



**International Covenant on
Civil and Political Rights**

Distr.: General
28 December 2016
English
Original: Arabic
Arabic, English, French and
Spanish only

Human Rights Committee

**Consideration of reports submitted by States
parties under article 40 of the Covenant**

Third periodic reports of States parties due in 1999

Lebanon*

[Date received: 8 November 2016]

* The present document is being issued without formal editing.

GE.16-22951 (E) 060217 080217



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1. This report provides an overview of action taken by the State to uphold and promote civil and political rights during the period from 1997 to 2016, taking into account matters highlighted by the Human Rights Committee and responding to the recommendations and concluding observations on the second periodic report submitted by Lebanon in 1996.
2. Since its ratification on 3 November 1972, the International Covenant on Civil and Political Rights has constituted an integral part of the Lebanese legal system. Pursuant to article 2 of the Code of Civil Procedure, the Covenant has primacy over the provisions of ordinary law but not over the Constitution.
3. The State is fundamentally committed to guaranteeing respect for human rights and their integration into all domains. It is doing its utmost to improve its laws and practices in order to align the human rights situation in Lebanon with applicable international and regional treaties.
4. Lebanon is one of the countries that has borne the consequences of the political crises and wars in the region, including repeated attacks by Israel on Lebanese territory (the most destructive of which was the July 2006 War) and the assassination of the former Prime Minister in 2005, which had a serious impact on the internal situation. The political and security crisis in Syrian Arab Republic and the Arab region as a whole has also had repercussions on political and social life in Lebanon. It has manifested itself in escalating disputes between political groups and paralysis of constitutional institutions.
5. The Syrian crisis has had the most damaging impact on the functioning of the State. Rather than closing its borders, Lebanon admitted more than 1.5 million displaced Syrians. The State's assumption of responsibility for providing them with decent living conditions led to increased socioeconomic and even security pressures and imposed fresh responsibilities on a State that has been struggling for years against the threat of terrorism, in the form of explosions in various regions of the country, the assassination of numerous political figures, war crimes in Nahr al-Bared camp, explosions in Ain Alaq, and other terrorist acts (including, most recently, explosions in Dahiya suburb and Verdun).
6. Despite all these difficulties, most of the rights enshrined in the Covenant are respected in Lebanon. The executive, legislative and judicial branches of government are working both separately and jointly to ensure that the State complies with its international human rights obligations under the Covenant. A number of laws and administrative decrees have been promulgated with that end in view. A number of bills were also drafted by committees attached to the Chamber of Deputies, but they have not yet been enacted owing to the above-mentioned difficult political situation, which impedes the full implementation of the Covenant. However, the implementation by the Chamber of Deputies of the National Human Rights Action Plan 2014-2019, which was announced on 10 December 2012, and the adoption by the Human Rights Committee and the Committee on Administration and Justice of the Chamber of Deputies on 8 April 2014 of a proposed bill to establish an independent national human rights institution reflect the State's commitment to guarantee all civil and political rights.
7. This report has been prepared in accordance with the specifications, guidelines and guiding principles adopted by the Human Rights Committee, which is responsible for overseeing the implementation of the Covenant. It contains an introduction and three sections corresponding to the various articles of the Covenant.

Part I

Article 1

The right of peoples to self-determination and to dispose of their natural wealth and resources

I. The right to self-determination

8. The Charter of National Reconciliation agreement adopted in 1989 (the Taif Agreement) contained agreed provisions concerning the political, economic and social situation in Lebanon. The preamble to the Constitution adopted pursuant to the Constitutional Act of 21 September 1990 stipulates that:

- The people are the source of authority and sovereignty, which they exercise through the constitutional institutions.
- Lebanon is a parliamentary democratic republic and the political system is based on the principle of separation of powers, balance of powers and cooperation among them.
- Lebanon is Arab in terms of its identity and affiliation.
- The economic system is free and guarantees private initiative, the right to private property and the balanced development of regions in educational, social and economic terms.

9. Nonetheless, the political crises in the region, which have spread into Lebanese territory, have imposed limits on the right of the people to self-determination. The authorities are continuously endeavouring, to the best of their ability, to maintain the country's stability and security and to ensure that its institutions continue to function.

II. The right of the people to freely dispose of their natural wealth and resources

10. The people can freely dispose of their natural wealth and resources and no restrictions are imposed. However, they are required to ensure their proper management and use as part of a sustainable development policy, without prejudice to the right of future generations. The State takes action to preserve the country's natural wealth and its water, forest and energy resources.

11. On 29 July 2002, the Chamber of Deputies approved Environmental Protection Act No. 444/2002, which established the basic principles for protecting natural wealth and resources, including forests, coastal waters, fresh water, seawater, rivers and groundwater resources, marine resources and marine biodiversity. Pursuant to Decree No. 4809/1966, all citizens have the right to benefit from marine resources. In addition, investment licences should be issued only in exceptional circumstances; there has nevertheless been a considerable increase in the number of such licences issued.

12. The State has ratified a number of international treaties aimed at protecting water resources, in particular:

- The United Nations Convention on Biological Diversity, signed in Rio de Janeiro on 5 June 1992 and ratified by Act No. 360 of 1 August 1994;
- The Protocols to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, signed in Barcelona on 16 February 1976 and ratified by Act No. 292 of 22 February 1994;

- The Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, ratified by an Act promulgated on 16 October 2008.

13. Attention should be drawn in this connection to General Assembly resolution 69/212, pursuant to which the Israeli entity must pay compensation to the Lebanese State for the environmental damage that it caused to Lebanese waters and the coastline during the war of July 2006. To date, however, the Israeli entity has failed to comply with the resolution.

14. The existing legislation contains provisions aimed at protecting forest resources and guarantees citizens' right to benefit from them. In particular, it provides for the establishment of nature reserves and the planting of trees following the extraction of sand and rocks (for example in quarries) and prohibits logging (pursuant to the Forests Act). Furthermore, Environment Act No. 444/2002 contains a section dedicated to the protection of terrestrial and underground environments.

15. Lebanon has ratified the following international treaties:

- Two treaties on the ozone layer, ratified by Act No. 253 of 22 July 1993;
- The United Nations Framework Convention on Climate Change, signed in Rio de Janeiro and ratified by Act No. 359 of 1 August 1994;
- The Copenhagen Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, ratified by Act No. 120 of 25 October 1999;
- The Stockholm Convention on Persistent Organic Pollutants, ratified by Act No. 432 of 29 July 2002;
- The Kyoto Protocol to the United Nations Framework Convention on Climate Change, ratified by Act No. 738 of 15 May 2006;
- International instruments on olive oil and table olives and on the promotion of olive cultivation to encourage soil cohesion, and agreements on technical cooperation in the field of protected agriculture.

16. The legislation contains provisions aimed at protecting energy sources and regulating their use. The production of petroleum, gas and mining materials is governed by Decree No. 8018/2002 on industrial enterprises. In addition, Offshore Petroleum Resources Act No. 132/2010 establishes the legal conditions governing the exploration and exploitation of offshore petroleum and gas resources. Investment in petrol stations is governed by Decree No. 5509/1994.

Part II

Articles 2 to 5

Basic principles governing the application of and respect for rights

I. Article 2: The right to equal and non-discriminatory respect for rights

17. The principle of equal and non-discriminatory respect for human rights is a fundamental constitutional principle enshrined in Lebanese law (paragraph (C) of the preamble to the Constitution; articles 7, 9 and 11 of the Constitution; the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; and the International Convention on the Elimination of All Forms of Racial Discrimination, which Lebanon ratified on 12 November 1971). All official State agencies must respect this principle without discrimination on grounds of race, colour, descent, national or ethnic origin, or religion. A reservation to the principle of equality exists, however, with respect to

matters of personal status, which are governed by a denominational system under which all Lebanese citizens are subject to the provisions of the Personal Status Act applicable to their respective denominations.

18. The State has taken many steps to eliminate all forms of discrimination with respect to the application in Lebanese society of recognized human rights, in particular those based on nationality and religion.

19. With regard to the elimination of all forms of discrimination against foreign nationals, Lebanon, given its geographical location and its commitment to upholding human rights, has opened its borders to all persons whose lives are at risk on account of persecution, war or adverse security conditions. Lebanon has admitted a large number of Palestinian refugees since Israel assaulted and seized their land in 1948. Some 1.5 million displaced Syrians are currently living in Lebanese territory as a result of the conflict in the Syrian Arab Republic as well as Iraqi refugees who fled to Lebanon on account of the adverse security conditions in their country. There are also foreign workers in the country from Egypt, Sri Lanka, the Philippines and other countries. The State strives to ensure that foreign nationals enjoy the rights recognized in the Covenant on a par with Lebanese citizens, despite the resulting social and economic costs, the sharp increase in poverty and unemployment, and the strain on the health and education systems and infrastructural services.

