.

88. The Special Rapporteur applauds the manifold efforts aimed at refugee relief made by international and government agencies, municipal authorities and countless volunteers, including from various religious communities.

89. Against this background, the Special Rapporteur makes the recommendations below.

A. Recommendations addressed to stakeholders

90. The Special Rapporteur encourages government agencies, religious communities, civil society organizations and other stakeholders to continue their admirable efforts at upholding a climate of interreligious conviviality in Lebanon, thereby also sending out a much needed message of hope in a region increasingly afflicted by sectarian conflicts.

91. The Special Rapporteur recommends that religious leaders condemn, or continue to condemn, if possible jointly, all acts of violence committed in the name of religion. Such condemnation is more credible and persuasive when based on precise analyses of the specific root causes of violence, whether religious or non-religious.

92. Different forms of interreligious dialogue with different agendas can complement each other. Interreligious dialogue projects in Lebanon could benefit from broader ownership through more regular participation of women and younger people.

93. Dialogue projects, apart from having a high symbolic value, can help to build sustainable trust, especially when aimed at common practical projects, including coming to terms with the complicated legacy of recent history. Debates on how to break the cycle of political violence and serious violations of human rights and to bring about accountability, the rule of law and sustainable peace in the country should be held and promoted.

94. Interreligious projects should accommodate persons from non-recognized religious communities in order to reflect the existing diversity in the country. These projects should also provide space for persons who see themselves as non-believers to participate.

95. The Special Rapporteur encourages civil society organizations working on issues of historic learning to continue their efforts with a view to overcoming taboo issues, which can still hamper honest and frank societal communication.

96. Civil society and the media should help to raise awareness of the existing and emerging religious pluralism, also beyond the communities officially recognized in Lebanon.

B. Recommendations addressed to the Government of Lebanon

97. In conformity with the Taif Accords (as quoted in the preamble to the Constitution), the Government should take initiatives to gradually overcome the system of political confessionalism in favour of a stronger form of common Lebanese citizenship, also to prevent religion from being used as a mere “entry ticket” to societal recognition or political positions.

98. The Government should take reform measures to overcome existing forms of structural discrimination – gender-based discrimination and discrimination on the grounds of religion or belief – in the system of religious family courts. Reforms should cover all relevant issues, including marriage, divorce, custody and inheritance.

99. The Government should take initiatives to introduce civil marriage as an option available to all Lebanese citizens across the denominational spectrum. Those who have registered their civil marriage in Lebanon should not be discriminated against and should receive relevant documents of recognition for themselves and their children without delay.

100. In order to ensure the voluntary nature of religious orientation, the Government should provide viable options for anyone choosing to disaffiliate or not to register his or her religious background.

101. The Ministry of Education should speed up current efforts to produce a common history schoolbook that includes the recent history of civil war, presented from the perspective of the different communities concerned.

102. The occasional practice of censorship of films and printed materials deemed offensive to religious feelings of certain communities should be brought fully into line with freedom of expression, as laid down in the Constitution and in international human rights norms.

103. The Government should bring the provisions of the Penal Code fully into line with the freedom of expression, as provided for in the International Covenant on Civil and Political Rights.

104. The Government, in particular the Ministry of Education, should take measures to ensure more religious diversity in public schools, in particular in schools located in impoverished neighbourhoods.

105. Municipal administrations should take measures to avoid the constitution of religiously homogeneous neighbourhoods and to promote social and religious diversity, in particular in impoverished urban and rural areas.

106. The Government should develop a legal framework in accordance with international norms and standards for refugees fleeing religious persecution or other grounds, and ensure that policies about their entry and residence always safeguard their dignity and human rights.

C. Recommendations addressed to the international community

107. The international community should recognize the unique heritage of religious diversity in Lebanon and support the country in its development of that diversity, on the basis of respect for the freedom of religion or belief of all.

108. The international community should support the Government in its efforts to accommodate refugees, including those who have fled conflicts with sectarian components.
