



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the third periodic report of Lebanon* **

Constitutional and legal framework in which the Covenant is implemented (art. 2)

1. Please clarify the status of the Covenant within the domestic legal order, in particular whether the Covenant prevails over domestic laws, including the Constitution, in case of conflicting or contradicting provisions, and provide information on cases in which domestic courts have referred to the provisions of the Covenant and on how such potential conflicts have been resolved.
2. With reference to the information presented in the State party's report (see CCPR/C/LBN/3, para. 37), please report on any measures aimed at a transition from the current political confessionalism system.

Non-discrimination and equality between men and women (arts. 2, 3 and 26)

3. Please indicate whether steps have been taken or are being taken to adopt comprehensive anti-discrimination legislation that, inter alia, addresses discrimination in the private sphere; prohibits all direct and indirect discrimination and multiple forms of discrimination; contains a comprehensive list of prohibited grounds for discrimination, including sex, language, political or other opinion, property, birth, sexual orientation, gender identity and other status; and provides for effective remedies in judicial and administrative proceedings.
4. Please respond to concerns that the vaguely worded article 534 of the Penal Code that criminalizes "any sexual intercourse contrary to the order of nature" continues to be used to arrest and prosecute lesbian, gay, bisexual, transgender and intersex individuals, including for sexual relations between consenting adults of the same sex, despite such an interpretation of the provision being questioned in a few domestic court rulings, and reports that the number of arrests under this article has been on the rise. Please respond to the following allegations and report on measures taken to address them: (a) discrimination, hate speech and homophobic attitudes, and bullying in schools, against lesbian, gay, bisexual, transgender and intersex individuals; (b) arbitrary arrests, forced HIV testing at police stations, violence, torture and ill-treatment of lesbian, gay, bisexual, transgender and intersex individuals by law enforcement officers and blackmail by other persons; (c) instances of anal examinations, despite the ban on such practices in 2012; and (d) impunity for such acts and the lack of legal protection of lesbian, gay, bisexual, transgender and intersex individuals.

* Adopted by the Committee at its 120th session (3-28 July 2017).

** Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations, CCPR/C/79/Add.78.



5. In relation to the previous concluding observations (see paras. 18 and 19), please report on measures taken to address the unequal and discriminatory treatment under the religious-based personal status laws that discriminate against women in such matters as marriage, pecuniary rights, divorce, child custody and inheritance, and the limited oversight of the Court of Cassation over religious courts' proceedings and decisions on such matters. In this regard, please indicate whether the State party plans to provide for an optional civil marriage for all Lebanese citizens and legal recognition of such marriages. Please also report on the progress made in amending Decree No. 15 of 19 January 1925 (the Nationality Act) and on any other measures taken to ensure that all Lebanese women, regardless of the nationality of their husband, can pass on their citizenship to their children and spouses.

6. Please provide information on measures taken to: (a) eradicate patriarchal stereotypes regarding the role of women and men in the family and in society; and (b) address the underrepresentation of women in public and political life, including in legislative and executive bodies, and report on the status of legislative bills aimed at introducing electoral quotas for women (see CCPR/C/LBN/3, para. 42).

State of emergency (art. 4)

7. In reference to the previous concluding observations (see paras. 10 and 11), please clarify whether measures have been or are being taken to review Legislative Decree No. 102/83 and bring it into compliance with article 4 of the Covenant, particularly with regard to non-derogable provisions of the Covenant and to limiting any derogations to those that are strictly required by the exigencies of the situation.

Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)

8. Please report on measures taken to address the reported shortcomings of Law No. 293 of 2014 on the protection of women and other family members from domestic violence, such as: (a) the narrow definition of domestic violence; (b) the absence of criminalization of marital rape, of crimes committed in the name of so-called honour and of other harmful practices; (c) the discriminatory provisions with regard to the criminalization of adultery; and (d) the precedence of customary and personal status laws over its provisions. Please inform the Committee whether Parliament acted upon the agreement reached in December 2016 to repeal article 522 of the Criminal Code exempting a rapist from criminal liability if he marries the victim. Please clarify whether sexual harassment in the workplace has been explicitly criminalized. Please provide statistics on the number of complaints of violence against women, including domestic violence and rape, and on the number of investigations, prosecutions and convictions, and information on the sentences imposed and the compensation awarded to victims.

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6 and 7)

9. In reference to the previous concluding observations (see paras. 20 and 21), please report on the progress made towards the abolition of the death penalty, including on the status of bills submitted on this issue by the Ministry of Justice and deputies. Pending the abolition of the death penalty, please indicate whether the State party plans to undertake a comprehensive review of relevant legislation to ensure that the death penalty may be imposed only for the most serious crimes, as prescribed in article 6 (2) of the Covenant, that is, only for crimes of extreme gravity involving intentional killing. Please indicate whether the imposition of the death penalty is automatic and mandatory for certain categories of crime.