20. Foreign nationals in Lebanon can be divided into three groups:

- Palestinian refugees;
- Displaced Syrian nationals;
- Foreign workers, primarily domestic workers.

21. Legal difficulties have been encountered in upholding the civil and political rights of foreign nationals in the following areas:

- Guaranteeing the right of foreign nationals to recognition as a person before the law (art. 16);
- Guaranteeing the right of foreign nationals to a fair trial (arts. 7, 9, 10, 11, 14 and 15);
- Guaranteeing the right of foreign nationals to liberty of movement and freedom to choose their residence (art. 12);
- Guaranteeing the right of foreign nationals to freedom of assembly and association (arts. 21 and 22).

22. With regard to the right of foreign nationals to recognition as a person before the law on a par with Lebanese nationals, many problems stem from the situation of Palestinian refugees and displaced Syrians who sought refuge in Lebanon without identity documents for themselves or their families or who failed to register children born in Lebanese territory.

23. The Government adopted in that connection Decree No. 89/2005 establishing the Lebanese-Palestinian Dialogue Committee with a view to improving conditions for Palestinians at all levels. The Committee has taken steps to issue identity cards to persons without identity documents in line with the Government's efforts to guarantee the right of Palestinians to recognition as persons before the law.

24. On 14 November 2011, the Office of the Prime Minister issued Circular No. 29/2011 requesting public administration and municipal offices to accept personal status documents issued by the Palestinian Authority (namely birth, death, marriage and divorce certificates), taking into account the provisions of article 16 of the Covenant.

25. The Government signed a Memorandum of Understanding with the Office of the United Nations High Commissioner for Refugees (UNHCR) concerning displaced Syrian nationals, which grants them the right to practise a profession in Lebanon despite the fact that the State has not signed the 1951 Convention Relating to the Status of Refugees or the 1967 Protocol thereto. The authorities, working in cooperation with UNHCR, are endeavouring to register all persons arriving in Lebanon, to recognize them as persons before the law and to register all new births.

26. With regard to the right of foreign nationals to a fair trial on a par with Lebanese nationals, article 9 of the Code of Civil Procedure guarantees all persons resident in Lebanon the right to litigation (the right of access to justice and the right to defence), without discriminating between Lebanese citizens and foreign nationals.

27. With regard to the right to institute legal proceedings, the Legal Fees Act contains no provisions that discriminate between Lebanese citizens and foreign nationals in terms of legal expenses and fees.

28. However, the Code of Criminal Procedure contains provisions that may be interpreted as an exception to this principle, since foreign nationals who file complaints with the criminal courts must submit additional surety for acceptance of their complaint (arts. 68 and 155). The Code exempts foreign nationals from payment of the surety if the offence is a misdemeanour and if the judge considers that there are sufficient grounds to justify the exemption. The purpose of the surety, for both Lebanese citizens and foreign nationals, is to prevent abuse of the right to litigate. Foreign nationals are required to pay an additional surety because they are able to leave the country after filing an arbitrary complaint.

29. Pursuant to article 416 of the Code of Civil Procedure, foreign nationals who are legally resident in Lebanon can benefit from legal aid subject to the principle of reciprocity. Moreover, when counsel is appointed in criminal cases involving persons with physical disabilities, no distinction is made between Lebanese citizens and foreign nationals.

30. In addition, Act No. 164 of 24 August 2011 concerning prosecution of the crime of trafficking in persons protects the right to litigation of foreign nationals by granting foreign victims, pursuant to a judicial order, the right to reside in Lebanon during the period required for the investigations.

31. With regard to the right of foreign nationals to liberty of movement and freedom to choose their residence on a par with Lebanese nationals, controversy has arisen with respect to domestic workers, displaced Syrians (for whom camps have not yet been built) and Palestinians living in camps.

32. First, with regard to the recommendation contained in paragraph 22 of the concluding observations on the second periodic report, it should be clarified that the State addresses and sanctions all violations of the right of domestic workers to freedom of movement arising from the confiscation of their identity documents by their employers. In fact, on 23 June 2014, responding to the submission of a petition by a female domestic worker, the competent court issued a decision requiring the woman's employer to return her passport, given that the right to freedom of movement is a constitutional right granted to all individuals in society, regardless of their nationality.

33. Secondly, the decisions by certain municipalities to impose curfews on foreign nationals (displaced Syrians) after 8 p.m. undoubtedly violated the principle of equality and the right of residents in Lebanon to freedom of movement. Appeals against the decisions on the ground of illegality are currently being heard before the competent administrative and judicial authorities.

34. Thirdly, the State is taking vigorous action to ensure that Palestinians can enter and leave the camps as safely and easily as possible. It is also addressing the need to maintain security and public order in light of the poor security situation in the camps.

35. With regard to action to guarantee the right of foreign nationals to freedom of assembly and association on a par with Lebanese citizens, the law recognizes the right of foreign nationals to establish associations subject to certain legal conditions. On 25 January 2015, domestic workers announced, in the presence of a representative of the Director-General of Public Security, the creation of a trade union to defend their rights, with the support of the National Federation of Workers' and Employees' Unions. However, the Minister of Labour did not approve the decision.

36. It should be noted that if these rights are violated, the victim is entitled to take legal action against the perpetrator before the competent court in order to obtain compensation for the damages incurred.

37. With regard to the steps taken to eliminate all forms of discrimination on grounds of religion, the legislation contains general provisions that are applicable to all citizens without discrimination, with the exception of matters concerning personal status. Lebanese society is diverse in terms of religion. The Lebanese State has recognized 18 denominations, each of which has its own legal system for dealing with matters of personal status. This religious diversity is also reflected in the structure of the political system and the allocation of certain public-sector positions. Some people consider that religious diversity is one of the pillars that guarantees harmonious co-existence, as it allows each group to retain its identity and participate effectively in governance and administration. It must therefore be accepted that measures to take religious diversity into account in governance and administration imposes certain restrictions on the principle of equal rights for all Lebanese citizens, given that affiliation to a specific denomination can constitute an element conducive to discrimination. Although the State has pledged, in the preamble to the Constitution, to eliminate political confessionalism, no serious action has been taken to that end, owing to the political instability and lack of security faced by the country.

II. Article 3: The equal right of men and women to the enjoyment of rights

38. On 1 August 1996, the State ratified the Convention on the Elimination of All Forms of Discrimination against Women. Reservations were entered to articles 9, 16 and 29 for reasons pertaining to the nature of the denominational system. By ratifying the Convention, Lebanon demonstrated its commitment to upholding the rights of women, taking all necessary measures to eliminate all forms of discrimination against them, and establishing full equality between men and women.

39. In response to the recommendations contained in paragraphs 18 and 19 of the concluding observations, the State enacted a number of laws aimed at promoting equality between women and men, both through amendments to existing provisions and through the adoption of new laws, in particular:

- Act No. 720 of 5 October 1998 concerning the establishment of the National Commission for Lebanese Women attached to the Office of the Prime Minister, the functions of which include enhancement of the status of women and the drafting of bills to improve gender equality;
- The Council of Ministers decision of 12 June 2012 to approve the National Strategy for Women in Lebanon 2011-2021 and to circulate it among the ministries with the aim of ensuring that the social, civil, political, economic and cultural rights of women are upheld;

- Act No. 162 of 17 August 2011 abolishing the extenuating circumstances provided in article 562 of the Criminal Code for any man who kills or injures his wife, a progenitor or descendant, or his sister on the grounds that she has committed adultery or engaged in illicit intercourse (so-called honour crimes);
- Act No. 293 of 1 April 2014 concerning the protection of women and other family members from domestic violence, which provides for protective measures for women supplementing the protection provided by the general legislation, in particular the Criminal Code. It prescribes harsher penalties for crimes of violence against women and amends articles 487, 488, 489, 523, 527, 547, 559 and 618 of the Criminal Code. In addition, the Act provides for the establishment, in each governorate, of a centre for the appellate public prosecutor specializing in domestic violence cases, and for the creation of a special fund financed from the state budget and from donations to provide assistance and rehabilitation services for victims of domestic violence.

40. Even before the adoption of Act No. 293/2014, the courts handled cases of violence against women by prosecuting husbands who were found to have perpetrated acts of psychological or physical domestic violence and by imposing severe penalties as a form of both suppression and deterrence. After the Act was promulgated, the courts played an important role in repairing the damage inflicted, in particular by broadening the concept of domestic violence to include psychological violence.

