

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Please provide an update on the situation of Jehovah’s Witnesses in Lebanon.
2. Specifically, please discuss societal and government attitudes and address the levels of discrimination suffered by and restrictions placed upon the community and individual believers.

RESPONSE

1. Please provide an update on the situation of Jehovah’s Witnesses in Lebanon.
2. Specifically, please discuss societal and government attitudes and address the levels of discrimination suffered by and restrictions placed upon the community and individual believers.

The Jehovah’s Witnesses claim that there are nearly four thousand Witnesses in Lebanon and seventy congregations. Nevertheless there is no official branch office of the Jehovah’s Witnesses in Lebanon (The Watchtower Bible and Tract Society, 2005, *2005 Report of Jehovah’s Witnesses Worldwide*, http://www.watchtower.org/statistics/worldwide_report.htm – Accessed 11 April 2006 – Attachment 1). The Lebanese constitution allows for the freedom of religious expression and there is no official state religion. However, all religious bodies must register with the government to be officially recognised. There are eighteen officially recognised religions in Lebanon. To fully secure the full benefits of official status some religious organisations, for example some evangelical Christian sects, align themselves with one of the ‘official’ religions. The Jehovah’s Witnesses have not taken this course and there is no evidence to suggest that they have attempted to. As such the Jehovah’s Witnesses are not a recognised religion in Lebanon. Nevertheless, the Jehovah’s Witnesses may still practice their religion with impunity but they may not avail themselves of the benefits of

official recognition such as electoral rights and tax exemptions. This 'unrecognised' status would also mean that Jehovah's Witnesses would be unable to establish its own judiciary which oversees 'personal laws' such as marriage, divorce, child custody and inheritance. Again, whilst proselytising is not illegal in Lebanon, traditional attitudes as well as government and clerical statements strongly discourage this activity in order to reduce tension between various faiths. According to the US State Department's latest *Religious Freedom Report*:

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there are some restrictions. The Constitution provides for the free exercise of all religious rites with the caveat that public order not be disturbed. The Constitution also provides that the personal status and religious interests of citizens be respected. The Government permits recognized religions to exercise authority over matters pertaining to personal status such as marriage, divorce, child custody, and inheritance. The "Twelver" Shi'a, Sunni, Christian, and Druze each have state-appointed clerical bodies to administer family and personal status law through their own religious courts, which the Government subsidizes. There is no state religion; however, politics are based on the principle of religious representation, which has been applied to nearly all aspects of public life. The unwritten "National Pact" of 1943 stipulates that the President, the Prime Minister, and the Speaker of Parliament be a Maronite Christian, a Sunni Muslim, and a Shi'a Muslim, respectively. The 1989 Taif Accord, which ended the country's 15-year civil war, reaffirmed this arrangement but resulted in increased Muslim representation in Parliament and reduced the power of the Maronite President...

State recognition is a legal requirement for religious groups to conduct certain religious practices. A group that seeks official recognition must submit its dogma and moral principles for government review to ensure that such principles do not contradict popular values and the Constitution. The group must ensure that the number of its adherents is sufficient to maintain its continuity.

Alternatively, religious groups may apply to obtain recognition through existing religious groups. Official recognition conveys certain benefits, such as tax-exempt status and the right to apply the religion's codes to personal status matters. An individual may change religions if the head of the religious group the person wishes to join approves of this change.

Citizens belonging to a faith not recognized by the Government are permitted to perform their religious rites freely; however, their political rights are not secured. For example, a Baha'i cannot run for Parliament because there is not a seat allocated for this confession, neither can he/she secure a senior position in the Government as these are also allocated on a confessional basis. However, a number of religious faiths are recorded under the existing recognized religions. For example, most Baha'i are registered under the Shi'a sect, and thus Baha'i can run for office to fill a seat allocated to the Shi'a sect. Similarly, Mormons are registered under the Greek Orthodox faith. Decisions on granting official recognition of religious groups do not appear to be arbitrary; in recent years, the Government has recognized such groups as the Alawites and the Copts...

Officially unrecognized groups such as Baha'is, Buddhists, Hindus, and some evangelical denominations may own property and assemble for worship without government interference; however, they are disadvantaged under the law because legally they may not marry, divorce, or inherit in the country. Protestant evangelical churches are required to register with the Evangelical Synod, which represents those churches to the Government. The Synod is a nongovernmental advisory body representing Protestant churches in the country. It is self-governing and oversees religious issues for the congregations. Representatives of some churches have complained that the Synod has refused to accept new members since 1975,

thereby crippling their clergy's ability to minister to communities in accordance with their beliefs...