10. Please report on measures taken to clarify the fate of thousands of people who were allegedly forcibly disappeared or went missing, including on the progress in establishing an independent national authority mandated to search for the disappeared and missing persons.

11. Please report on the progress made in defining and criminalizing the offence of torture, including on the status of the proposed amendments to the Criminal Code, and on its conformity with article 7 of the Covenant and other international standards.

12. Please comment on reports of torture and ill-treatment of persons deprived of liberty by law enforcement officials, including of sex workers, drug users and lesbian, gay, bisexual, transgender and intersex individuals by the Internal Security Forces, and on the reported impunity for such acts. Please report on measures taken to ensure that allegations of torture and ill-treatment, including the alleged torture of prisoners in Roumieh prison captured in videos leaked in June 2015, are promptly investigated by an effective and fully independent mechanism, that perpetrators are prosecuted and punished accordingly and that victims are protected from retaliation and are provided with full reparation, including rehabilitation and adequate compensation. Please provide relevant statistics on the number of reported cases of torture and ill-treatment, the investigations and prosecutions initiated, the number of actual criminal convictions, and the sentences imposed. Please report on the progress made in establishing the Committee for the Protection from Torture that would act as a national preventive mechanism and on measures taken to ensure its effective functioning.

13. Please clarify and provide information on the measures taken to bring the legislation on abortion into line with the Covenant, including: (a) addressing the criminalization of voluntary termination of pregnancy; and (b) ensuring that therapeutic abortion is accessible in all cases where a woman's health is at risk.

Liberty and security of person and treatment of persons deprived of their liberty (arts. 7, 9 and 10)

14. Please respond to reports of: (a) arbitrary and extrajudicial arrest and detention by security forces and some armed groups, including incommunicado detention, with no access to a lawyer; (b) high numbers of prisoners in pretrial detention; and (c) prolonged pretrial detention, of a year or more; and provide information on non-custodial alternative measures to pretrial detention and their application in practice. Please clarify whether the defence counsel is permitted, both in law and in practice, to attend the interrogations of his or her client during the preliminary investigation, and report on measures taken to ensure that all persons deprived of their liberty have, in practice, prompt access to a lawyer from the very outset of their custody. Please explain how the requirement for an investigating judge to consult the Public Prosecutor's Office before ordering an alternative measure to pretrial detention is applied in practice. Please provide information about the growth of private security groups and about the so-called "legal and security committees", which can reportedly arrest and hold individuals in pretrial detention, and clarify the legal status of these groups and the legal basis on which they operate.

15. With reference to the previous concluding observations (see para. 17), please report on measures taken to: (a) address severe overcrowding and poor living conditions in police detention centres and in prisons; and (b) ensure the segregation of remand detainees from convicted persons. Please elaborate on measures taken to investigate the 81 deaths that occurred in the prison system between 2012 and 2016. Please comment on reports of long-term detention of juvenile offenders together with adult offenders in the cells of the Baabda Palais de Justice which were designed for several hours' detention, in overcrowded and dilapidated cells. Please report on measures taken to address inter-prisoner violence, particularly in Roumieh prison.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26)

16. Please provide information on measures taken to: (a) address reports of exploitation, forced labour and trafficking in persons, particularly among groups at risk, such as Syrian refugees; (b) ensure the efficient identification of victims and provide protection and assistance services, and ensure that victims are not punished for unlawful acts committed as a direct result of being trafficked; and (c) investigate all cases of exploitation, forced labour and trafficking, and prosecute the perpetrators effectively. Please clarify whether the State party is considering reforming the sponsorship (*kafala*) system and elaborate on measures taken to: (a) address the exploitation and abuse of migrant domestic workers; (b) expand labour law protection to migrant domestic workers; and (c) provide for effective access to legal avenues for protection of their rights without fear of reprisal or deportation. Please

also comment on the reported practice of arbitrary denial of residency renewals to female migrant workers with children and their detention and deportation.

Rights of refugees and asylum seekers and freedom of movement (arts. 7, 12, 13, 16 and 26)

17. Please respond to reports of restricted access to asylum following the strict border admission regulations in place since January 2015, and report on measures taken to ensure that all persons in need of international protection are allowed access to the country under the current policy on refugee and asylum seeker admissions and that the principle of non-refoulement is strictly respected. Please comment on reports of: (a) prolonged administrative detention of asylum seekers and refugees, other than Syrian nationals, and their expulsion, and the lack of appeal procedures relating to administrative detention or expulsion; (b) detention of child asylum seekers and child refugees in Lebanon on various grounds and without due process; and (c) unlawful curfews imposed by certain municipalities on Syrian refugees. In relation to paragraph 23 of the State party's report (CCPR/C/LBN/3), please elaborate on measures taken and progress made to ensure that all Palestine refugees fleeing the conflict in the Syrian Arab Republic and Palestine refugees living in Lebanon have valid residency documents and an appropriate legal status and do not risk deportation.