41. The issue of whether Lebanese women should be entitled to transfer their nationality to their children or a foreign spouse in the same way as Lebanese men who are married to a foreign spouse continues to be a source of conflicting opinions among the various political parties. On 21 March 2012, the Lebanese Government established a ministerial committee to consider amending the final paragraph of article 4 of Decision No. 15 of 19 January 1925 (the Nationality Act) as a first step towards addressing the right of Lebanese women to transfer their nationality to their families. On 31 May 2010, the Government issued Decree No. 4186, which stipulated that a renewable courtesy residence permit should be granted to the foreign husband of any Lebanese woman one year after their marriage and to the children of any Lebanese woman married to a foreign husband, whether they were adults or minors and regardless of whether they were employed.

42. With regard to the promotion of women's right to participate in political life, they still play a limited role in the Government and the Chamber of Deputies. The National Commission for Lebanese Women cooperates with civil society organizations in launching media campaigns and organizing training courses for women in order to encourage and help them to play a greater role in political life. The Chamber of Deputies is currently considering legislative bills aimed at enhancing the participation of Lebanese women in political life by introducing electoral quotas to ensure that they have seats in the parliamentary and municipal councils and in the Government.

43. With regard to the principle of equal marital rights for men and women when drawing up, enacting and annulling marriage contracts, no action has yet been taken on the recommendation contained in paragraph 19 of the concluding observations concerning the adoption of a civil personal status code, primarily on account of the denominational nature of the system.

III. Article 4: The right to respect for fundamental rights in cases of public emergency

44. With regard to recommendation No. 10, we wish to draw attention to the following two issues:

- (a) The legal conditions for declaring a state of emergency;

(b) The number of times that a state of emergency was declared during the period from 1997 to 2016.

(a) The legal conditions for declaring a state of emergency

45. Reflecting the State's commitment to respect human rights, article 65, paragraph 5, of the Constitution stipulates that a state of emergency constitutes a "basic" issue, so that any decision to declare or lift it must be taken in the presence of a two-thirds majority of the Council of Ministers and must be approved by a two-thirds majority. When taking such decisions, the Council of Ministers must comply with article 4 of the National Defence Act (Legislative Decree No. 102/83), which lays down the following conditions for declaring a state of emergency and entrusting the army with the maintenance of security:

- The State must be confronted in one or more regions with actions that undermine its security or interests.
- A state of emergency may not be declared for an indefinite period; the duration must be specified in the decree declaring the state of emergency. The duration may be extended by a decision of the Council of Ministers based on the same conditions.
- The army shall have the authority to maintain security and protect the State against all harmful acts. All armed forces shall be under the command of the Commander-in-Chief, with the assistance of the Military Council and under the supervision of the Higher Defence Council.
- The army may take the following exceptional measures in order to maintain security:
 - Inspect any building or other place at any time, subject to the approval of the competent public prosecutor's office;
 - Monitor ports and ships in territorial waters;
 - Monitor foreigners entering or leaving Lebanon;
 - Prohibit unauthorized public meetings or public meetings of a military nature;
 - Prosecute persons who breach security and refer them to the courts within five days of their arrest;
 - Combat smuggling.
- Authority to hear cases involving breaches of the measures taken or breaches of law and order shall lie exclusively with the military court. It shall continue to hear such cases even after the state of emergency has been lifted.

(b) The number of times that a state of emergency has been declared during the period from 1997 to 2016

46. Following the lifting of the state of emergency declared in Decree No. 7988 of 27 February 1996, the Government declared no further state of emergency during the period from 1997 to 2016, despite repeated security crises and terrorist attacks on different regions.

IV. Article 5: The right to wide application of rights and strict interpretation of restrictions

47. In 1990 the State declared its commitment to abide by human rights clearly and unequivocally in the preamble to the Constitution. According to paragraphs (B) and (C) of the preamble, Lebanon is a parliamentary democratic republic founded on respect for public

freedoms. It abides by all Arab and international human rights treaties and is committed to embodying the principles enshrined in those treaties in all areas without exception. It follows that State agencies never interpret any of the provisions set forth in the Covenant in a manner aimed at invalidating the rights recognized therein. They apply a strict interpretation of any restrictions that may be placed on the exercise of such rights, in accordance with article 4, paragraph 2, of the Covenant.

Part III

Articles 6 to 27

Recognized civil and political rights

I. Article 6: The right to life

48. Lebanon is committed to respecting the right to life of all persons residing in its territory in accordance with the Constitution, the Universal Declaration of Human Rights, the Arab Charter on Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Conventions and the 1977 Protocols thereto, the Convention against Torture and the Convention on the Rights of the Child. However, abolition of the death penalty remains a controversial issue among political groups. The Government has taken a number of steps to fulfil its international obligations in this regard. The following matters will be considered below in response to the recommendations contained in paragraphs 20 and 21 of the concluding observations:

- (a) Measures to ensure that the right to life is protected;
- (b) Crimes for which the death penalty may be imposed by law;
- (c) Legal mechanisms for commuting the death penalty and granting exemptions;
- (d) Legal provisions concerning the application of the death penalty, in particular with respect to children and pregnant women.

(a) Measures to ensure that the right to life is protected

49. On 21 March 1994, Act No. 302/94 was enacted to provide for the imposition of the death penalty in cases of intentional homicide (arts. 547-548 of the Criminal Code) and political offences (art. 198 of the Criminal Code) and to prohibit judges from exercising their discretion with respect to extenuating circumstances and replacement of the death penalty by life imprisonment. The death penalty continued to be imposed pursuant to Act No. 302/94 until 1998 (four executions in 1997 and two in 1998). Objections to the practice were raised by internal (official and civil) entities and by international bodies. On 2 August 2001, the legislature adopted Act No. 332 repealing Act No. 302/94 and restoring the articles of the Criminal Code that had been in force prior to the amendment. No death penalty was imposed during the period from 1999 to 2003. The most recent case in which the death penalty was executed occurred on 19 January 2004, when three persons were executed. Fifty-seven persons are currently sentenced to capital punishment. Since 2004 successive Ministers of Justice have refrained from signing decrees approving their execution. There is thus a de facto moratorium in place, in accordance with article 6 of the Covenant. The death penalty is the only criminal penalty in Lebanon that is not executed immediately after the sentence is handed down by the court. In fact, it cannot be executed until a decree has been issued by the executive authorities and signed by the President, the Prime Minister and the Minister of Justice.

50. The Ministry of Justice submitted a bill on the abolition of the death penalty in 2008 and conducted an extensive awareness-raising campaign in support of its enactment. A number of deputies have also submitted a bill on abolition of the death penalty.

51. In addition, the National Human Rights Plan discussed by Parliament in 2012 calls on the Government to endorse General Assembly resolution 62/149 concerning a moratorium on the death penalty and to ratify the Second Optional Protocol to the Covenant.

(b) Crimes for which the death penalty may be imposed by law

52. With regard to the recommendation contained in paragraph 20, the crimes that carry the death penalty comprise a range of serious offences characterized in the following laws:

- The Criminal Code and the Act of 11 January 1958 amending the Code;
- The Code of Military Justice;
- The Narcotics, Psychotropic Substances and Precursors Act No. 673 of 16 March 1998;
- Act No. 64 of 12 August 1988 on Protection of the Environment against Pollution from Hazardous Waste and Materials.

53. First, the Criminal Code provides for the imposition of the death penalty for the following serious offences:

- National treason (arts. 273-276);
- Assault with seditious intent (arts. 308-310, as amended by the Act of 11 January 1958);
- Terrorism leading to a person's death (art. 315);
- Murder or torture perpetrated by members of an armed group (art. 336);
- Intentional homicide (art. 549);
- Homicide as a prelude to arson (art. 591);
- Assault on roads or transport leading to a person's death (art. 599);
- Homicide accompanied by theft (arts. 640, 642 and 643).

54. Secondly, the Code of Military Justice provides for the imposition of the death penalty on military personnel who commit any of the following serious offences:

- Desertion to the enemy (arts. 110 and 112);
- Self-mutilation to evade military duties when facing the enemy (art. 120);
- Surrender to the enemy (art. 121);
- Military treason and conspiracy; espionage (arts. 124, 125 and 128-130);
- Pillage and wreaking of damage (art. 132);
- Destruction (art. 135);
- Non-compliance or desertion in the face of the enemy (arts. 152, 163 and 165);
- Airforce or land-based personnel who leave or surrender their vehicle or surrender to the enemy before exhausting all means of defence (arts. 167, 168 and 171).

55. Thirdly, the Act on Protection of the Environment against Pollution from Hazardous Waste and Materials provides for the imposition of the death penalty for the serious offences defined in articles 10 and 11 of the Act.

56. The Narcotics, Psychotropic Substances and Precursors Act provides for the imposition of the death penalty for all breaches of article 140 concerning assaults on officials charged with implementing the Act.

(c) Legal mechanisms for commuting the death penalty and granting exemptions

57. All persons sentenced to death can request the court to commute the sentence to life imprisonment or to grant them an exemption.