Many families have relatives who belong to different religious communities, and intermarriage is not uncommon; however, intermarriage may be difficult to arrange in practice between members of some groups because there are no procedures for civil marriage. However, the Government recognizes civil ceremonies performed outside the country.

There are no legal barriers to proselytizing; however, traditional attitudes and edicts of the clerical establishment strongly discourage such activity. The clerical establishments are appointed by the religious authorities to which they are affiliated. The nomination of the Sunni and Shi'a Muftis is officially endorsed by the Council of Ministers, and they receive monthly salaries from the Government.

The Government does not require citizens' religious affiliations to be indicated on their passports; however, the Government requires that religious affiliation be encoded on national identity cards.

Religious groups administer their own family and personal status laws. Many of these laws discriminate against women. For example, Sunni inheritance law provides a son twice the inheritance of a daughter. Although Muslim men may divorce easily, Muslim women may do so only with the concurrence of their husbands.

In 2003, the Cabinet endorsed a draft law allowing the country to adopt a curriculum proposed by the Islamic Educational Scientific and Cultural Organization making Islamic culture the core of the educational curriculum at all levels in schools and universities. Following strong condemnation and opposition from a spectrum of Christian figures, including the head of the Maronite Church, the Shi'ite Speaker of Parliament argued that the bill in its spirit violated the Constitution. The Government subsequently withdrew the bill.

Article 473 of the Penal Code stipulates that one who "blasphemes God publicly" may face imprisonment for up to 1 year. There were no prosecutions reported under this law during the reporting period...

The generally amicable relationship among religions in society contributed to religious freedom; however, there were periodic reports of friction between religious groups, which may be attributed to political or religious differences, and citizens still struggle with the legacy of a 15-year civil war fought largely along religious lines. Religious and political leaderships generally have maintained amicable relations in spite of their political differences. During the reporting period, there was intense sectarian rhetoric and the detonations of five bombs in commercial areas of predominantly Christian neighborhoods in the run-up to parliamentary elections. Leaders of all religious denominations condemned the bombings. Most of the issues at stake concern political or development issues and each party or confession seeks to mobilize as much popular support as possible to obtain its goals.

In the months of March through May, in the run-up to the parliamentary elections, sectarian rhetoric steadily increased, culminating in a statement by the Maronite Bishops' Council which implied that Muslim voters should not have a deciding voice in the election of Christian candidates. The statement by the Bishops' Council, as well as other politically motivated rhetoric, exacerbated sectarian tensions.

Unlike in the previous reporting period, there were no incidents of violence against religious persons. (US State Department, 2005, *Religious Freedom Report: Lebanon* – 8 November – Accessed 12 April 2006 – <http://www.state.gov/g/drl/rls/irf/2005/51604.htm> – Attachment 2)

The most recent advice received from the Department of Foreign Affairs and Trade states the following about the treatment of Jehovah's Witnesses in Lebanon:

A1. LEBANESE CONSTITUTION EXTENDS FREEDOM OF BELIEF TO ALL LEBANESE CITIZENS. THE JEHOVAH'S WITNESS SECT (JWS) IS NOT RECOGNISED IN LEBANESE LEGISLATION ON CONFESSIONAL AND PERSONAL STATUS. ACCORDINGLY, A CONFESSIONAL COURT DEALING WITH PERSONAL STATUS ISSUES DOES NOT EXIST FOR THE JWS.

PERSONS SEEKING TO CHANGE SECTS MUST PETITION A CONFESSIONAL COURT TO EFFECT THE CHANGE. ALTHOUGH THE SECT IS NOT BANNED, IT FOLLOWS THAT, WITHOUT A JWS COURT TO DECIDE ON PETITIONS, THERE ARE NO LEGALLY RECOGNISED JWS MEMBERS IN LEBANON.

WITHOUT LEGAL RECOGNITION OF THE SECT, THE JWS CANNOT LEGALLY PERFORM JWS MARRIAGES. THERE IS NO PROVISION FOR CIVIL MARRIAGE IN LEBANON HOWEVER IT IS NOT UNCOMMON FOR LEBANESE TO HAVE A CIVIL MARRIAGE CEREMONY IN CYPRUS THEN REGISTER THE MARRIAGE IN LEBANON.