Access to justice, independence of the judiciary, and fair trial (arts. 2 and 14)

18. In reference to the previous concluding observations (see para. 15), please report on measures taken to ensure, in law and in practice, the full independence and impartiality of the judiciary, including information on the procedures and criteria for the selection, appointment, promotion, suspension, disciplining and removal of judges. Please also report on the status of bills aimed at ensuring the independence of the judiciary (see CCPR/C/LBN/3, para. 97).

19. With reference to the previous concluding observations (see para. 14), please provide information on measures taken to review the broad jurisdiction of military courts and to ensure that civilians and children, as well as cases involving human rights violations, remain outside the jurisdiction of such courts. Please also report on measures taken to address: (a) the lack of independence and impartiality of military court judges; and (b) alleged violations of the rights of the accused, including torture and the use of forced confessions as evidence, interrogations in the absence of a lawyer, arbitrary sentences and limited rights to appeal. Please also respond to reports that the overbroad jurisdiction of the military courts is used to suppress political speech or activism.

20. Please explain the compatibility with the Covenant of the differential treatment of foreign nationals with regard to their access to justice and fair trial, namely: (a) the requirement to pay additional sureties for criminal complaints lodged by foreign nationals before the courts; and (b) only providing legal aid for foreign nationals legally resident in Lebanon on the basis of the principle of reciprocity pursuant to article 416 of the Code of Civil Procedure.

Right to privacy (art. 17)

21. Please respond to allegations of mass surveillance of digital communications and provide information on legal safeguards in place against arbitrary interference with the privacy of individuals in practice. Please report on measures taken to ensure that interception of private communications and access to data, retention of communications data (metadata) and other surveillance activities require prior judicial authorization and conform with the State party's obligations under the Covenant, and clarify how the relinquishment of judicial oversight of telecom data requests to security agencies is compatible with the Covenant. Please also report on measures taken to ensure that such surveillance activities are subject to independent oversight mechanisms. Please provide information about the legal framework governing data protection, including the use of biometric data.

Freedom of expression (art. 19)

22. Please respond to reports of arrest and prosecution of individuals criticizing State authorities and policies, including through social media. Please explain how the following legal provisions are compatible with the State party's obligations under article 19 of the Covenant: (a) the criminalization of defamation, of criticism of public officials, including insulting the President, and of insulting State symbols; (b) blasphemy (art. 473 of the Criminal Code), disparagement of religious rites in public (art. 474), obstruction of religious ceremonies and destruction of places of worship (art. 475) and violation by the clergy of the legal provisions governing religious conversion (art. 476). Please respond to concerns that the vague and broad definitions of "defamation", "libel" and "insult", and the broad authority and grounds for censorship and for the banning of any foreign publication, and of any intellectual or artistic work, including films and printed materials, can be used to unduly restrict freedom of expression. Please also report on the progress in investigating the attack and vandalization of the Beirut offices of the pan-Arab *Ash-Sharq Al-Awsat* newspaper.

23. Please clarify whether the State party intends to comply with the Committee's recommendation in paragraph 25 of the previous concluding observations to amend the provisions of the Radio and Television Broadcasting Act No. 382/94 and Decree No. 7997/96 and establish an independent broadcasting licensing authority with the power to examine broadcasting applications and to grant licences in accordance with reasonable and objective criteria. Please also report on any progress in adopting a law on access to information (see CCPR/C/LBN/3, para. 119).

Peaceful assembly (art. 21)

24. Please comment on reports of excessive use of force by security forces during some demonstrations, including during the 2015 protests related to the waste collection crisis and corruption, and on impunity for such acts. Please inform the Committee of measures taken to investigate such incidents, prosecute perpetrators and provide remedies to victims.

Freedom of association (art. 22)

25. In reference to previous concluding observations (see paras. 27 and 28), please clarify whether the State party plans to review and lift the ban on the establishment of associations by civil servants. Please also indicate: (a) whether the State party envisages recognizing the right of domestic workers to form a trade union; and (b) whether steps have been taken to review the restrictions on the right to strike and to recognize such a right for civil servants.

Rights of the child and forced marriages (arts. 23, 24 and 26)

26. In relation to para. 131 of the State party's report (CCPR/C/LBN/3), please report on progress made in registering all non-registered children. Please also elaborate on measures taken to address the complex procedures and onerous documentation requirements, including requiring valid legal residency, for registration of refugee children, to ensure that the birth registration system is accessible to all children born in the State party, including children whose parents are undocumented, and to ensure that they all have the right to acquire a nationality.

27. Please report on measures taken to address the reportedly high number of child and/or forced marriages among Syrian refugee women and girls and rural girls, and to replace the age-of-puberty standard with a legally set minimum age for marriage at 18 years for girls and boys.

Participation in public affairs (art. 25)

28. With reference to the previous concluding observations (see para. 23), please report on measures taken to bring relevant legislation discriminating against different groups and individuals in regard to access to public office based on their affiliation to a specific denomination into compliance with article 25 of the Covenant. Please also indicate the categories of citizens that are deprived of their right to vote and to be elected.