58. The court may, acting on its own motion or in response to a request from the offender or his counsel, commute the death penalty to life imprisonment in the following cases:

- If the court considers that the motive was honourable. The motive is deemed to be honourable, according to the Code, if it is characterized by magnanimity and high-mindedness, and if it is not marred by selfishness, personal considerations and the prospect of material gain (art. 193 of the Criminal Code).
- If the court determines that the offence was of a political nature (art. 198 of the Criminal Code).

59. If the court finds that the offender has an acceptable mitigating plea (arts. 251 and 252 of the Criminal Code) or that there are mitigating circumstances (art. 253 of the Criminal Code), it commutes the death penalty to a term of imprisonment of not less than one year and not more than seven years in the case of the former, and to hard labour for life or fixed-term hard labour for 7 to 20 years in the case of the latter.

60. Persons sentenced to the death penalty may be granted a general amnesty or a special pardon (arts. 147 and 150-156 of the Criminal Code). A general amnesty may be granted by a law passed by the legislature. In such cases, all primary penalties (such as the death penalty) or accessory and additional penalties are revoked (art. 150 of the Criminal Code). The President may grant a pardon after receiving the opinion of the Pardon Commission (arts. 391-393, 395 and 399 of the Code of Criminal Procedure). A person sentenced to the death penalty who is granted a pardon is entitled to compensation in accordance with article 170, paragraph 3, of the Criminal Code within a period not exceeding three years. Pardons do not cover accessory or additional penalties.

61. In addition, persons sentenced to the death penalty benefit from the provisions of the Penalty Enforcement No. 463/2002, as amended by Act No. 183/2011, which grants sentence enforcement judges the power to commute the death penalty to a term of imprisonment of 35 to 40 years, provided that the offender meets the general conditions for commutation of the sentence, in particular completion of a prison term of 30 years, good behaviour and payment of personal damages or exemption therefrom.

(d) Legal provisions concerning the application of the death penalty, in particular with respect to children and pregnant women

62. Pursuant to articles 420 and ff. of the Code of Criminal Procedure, the death penalty may be enforced only after consultation of the Pardon Commission and with the consent of the President of the Republic. The judgment is enforced pursuant to a decree specifying the location and method of execution. The sentence cannot be enforced on a Sunday, Friday or official holiday. It cannot be enforced against a pregnant woman until ten weeks after she has given birth. Pursuant to Act No. 422/2002 concerning the protection of juveniles in conflict with the law or at risk, juvenile courts must commute all death sentences for offences committed by a minor into terms of imprisonment of 5 to 15 years (arts. 6 and 15 of the Act).

II. Article 7: The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment or to medical or scientific experimentation without one's consent

63. Article 8 of the Constitution enshrines the principle of protection of personal freedom, which naturally includes the right not to be exposed to a threat to one's personal integrity. The State also upholds the right not to be exposed to a threat to one's physical or psychological integrity by protecting the following rights:

(a) The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment;

(b) The right not to be subjected to medical or scientific experimentation without one's consent;

(a) The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment

64. With regard to the recommendation contained in paragraph 17 of the concluding observations and the implementation of article 7 of the Covenant, we wish to draw your attention to the initial report concerning the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment submitted by Lebanon to the Committee against Torture in March 2016, which provides details of all the steps taken by the State to combat and prevent torture.

65. Mention may be made in particular of the following:

- Lebanese law protects a person's right not to be subjected to torture or to other cruel, inhuman or degrading treatment or punishment. Violations of that right are criminalized under various articles of the Criminal Code dealing with physical and psychological assault (arts. 371, 401, 547-549, 554-558, 573-578, 582 and 584).
- The State broadened the scope of legal protection by ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment through Act No. 185 of 25 May 2000, and the Optional Protocol to the Convention through Act No. 12 of 5 September 2008, in line with the provisions of article 7 of the Covenant. It has also adopted preventive and punitive measures with a view to complying with its obligations in that regard.

(b) The right not to be subjected to medical or scientific experimentation without one's consent

66. The Code of Medical Ethics Act No. 240 of 22 October 2012 amending Act No. 288 of 22 February 1994 contains a section on human experimentation. Its provisions are consistent with article 7 of the Covenant. In particular, doctors are prohibited from prescribing any medication or performing any experimental treatment until wide-ranging, safe and expedient scientific studies and research have been conducted by a specialized university medical centre. The ethics committee of the medical centre must also grant approval for the treatment and the treatment must be registered with the Ministry of Health. The patient or, in the case of minors, his or her parents or legal representative must also consent to the treatment, which must be provided free of charge.

67. Abortion is prohibited by law. Therapeutic abortion is permissible only if there is a severe risk to the mother's life and no alternatives can be found. The consent of the mother, two medical specialists and the consulting doctor or surgeon is required.

III. Article 8: The right not to be subjected to human trafficking

68. In view of the gravity of the matter, the State is using all the means at its disposal and taking vigorous action to combat human trafficking and to protect its victims. The steps taken to that end include, in particular:

- Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Act No. 682 of 24 August 2005);
- Enforcement of harsh penalties for the crime of trafficking in persons and establishment of legal mechanisms to assist and protect victims and witnesses (Act No. 164 of 24 August 2011);
- Setting of contractual terms for relations between the State and civil society institutions and associations involved in providing assistance and protection to women and child victims of trafficking and adoption of regulations governing such assistance (Decree No. 9082 of 10 October 2012);
- Establishment of a governmental committee composed of representatives of various ministries to produce a manual on the crime of human trafficking and a manual on indicators of the crime;
- Organization of training courses for law enforcement agents by the Ministry of Justice, the Ministry of the Interior and Municipalities, the Ministry of Labour and the Ministry of Social Affairs on how to deal with human trafficking offences and how to treat and support victims;
- Adoption by the Ministry of Social Affairs of the Sectoral Plan on Child Trafficking in Lebanon;
- Since the entry into force of Act No. 164, the Lebanese judiciary has begun to prosecute and punish perpetrators of the crime of human trafficking. The Office for the Protection of Decency of the Internal Security Forces has been renamed the Office to Combat Human Trafficking and Protect Human Decency.

69. The Ministry of Labour has taken a number of measures to promote the rights of migrant workers in domestic service and to prevent their exploitation for the commission of crimes of human trafficking. For instance, it has produced a standard employment contract and has signed memorandums of understanding with certain States of origin of migrants. On 16 July 2014, the Government submitted a bill on accession of Lebanon to the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). To date, however, the Council of Ministers has not taken any steps to ratify it. The Ministry of Labour has developed a manual in a number of languages on the rights and obligations of foreign workers, which it distributes to workers on arrival at the airport and through the departments of the Ministry. It has also launched a hotline (No. 1740) to receive calls and complaints, and has set up a special administrative unit, the Inspection, Prevention and Safety Department, which is responsible for tracking all complaints concerning violations of workers' human rights and assigning labour inspectors to closely monitor the actions of employment agencies in order to prevent exploitation. It has also drawn up a blacklist of employers who abuse domestic workers.

IV. Article 9: The right to liberty and not to be subjected to arbitrary detention

70. The principle of protection of individual liberty and prevention of unlawful arrest, detention or confinement is enshrined in article 8 of the Constitution. The State's judicial and security agencies have taken vigorous action to guarantee the right to liberty and to prevent arbitrary detention, first and foremost by amending the Code of Criminal Procedure

through the adoption of Act No. 328 of 2 August 2001 and by guaranteeing the following core human rights:

- (a) The right not to be arrested save in accordance with the law (art. 9, paras. 1, 4 and 5);
- (b) The right to be informed of the charges and the reasons for one's arrest (art. 9, para. 2);
- (c) The right to a speedy investigation and the right to trial within a reasonable time (art. 9, para. 3);
- (d) The right to alternatives to detention (art. 9, para. 3).

(a) The right not to be arrested save in accordance with the law

71. The authorities, in particular the judicial authorities, take all necessary measures (distribution of circulars by the Public Prosecutor's Office at the Court of Cassation, continuous training courses for judges and accountability mechanisms) to guarantee personal liberty and to ensure that no Lebanese citizen or foreign national is detained save in accordance with the following provisions contained in the new Code of Criminal Procedure:

- Judicial police officers may not carry out any action, investigation or procedure in respect of any person save under judicial supervision, nor may they apprehend any person without a decision by the competent judicial body, namely the competent public prosecutor (arts. 15, 16, 38-42 and 46-48 of the Code of Criminal Procedure).
- During the preliminary investigation period, suspects may be detained for no more than 48 hours. An extension for a similar period is permissible pursuant to a reasoned decision by the competent public prosecutor, regardless of whether the offence is a felony or a misdemeanour (arts. 32, 42 and 47).
- Search and investigation notices issued by the Office of the Public Prosecutor in respect of missing persons are valid for 10 days and may be extended by judicial order for a maximum of 30 days (art. 24).
- An initial detention for the purpose of investigation is permissible only if the offence is punishable by at least one year's imprisonment or if the person has a previous criminal conviction or has been sentenced to 3 months' imprisonment without suspension (arts. 46 and 107).
- The arrest warrant issued by the investigating judge must be reasoned and state the factual and material grounds for arrest (art. 107).