ASSOCIATIONS NOT RECOGNISED IN LAW OR WHICH HAVE 'FAILED TO ACQUAINT THE PUBLIC AUTHORITIES' WITH THEIR EXISTENCE, MEMBERSHIP AND AIMS ARE 'REPUTED (TO BE) SECRET SOCIETIES... WHICH SHALL BE DISSOLVED.' AS THE JWS IS NOT RECOGNISED LEGALLY, IT CANNOT LEGALLY CONVENE A PUBLIC ASSEMBLY FOR WORSHIP OR OTHER MATTERS UNLESS IT OBTAINS PRIOR APPROVAL FROM THE INTERIOR MINISTRY. WE NOTE ALSO THAT THE LAW PROHIBITS ASSEMBLY 'IN A PLACE OPEN TO THE PUBLIC' FOR GROUPS OF THREE OR MORE PERSONS 'FOR THE PURPOSE OF COMMITTING AN OFFENCE' OR FOR TWENTY OR MORE PERSONS 'WHOSE ATTITUDE IS LIKELY TO OFFEND PUBLIC PEACE'.

THE JWS HAS HAD PROBLEMS DISTRIBUTING 'THE WATCH TOWER' IN THE COMMUNITY DUE TO ALLEGATIONS THAT THE PUBLICATION IS 'ASSOCIATED' WITH 'ZIONIST' PUBLISHERS. IT IS ILLEGAL TO COMMIT, THROUGH 'WRITTEN MATERIAL... DISTRIBUTED TO PERSONS', AN 'OUTRAGE AGAINST ONE OF THE CREEDS PUBLICLY PROFESSED' OR TO 'RAISE... SCORN AGAINST ONE OF THEM'.

A2. JEHOVAH'S WITNESSES MAY ENGAGE IN PRIVATE RELIGIOUS ACTIVITY WITHOUT HARASSMENT BY LEBANESE AUTHORITIES – ALTHOUGH REFER TO OUR COMMENTS ON PUBLIC ASSEMBLY, ABOVE. SECURITY AGENCIES IN LEBANON MONITOR THE ACTIVITIES OF RELIGIOUS GROUPS AND OTHER COMMUNITY ASSOCIATIONS. AGENCIES DO NOT IMPEDE THOSE ACTIVITIES IF THEY ARE NON-POLITICAL, DO NOT THREATEN STATE SECURITY AND DO NOT OFFEND DEFINITIONS OF PUBLIC MORALITY.

AS THE JWS CLAIM 993 MEMBERS IN LEBANON IN 1999, IN 100 CONGREGATIONS, IT IS PROBABLE THAT THE AUTHORITIES ALLOW SUCH GROUPS TO OPERATE IN PEACE. A WELL INFORMED OBSERVER OF LEBANESE RELIGIOUS INSTITUTIONS HAD NOT SEEN ANY EVIDENCE THAT AUTHORITIES WERE PERSECUTING JWS MEMBERS IN LEBANON.

WE UNDERSTAND THAT MOST JEHOVAH'S WITNESSES IN LEBANON ARE FROM AFFLUENT BACKGROUNDS AND THAT MANY ARE WESTERN-EDUCATED. (DIMIA Country Information Service 2000, *Country Information Report No 465/00 – Lebanon – Jehovah's Witnesses*, (sourced from DFAT advice of 17 August 2000), 24 August – Attachment 3)

As noted in the above DFAT advice Jehovah's Witnesses sometimes experience a greater degree of suspicion in Lebanon due to their alleged associations with "Zionism" which within the Arab world is a clear reference to Israel. The Country Research Section has asked for an update for this advice from DFAT and it will be provided when it becomes available.

It may be of interest to note, that the on the last occasion the UK Home Office included Lebanon in its Country Assessments it noted of Lebanon's Jehovah's Witnesses:

There have been some cases of conscientious objection among followers of the Jehovah's Witness faith which "in no way constitutes a refusal to perform compulsory military service"; these people are permitted to wear civilian clothes and are not obliged to perform acts that are contrary to their religious beliefs. (UK Home Office, 2002, *Country Assessments: Lebanon*, April – Attachment 4)

List of Sources Consulted

Internet Sources:

Google search engine <http://www.google.com.au/>

Databases:

Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

List of Attachments

1. The Watchtower Bible and Tract Society, 2005, *2005 Report of Jehovah's Witnesses Worldwide*. (http://www.watchtower.org/statistics/worldwide_report.htm – Accessed 11 April 2006)
2. US State Department, 2005, *Religious Freedom Report: Lebanon*. 8 November. (<http://www.state.gov/g/drl/rls/irf/2005/51604.htm> – Accessed 12 April 2006)
3. DIMIA Country Information Service 2000, *Country Information Report No 465/00 – Lebanon – Jehovah's Witnesses*, (sourced from DFAT advice of 17 August 2000), 24 August) (CISNET Lebanon CX44063)
4. UK Home Office, 2002, *Country Assessments: Lebanon*, April