72. All persons, including judges and members of law enforcement agencies, who are found to have contravened any of the above provisions or legal principles are held accountable. The law guarantees victims the right to compensation by means of the following procedures:

- Pursuant to article 48 of the Code of Criminal Procedure, if a judicial police officer is found to have contravened the rules concerning custody, he is liable to prosecution for the offence of "deprivation of liberty" defined in articles 367-369 of the Criminal Code as well as to disciplinary penalties imposed by his administrative superiors.

73. If a judge commits the offence, he is also liable to prosecution for the offence of deprivation of liberty, subject to the rules of procedure governing the prosecution of judges.

- Any person who has been the victim of unlawful detention is entitled to file a claim for compensation before a civil or criminal court. The compensation awarded to victims of arbitrary arrest must be fair and proportionate to the material and psychological damages suffered.
- Victims may invoke the principle of State responsibility for the acts of its employees in order to bring a case before the State Shura Council with a view to claiming appropriate compensation for any infringement of the rules governing initial arrest committed by a State employee tasked with law enforcement during the performance of his duties that caused material or psychological damage to the victim.
- If the offender is a judge, the victim may invoke the provisions of the Code of Civil Procedure, which permit citizens to take legal action against the State on the grounds that it is liable for any act committed by a member of the judiciary in gross violation of his professional obligations, regardless of whether the person concerned is a court judge, an investigating judge or a public prosecutor.

(b) The right to be informed of the charges and the reasons for one's arrest

74. The investigating officer, whether he is a judge or a judicial police officer, must inform the person under arrest, having first verified his identity, of all the charges and evidence against him, without disregarding any of the facts that gave rise to the investigation. Failure to respect this right renders the record of the interrogation null and void, in accordance with article 76 of the Code of Criminal Procedure. The courts are responsible for ensuring that the rights of detainees are respected and for ruling that the interrogation during the initial investigation or subsequent questioning is null and void if it is found that the detainee's right to be informed of charges was not respected.

(c) The right to a speedy investigation and the right to trial within a reasonable time

75. The right of detainees to as speedy an interrogation as possible is enshrined in the new Code of Criminal Procedure, specifically in the section on the powers of the investigating judge, who is required to interrogate the detainee "forthwith" (arts. 107 and ff.). This right basically means that the interrogation should not be delayed without just grounds. The judicial authorities and the security agencies are endeavouring to guarantee that this right is respected to the extent possible, bearing in mind the considerable pressure under which detention centres are currently operating as a result of the rise in crime following the Syrian crisis.

76. Article 108 of the new Code of Criminal Procedure contains clear provisions regarding the right to trial within a reasonable time:

- In the case of misdemeanours, the period of pretrial detention may not exceed two months. This period may be extended for a similar period where absolutely necessary. Exceptions apply to persons previously sentenced to at least one year's imprisonment.
- In the case of felonies, the period of pretrial detention may not exceed six months. This period may be extended for a similar period on the basis of a reasoned decision. Exceptions apply to persons charged with homicide, drug-related offences, attacks on State security or felonies which represent a global danger, and persons with a previous criminal conviction.

77. In this context, the Supreme Judicial Council and the Public Prosecutor's Office at the Court of Cassation have issued a number of circulars containing guidelines for investigating judges and criminal court judges on the provisions of aforementioned article

108. Training courses on pretrial detention and the obligation to refer detainees for trial as speedily as possible are conducted on a regular basis.

(d) The right to alternatives to detention

78. Detention constitutes an exception to the principle of liberty. Accordingly, article 111 of the new Code of Criminal Procedure permits investigating judges, regardless of the nature of the offence and after consulting the Public Prosecutor's Office, to place the defendant under judicial supervision as an alternative to detention, imposing one or more of the following conditions:

- To reside in a specified location, not to leave it and to select a domicile therein;
- Not to frequent certain locations;
- To deposit his passport with the Registry of the Investigation Department and to notify the Directorate General of Public Security thereof. The period for which a passport is withheld may not exceed the legal duration of pretrial detention;
- To undertake to remain within the area of supervision and to report regularly to the supervisory centre;
- To refrain from practising certain professions during the period of supervision;
- To undergo regular medical examinations and laboratory analyses during a period specified by the investigating judge;
- To deposit a surety specified by the judge.

79. Investigating judges implement the foregoing legal provisions both in order to safeguard the rights of litigants and to alleviate the problem of prison overcrowding.

V. Article 10: The rights of prisoners

80. The law guarantees the rights of persons deprived of their liberty. The authorities are doing everything in their power to ensure that such rights are respected. The legal provisions and the measures taken to guarantee their implementation are set out below:

- (a) The right of prisoners to be treated with humanity (para. 1);
- (b) The right of accused persons to be segregated from convicted persons (para. 2 (a));
- (c) The right of accused juveniles to be separated from adults (para. 2 (b));
- (d) The right of prisoners to reformation and rehabilitation (para. 3).

(a) The right of prisoners to be treated with humanity

81. The law contains a set of rules aimed at ensuring that prisoners are treated with humanity. Prisoners' basic rights that may not be violated are enshrined in a number of laws: articles 46 and 58 of the Criminal Code; articles 49, 52, 53, 56, 59, 60, 67, 80, 109, 110 and 111 of Decree No. 14380/1949 on prisons run by the Directorate General of the Internal Security Forces; articles 26, 29, 31, 38, 42 and 43 of Decree No. 6236 concerning prisons and detention centres subject to the authority of the Ministry of National Defence; articles 410 and 411 of the Code of Criminal Procedure; and article 4 of Penalty Enforcement Act No. 463 of 17 September 2002. In practice, however, prisons and detention centres do not fully respect and comply with all prisoners' rights owing to the overcrowding crisis and the failure of successive governments to keep pace with the increase in prisoners and to monitor the use of budgetary appropriations for the construction of new prisons in various parts of the country. The increase in the number of detained and

convicted persons in Lebanese prisons following the Syrian crisis and the need to prevent terrorists from operating within prisons have exacerbated the problem. However, the State is taking vigorous action, despite these challenges, to ensure that prisoners are treated with humanity.

82. The action taken by the Lebanese State to guarantee humane treatment of prisoners is reflected in detail in section 16 of the country's initial report submitted to the Committee against Torture in March 2016. Kindly refer to that report for further information. The following key measures should be highlighted:

- Pursuant to Decision No. 34 of 7 March 2012, the Government adopted a national strategy for transferring responsibility for prison administration from the Ministry of the Interior to the Ministry of Justice;
- The Government adopted Act No. 216 of 30 March 2016, which reduced the prison year from 12 to 9 months;
- The Prisons Directorate was established at the Ministry of Justice and a judge was appointed to supervise, monitor and organize the prison system;
- Judicial committees have been formed in the governorates to review the implementation of Penalty Enforcement Act No. 463/2002 of 17 September 2002, as amended by Act No. 183/2011 of 5 October 2011, with particular reference to the reduction of sentences;
- The Ministry of Social Affairs established a centre for development services in Roumieh prison;
- Administrative units were established within various law enforcement agencies (the Directorate General of Public Security, the Directorate General of the Internal Security Forces and the leadership of the Lebanese Army) with a view to improving detention conditions and guaranteeing prisoners' rights.

(b) The right of accused persons to be segregated from convicted persons

83. The principle of segregating convicted persons from accused persons is enshrined in the law. However, detention conditions in Lebanese police stations and prisons are not ideal. They are marred by inadequate facilities, services and infrastructure, which is a consequence of the unstable political and security situation in Lebanon. These circumstances have had an adverse impact on compliance with the Standard Minimum Rules for the Treatment of Prisoners. The principle of segregating accused persons from convicted persons is therefore not fully respected in the prisons. Nonetheless, the authorities, being fully aware of their responsibility for improving prisoners' living conditions, are making every effort to guarantee respect for the principle.

(c) The right of accused juveniles to be separated from adults

84. The Lebanese authorities respect the principle of separation of accused juveniles from adults in detention centres and prisons. Juveniles are detained or imprisoned in designated facilities until they can be transferred to Roumieh prison, under the supervision of the Juvenile Protection Division of the Ministry of Justice.

(d) The right of prisoners to reformation and rehabilitation

85. Adult prisoners do not yet enjoy the right to reformation and rehabilitation. Official action to that end remains inadequate, particularly in the wake of the internal and regional political and security crises afflicting Lebanon. International and internal non-governmental organizations play a significant role in providing reformation and rehabilitation services to

prisoners, particularly psychological and social services. The situation is different for juveniles, as prison conditions have been brought more closely into line with the Standard Minimum Rules and international standards. The State is continuously engaged in developing special prison wings for them and ensuring that their fundamental rights are respected.

VI. Article 11: The right not to be imprisoned merely on the ground of inability to fulfil a contractual obligation

86. There is nothing new to report in this regard. The State reaffirms that all legal texts treat imprisonment as a penal sanction that cannot be imposed unless a person has committed a criminal offence and that cannot be imposed merely on the ground of inability to fulfil a contractual obligation (see the report submitted in 1997).

VII. Article 12: The right to liberty of movement and freedom to choose one's residence

87. The State respects the right to liberty of movement and freedom to choose one's residence. This right is not subject to any restrictions except those provided for in article 12, paragraph 3, of the Covenant.

88. A question has been raised regarding violations of that right in the case of foreign nationals in Lebanon. Kindly refer to the information provided in connection with article 2 of the Covenant.

VIII. Article 13: The right of foreign nationals not to be arbitrarily expelled from the country

89. The right of foreign nationals not to be arbitrarily expelled from the country is enshrined in Lebanese law. They may not be expelled save in accordance with the law and in pursuance of a decision issued by one of the following authorities:

- The Council of Ministers, based on a recommendation by the Minister of Justice and on a report submitted by the Public Prosecutor of the Court of Cassation directing the State to comply with a request for extradition of the foreign national submitted by his country of origin;
- Lebanese courts: a criminal court or a competent criminal court judge;
- The Director-General of Public Security.

90. Decisions on extradition requests are made by the Public Prosecutor's Office of the Court of Cassation, the Ministry of Justice and the Council of Ministers in accordance with the Criminal Code (arts. 31-34) and bilateral international treaties. The courts may not impose a penalty of expulsion save in accordance with a clear-cut legal provision. Such penalties are precluded, in line with article 3 of the Convention against Torture, where there are substantial grounds for believing that foreign nationals would be in danger of being subjected to torture in their countries. The Director-General of Public Security may issue a decree to expel a foreign national if he considers that his presence in Lebanon poses a threat to security and law and order. The foreign national is entitled to appeal against the decree and the Director-General may decide not to expel him if he considers that the grounds invoked are sufficiently robust. In the event that the Director-General abuses his authority to expel a foreign national, the person concerned is entitled to appeal to the court of summary jurisdiction with a view to preventing the implementation of the deportation order and challenging the legitimacy of the order before the State Shura Council.

IX. Article 14: Human rights before the courts

91. The Code of Civil Procedure, the new Code of Criminal Procedure and the Criminal Code contain provisions guaranteeing the following rights of Lebanese citizens and foreign nationals before the courts:

- (a) The right to have recourse to a competent, independent and impartial tribunal established by law that guarantees a fair and public trial;
- (b) The right to be presumed innocent;
- (c) The right to receive minimum guarantees in legal proceedings;
- (d) The right of juveniles to special treatment;
- (e) The right to appeal against judicial decisions;
- (f) The right not to be tried more than once for the same offence.

92. If any of these rights are violated, the judiciary has the authority to review the case and to compensate the victims.

(a) The right to have recourse to a competent, independent and impartial tribunal established by law that guarantees a fair and public trial

93. The right to have recourse to a competent, independent and impartial tribunal established by law that guarantees a fair trial is enshrined in Lebanese law (art. 7 of the Code of Civil Procedure). The State Shura Council enshrined this right through its Decision of 1 April 2014 revoking the Decision of the Directorate General of Public Security that prevented lawyers from attending their clients' interrogation sessions on the ground that it violated the right to fair and public proceedings.

94. The need to safeguard this right has given rise to considerable criticism of the special military court. Numerous internal and international petitions have its abolition on the grounds that it has violated human rights pertaining to the application of the law, in particular by preventing victims from following the proceedings and claiming personal compensation from offenders. They may, however, have recourse to the civil courts, in accordance with article 134 and ff. of the Code of Obligations and Contracts, although this may prolong the duration of the trial. Moreover, this right may be exercised only when the military court has handed down a judgment. With regard to the recommendation contained in paragraph 14 of the concluding observations, three bills on the abolition of the military court and the restoration of jurisdiction over a number of offences to the courts of justice are currently being discussed in the Chamber of Deputies.

95. The courts uphold the principle of a public trial except in the cases specified in article 14, paragraph 1, of the Covenant.

96. With regard to the principle of equality before the courts, kindly consult the information provided on article 2 of the Covenant.

97. With regard to the recommendation contained in paragraph 15 of the concluding observations concerning the independence of the judiciary, the legislative authorities are currently examining a number of bills aimed at ensuring the independence of the judiciary from the executive and legislative authorities.

(b) The right to be presumed innocent

98. The right to be presumed innocent is one of the fundamental rights of persons facing specific criminal charges and one of the basic principles applied by the courts at all stages

of legal proceedings, especially the trial stage, since persons cannot be convicted so long as doubts remain as to whether they committed the offences with which they are charged.

(c) The right to receive the minimum guarantees in legal proceedings

99. Article 47 of the new Code of Criminal Procedure contains fundamental provisions that guarantee the rights of detainees prior to the launching of any legal action or investigation. Accordingly, all detainees enjoy the following rights, pursuant to the 2001 amendment to the Code:

- The right to be investigated by the legally competent authority, that is to say members of the Public Prosecutor's Office or a judicial police officer appointed by the competent public prosecutor or investigating judge;
- The right to speedy interrogation;
- The right to be informed of the nature of the offence with which one is charged and of the evidence that led to the charge;
- The right to meet with a lawyer whom one appoints by a declaration noted in the record of the preliminary investigations, without the need for a duly drafted power of attorney.

100. It should be noted that there are different legal positions as to whether defence counsel should be permitted to attend interrogation sessions with his client during the preliminary investigations. While some judges permit defence counsel to attend, others adopt a stricter interpretation of the law and deny permission.

- The right to assistance from a sworn interpreter if the detainee is not proficient in the Arabic language;
- The right to contact by telephone a member of one's family, one's employer, a lawyer of one's choosing or an acquaintance;
- The right to an examination by an authorized physician;
- The right to remain silent and not be compelled to speak.
- The right not to swear an oath where it could influence one's will.

101. Judicial police officers must inform suspects, as soon as they are taken into custody, of the rights set out above and note this measure in the record. Failure to comply with this procedure renders the interrogation null and void.

102. The right to a lawyer during the investigations and interrogation is a fundamental right recognized under the new Code of Criminal Procedure. Both the investigating judge and the trial judge must inform the detainee of this right before the proceedings begin. If the detainee has insufficient means to hire a lawyer, the Bar Association is notified so that it may assign a lawyer to act on the detainee's behalf.

103. Detainees must be informed of all requests to hear witnesses and are entitled to object to the hearing. They are also entitled to submit a list of witnesses for the defence.

104. With regard to the right not to be compelled to confess, see the information provided in the report concerning article 7 of the Covenant.

(d) The right of juveniles to special treatment

105. Act No. 422 concerning the protection of juveniles in conflict with the law or at risk was promulgated on 6 June 2002. It specifies measures and rights that must be respected in the case of juveniles on pain of rendering the investigation null and void, in particular:

- Juvenile offenders must be treated fairly and humanely, and investigators must do their best to ensure that they are spared judicial proceedings by adopting settlements, amicable solutions and non-custodial measures;
- Juveniles must not be detained with adults;
- The principle of the secrecy of investigations of juveniles must be observed and information must not be divulged concerning the nature or details of the offence (arts. 33 and 40);
- The family, parents or guardians of the juvenile must be informed immediately of the alleged offence;
- The designated social worker must be informed immediately and invited to attend the interrogation.

(e) The right to appeal against judicial decisions

106. The right to appeal against judicial decisions at two levels is enshrined in the law. Appeals against judicial decisions handed down by courts of first instance may be lodged with the courts of appeal, and appeals against decisions handed down by the latter may be lodged with the Court of Cassation, in accordance with the rules laid down in the Codes of Civil and Criminal Procedure. Persons against whom a final judgment of conviction has been handed down are legally entitled to a retrial if new and reliable grounds come to light and they may benefit from a general amnesty or a pardon.

(f) The right not to be tried more than once for the same offence

107. The right not to be tried twice for the same offence is enshrined in article 182 of the Criminal Code. Criminal court judges apply this principle, taking into account the interests of the defendant. Articles 27, 28 and 29 of the Criminal Code contain legal provisions governing the prosecution of defendants before foreign courts.

X. Article 15: The right to respect for the principle of legality of offences and penalties

108. The principle of the legality of offences and penalties, including precautionary measures, is enshrined in article 8 of the Constitution and articles 6 to 14 of the Criminal Code. The judiciary respects this principle when prosecuting or trying persons charged with a specific offence. A person cannot be prosecuted or convicted of an offence or sentenced to a penalty save pursuant to the law applicable at the time when the offence was committed. An exception to this principle occurs when the most lenient legislation is applied retroactively to the defendant. Where new legislation provides for more lenient penalties, eliminates a penalty or alleviates the terms of conviction, it is applied immediately and retroactively to persons found to have committed the offence on a date prior to its promulgation, unless a final judgment has already been handed down.

XI. Article 16: The right to recognition as a person before the law

109. All persons who possess legal identity documents are entitled to recognition as a person before the law. The law provides for legal procedures to ensure that undocumented persons are registered in the civil status registers. Kindly refer to the information provided in this report on article 2 of the Covenant concerning action taken to ensure that foreign nationals are recognized as persons before the law.

XII. Article 17: The right to privacy

110. The principle of respect for private life is enshrined in the law, which prescribes penalties for any violation thereof, particularly with respect to the following rights:

- (a) The right to respect for the sanctity of the home;
- (b) The right to privacy of correspondence;
- (c) The right to one's reputation and honour.

(a) The right to respect for the sanctity of the home

111. The principle of respect for the sanctity of the home is enshrined in article 14 of the Constitution, which stipulates that no person may enter another person's home save in the circumstances prescribed by law. In light of the foregoing, articles 571 and 572 of the Criminal Code criminalize any act that violates the sanctity of the home. Moreover, articles 33 and 47 of the new Code of Criminal Procedure impose restrictions on the conduct of home inspections, in particular:

- A home inspection may be conducted pursuant to a decision by the public prosecutor or by judicial police officers acting under his supervision;
- Inspections must be conducted in the presence of the suspect, his counsel, two adult family members or two witnesses selected by the public prosecutor;
- Inspections may be conducted only between 5 a.m. and 8 p.m., unless the home owner explicitly agrees that the inspection may be conducted outside that time period.

(b) The right to privacy of correspondence

112. The Criminal Code contains a section that criminalizes the disclosure of confidential correspondence:

- Article 579 prescribes penalties for any person who, by virtue of his status, post, profession or area of work, obtains knowledge of a secret and divulges the secret without legitimate grounds, or uses it for his own benefit or for the benefit of another person.
- Article 580 prescribes penalties for any person attached to the post and telegraph services who abuses his position in order to view a sealed message, to damage or steal a message, or to redirect its contents to a person other than the addressee; it also prescribes penalties for any person attached to the telephone services who abuses his position in order to access and disclose the contents of a telephone call.
- Article 581 prescribes penalties for any person who wilfully damages or destroys a letter or telegram that is not addressed to him, who places a hoax telephone call, or who, knowing that he is not the intended recipient, reads a letter or telegram or listens to a telephone call containing information that is damaging to another person.
- On 27 October 1999, Act No. 140 concerning protection of the right to confidentiality of information transmitted by any means of communication was promulgated. It was amended by Act No. 158 of 27 December 2000, which reflects international human rights principles governing the monitoring of communications in terms of legality, legitimacy of purpose, necessity, relevance and proportionality. It also provides for a judicial decision in the case of offences punishable by a term of imprisonment of more than one year or an administrative decision in cases related to the fight against terrorism, offences against State security or organized crime.

113. In all cases, telephone calls may be intercepted only for a specified period.

(c) **The right to one's reputation and honour**

114. This right is protected under articles 582 and 584 of the Criminal Code, which criminalize libel, slander and defamation.

XIII. Article 17: The right to freedom of belief

115. Article 9 of the Constitution guarantees absolute freedom of belief. The State is required to respect all religions and creeds and to guarantee the free exercise of religious rites, provided that they do not pose a threat to law and order. The judiciary has played an important role in protecting freedom of belief by issuing a number of judicial rulings aimed at protecting religious practices. With regard to the recommendation contained in paragraph 23 of the concluding observations, a judicial ruling issued on 1 September 2012 contained a broad and explicit definition of freedom of belief, including freedom not to subscribe to any belief. A number of judicial rulings issued in 2014 established the right to change one's name if it was indicative of a religious affiliation.

116. On 21 October 2008 the Minister of the Interior and Municipalities issued a decree granting the numerous requests received from Lebanese nationals to delete all references to their religious denomination from their personal records. In addition, on 6 February 2009 he issued a circular that reaffirmed the right of all citizens to omit any reference in their civil status record to their religious denomination, or to delete any existing reference. It also underscored the obligation to accept citizens' right to omit any reference to their religious denomination in the civil registers. According to the Directorate General of Personal Status at the Ministry of the Interior and Municipalities, some 300 persons have had all references to their religious denomination removed from the records to date.

XIV. Article 19: The right to freedom of opinion and expression

117. With regard to the recommendation contained in paragraph 24 of the concluding observations, the provisions of Radio and Television Broadcasting Act No. 382/94 and Decree No. 7997/96 have not yet been amended. This may not be interpreted as imposing restrictions on freedom of opinion and communication in Lebanon, given that all political parties and religious communities enjoy complete freedom to express their opinions via licensed television and radio stations.

118. Any restrictions on freedom of the media, and the justifications for their imposition, may stem from previous censorship imposed by the Directorate General of Public Security on certain films, plays, imported cultural materials and foreign publications, reports and pamphlets (art. 1 of Legislative Decree No. 2 of 1 January 1977; art. 1 of the Film Monitoring Act of 27 November 1947; art. 9 of Decree No. 2873 of 16 December 1959; and Legislative Decree No. 55 of 5 August 1967). The Minister of Information also has the authority to ban the importation of any foreign publication into Lebanon if there are grounds for such a ban (art. 50 of the Publications Act). The administrative authorities have the authority to ban any intellectual or artistic work that could undermine security, offend national sentiment or public morals, or incite denominational strife, all of which fall within the permissible restrictions set forth in article 19, paragraph 3, of the Covenant.

119. The right to access information is another area that may give rise to criticism regarding the right to freedom of opinion and expression, especially since the Constitution and domestic legislation do not explicitly provide for free access to information (notably information produced by the ministries and public administrative authorities). A bill on the right of access to information and on the protection of whistle-blowers was drafted for submission to the Chamber of Deputies in 2009. It has not yet been adopted, however, owing to delays in bringing it before the Chamber of Deputies for discussion and the suspension of legislative sessions due to the unstable political and security situation.

XV. Article 20: The right to criminalize war propaganda and advocacy of hatred

120. The Criminal Code criminalizes all incitement to war or conflict between national groups and all advocacy of national, racial or religious hatred, in particular:

- Incitement to sectarian discord or strife (arts. 295, 308, 310, 313, 317 and 318 of the Criminal Code and art. 25 of Legislative Decree No. 104 of 30 June 1977 amending certain provisions of the Publications Act);
- Blasphemy in public (art. 473 of the Criminal Code);
- Disparagement of religious rites in public (art. 474 of the Criminal Code);
- Obstruction of religious ceremonies and destruction of places of worship (art. 475 of the Criminal Code);
- Violation by the clergy of the legal provisions governing religious conversion (art. 476 of the Criminal Code).

121. These provisions may not be deemed to constitute a violation of the right to freedom of opinion and expression, as they fall within the permissible restrictions set forth in article 19, paragraph 3, of the Covenant.

XVI. Article 21: The right of peaceful assembly

122. With regard to the recommendation contained in paragraph 26 of the concluding observations, the right to peaceful assembly in Lebanon was enhanced after the withdrawal of Syrian forces from the country. Prior to 2006 the right was frequently violated, but after the withdrawal of the Syrian forces the State took steps to protect the right on numerous occasions, for example:

- After the assassination of the former Prime Minister in 2005, large numbers of citizens assembled to demand the withdrawal of Syrian forces from Lebanon;
- After the withdrawal of the Syrian forces, a number of citizens assembled to express their gratitude to the Syrian Arab Republic for the assistance that it had provided to Lebanon;
- In 2013 civil servants held demonstrations to demand better pay and the introduction of grade and salary scales;
- In July 2015 civil society activists gathered in Lebanon to demand a solution to the garbage crisis and the resignation of the Government as the crisis escalated.

123. The authorities have undertaken to protect and guarantee the right to peaceful protest provided that all restrictions designed to maintain security and public order and to protect the rights and freedoms of others are respected. A great deal of criticism was expressed regarding the violation by the law enforcement authorities of the right of assembly and peaceful protest during the demonstrations calling for an end to the garbage crisis. The following should be taken into account:

1. Not all the gatherings were peaceful; in some cases, law enforcement officers and private property were attacked.

2. Any assault or excessive use of force against a citizen by law enforcement officers is subject to review by the courts in order to ensure accountability and to compensate the victims.

XVII. Article 22: The right to freedom of association

124. With regard to the recommendation contained in paragraph 28 of the concluding observations, we confirm that freedom of association is guaranteed in Lebanon under the Act of 3 August 1909. No licence is required to establish an association, but the Ministry of the Interior and Municipalities must be notified. As a step towards strengthening the right to freedom of association, the Minister of the Interior issued Circular No. 10/AM/2006 on 19 May 2006 with a view to streamlining the procedures for issuing notices of recognition to associations. Recognition may be denied only on the following grounds:

- If the notification document does not include all the legally required information;
- If the object of the association is unlawful or contrary to any of the laws, regulations or public morals of the State.

125. In all cases, an appeal against an administrative decision to deny recognition of an association may be filed with the competent court on the ground that the decision is unlawful or that the issuing entity exceeded its authority.

126. With regard to the recommendation contained in paragraph 28 of the concluding observations, the ban provided for in article 15 of Legislative Decree No. 122/1959 remains in force. Nonetheless, in 2013 a number of civil servants joined the National Coordinating Body to demand that their rights be upheld. They were not prevented from exercising their right of association and protest, despite the fact that they were violating the legal prohibition.

127. There are no clear or explicit legal provisions prohibiting judges from establishing associations. The matter continues to give rise to debate among the judiciary. Some judges think that the law does not prohibit them from exercising their right to establish associations, whereas others argue that article 15 is applicable to civil servants, which is incompatible with the concept and functions of the judiciary.

XVIII. Article 23: Family rights

128. The law recognizes the right to marry and to found a family. However, the personal status regulations raise some difficulties when it comes to recognizing civil marriages contracted in Lebanon, despite the fact that the law recognizes civil marriages contracted between Lebanese nationals abroad. In 2014 the Minister of the Interior and Municipalities refused to register a civil marriage contracted in Lebanon before a notary between two Lebanese nationals who were not registered as belonging to any religious denomination. The Supreme Advisory Council of the Ministry of Justice issued a legal opinion that upholds the right of Lebanese nationals who do not belong to a denomination to conclude a civil marriage contract before a notary and to have their marriage documents recorded in the Lebanese civil registry.

129. With regard to the recommendations contained in paragraphs 18 and 19 of the concluding observations concerning the enactment of civil legislation that guarantees equal rights and duties for spouses when contracting marriage, during marriage and after divorce, it should be noted that the State entered a reservation to article 16 of the Convention on the Elimination of All Forms of Discrimination against Women. Civil status laws in Lebanon do not recognize the principle of equality between men and women in this regard. Furthermore, the age of puberty, rather than the age of majority, i.e. 18 years, remains the legal standard for contracting marriage.

XIX. Article 24: The rights of the child

130. The State has taken numerous steps to protect all children without discrimination, in particular:

- Decree No. 700 of 25 May 1999 prohibiting the employment of juveniles under the age of 16 years in labour that is hazardous or that poses a threat to the life, health or morals of the juvenile, as amended by Decree No. 8987 of 29 September 2012, which raised the age to 18 years;
- Act No. 91 of 14 June 1999 amending article 23 of the Labour Code in order to prohibit child labour;
- Decree No. 3273 of 26 June 2000 on monitoring the employment of juveniles;
- Act No. 414 of 5 June 2002 ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
- Act No. 335 of 2 August 2001 ratifying the ILO Worst Forms of Child Labour Convention, 1999 (No. 182);
- Act No. 422 of 6 June 2002 concerning the protection of juveniles in conflict with the law or at risk;
- Decree No. 8800 of 4 October 2002 and Decree No. 15119 of 10 September 2005 on inserting an article into Decree No. 14310 concerning the management of prisons, places of detention and the Institute for Juvenile Reform and Education;
- Decree No. 11802 of 3 January 2004 concerning the organization of occupational prevention, safety and health in all establishments subject to the Labour Code;
- Decree No. 11859 of 11 February 2004 concerning the establishment of a disciplinary institute for female juveniles at the Government-run hospital of Dahr el Bachek;
- Decree No. 5137 of 1 October 2010 concerning the establishment of a National Committee to Combat Child Labour;
- Act No. 150 of 17 August 2011 concerning compulsory free education in public schools until the age of 15.

131. Under domestic legislation, all children in Lebanon have the right to be registered in accordance with the Personal Status Documents Act. More than 80,000 Lebanese children are as yet unregistered (this is not an official figure, however, owing to the lack of official statistical data). To avoid exacerbating the problem, the Higher Council for Childhood has published simplified guidance on the registration mechanisms for children. It has also produced an awareness-raising film and conducted specialized training courses. With regard to the right to a nationality, children who have not been legally registered are unable to obtain a nationality. With regard to the rights of foreign children, kindly consult the information provided in this report on article 3 of the Covenant.

XX. Article 25: The right to take part in the conduct of public affairs

132. The right to take part in the conduct of political affairs through participation in local and national elections is enshrined in the Lebanese Constitution. At the local level, Lebanese citizens can stand as candidates and vote in municipal elections every six years. All Lebanese nationals who have attained the age of 21 have the right to vote and all those who have attained the age of 25 have the right to stand for election. Notwithstanding the unstable situation, the State held periodic municipal elections in 1998, 2004 and 2010. Municipal elections were also held successfully in 2016. The Constitutional Council has repealed the 1997 law that extended the mandate of the municipal councils pursuant to Decision No. 1/97 of 12 September 1997, on the grounds that “the right to vote is a constitutional right that reflects the democratic principle underlying the constitutional order in Lebanon, and it is of equal value whether exercised in parliamentary elections or in local

elections”. Moreover, “the right to vote gives rise to another constitutional principle, namely the principle that voters should be able to exercise their right to vote on a regular basis, which entails a duty to invite voters to exercise their right periodically within a reasonable time frame.” This is consistent with the provisions of article 25 of the Covenant.

133. At the national level, all Lebanese citizens who have attained the age of 21 years, except for military personnel and persons sentenced to deprivation of their civil rights, may nominate candidates and vote by direct secret ballot in elections to the Chamber of Deputies every four years. All Lebanese citizens who have attained the age of 25 years may stand for election to the Chamber of Deputies, except for military personnel, civil servants who have not resigned by a specific deadline ahead of the elections, and persons sentenced to deprivation of their civil rights. Electoral Act No. 25/2008 introduced a number of reforms, including the following, to ensure fair elections and to protect the freedom and equality of voters:

- Elections must be held throughout Lebanese territory on the same day;
- Regulation of electoral communications and publicity;
- Establishment of a supervisory authority for electoral campaigns;
- Adoption of a period of electoral silence;
- Authorization of monitoring of the electoral process by civil society associations;
- Imposition of an electoral campaign spending limit;
- Introduction of mandatory secluded voting booths.

134. Parliamentary elections were held in 1996, 2000 (the term of office of the Chamber of Deputies was four years and eight months), 2005 and 2009. The elections scheduled for June 2013 could not be held, however, owing to the extraordinary security conditions. The Chamber of Deputies adopted an amendment to the Electoral Act extending the term of office until 20 November 2014. On 11 October 2014 it extended the term again until 20 June 2017. On 28 November 2014 the Constitutional Council issued Decision No. 7 in response to an appeal questioning the constitutionality of the second extension. Although the Council stated that the holding of regular elections was a constitutional principle that could not be altered, it ruled against the appeal in order to prevent a legislative vacuum. The Chamber of Deputies was unable to elect a President of the Republic despite the fact that the office had remained vacant since May 2014.

135. For information on the right to have access, on general terms of equality, to public service, kindly consult the information on religious discrimination provided in connection with article 2 of the Covenant. The Constitutional Council monitors the authorities to ensure that they uphold this principle, pursuant to paragraph (C) of the preamble and articles 7 and 12 of the Constitution. The Council repealed the law on the appointment of notaries on the basis of restricted competitions by Decision 3/2014, on the ground that, as the competitions were open only to specific individuals who were exempt from certain legal conditions governing the notarial profession, the law discriminated between applicants who took part in the restricted and open competitions, thereby violating the principle of equality enshrined in the Constitution. The Council also repealed the law on the promotion of members of the public security forces who passed the competitive examination regardless of their rank, on the ground that it led to discrimination against other candidates who might have obtained higher scores in the examination.

XXI. Article 26: The right to equality before the law: Kindly consult the information provided on article 2 of the Covenant.

XXII. Article 27: The right of minorities to freedom of belief: Kindly consult the information provided on article 18 of the Covenant.
