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UNDP LEBANON

SECURITY
AND JUSTICE
SECTOR
WIDE
ASSESSMENT



Community Security and Access to Justice

UNDP LEBANON

SECURITY AND JUSTICE SECTOR
WIDE ASSESSMENT

MARCH 2016

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ACRONYMS

<i>ABA ROLI</i>	American Bar Association Rule of Law Initiative
<i>AJEM</i>	Association of Justice and Mercy
<i>AML/ CFT</i>	Anti-Money Laundering / Countering the Financing of Terrorism
<i>ANF</i>	Al-Nusra Front
<i>BBA</i>	Beirut Bar Association
<i>CAT</i>	Convention against Torture and Other Cruel Inhuman and Degrading Treatment or Punishment
<i>CAT-OP</i>	Optional Protocol to the CAT
<i>CEDAW</i>	Convention on the Elimination of All Forms of Discrimination against Women
<i>CPM</i>	Centre Professionnel de Médiation
<i>CrPC</i>	Criminal Procedure Code
<i>CSO</i>	Civil Society Organization
<i>CT</i>	Counter Terrorism/t
<i>PVE</i>	Preventing Violent Extremism
<i>DG</i>	Director/ate General
<i>ESCWA</i>	UN Economic and Social Commission for Western Asia
<i>EU</i>	European Union
<i>FCAS</i>	Fragile and Conflict Affected States
<i>FGD</i>	Focus Group Discussion
<i>FTF</i>	Foreign Terrorist Fighters
<i>FPAO</i>	Fondation du Père Afif Osseiran
<i>GDP</i>	Gross Domestic Product
<i>GDSS</i>	General Directorate of State Security
<i>GS</i>	General Security
<i>HDI</i>	Human Development Index
<i>HQ</i>	Headquarters
<i>HRI</i>	Human Rights Institute
<i>HRW</i>	Human Rights Watch
<i>IBM</i>	Integrated Border Management
<i>ICCPR</i>	International Convention on Civil and Political Rights
<i>ICRC</i>	International Committee of the Red Cross
<i>IFC</i>	International Finance Corporation
<i>IHL</i>	International Humanitarian Law

<i>IJS</i>	Institute of Judicial Studies
<i>ILO</i>	International Labour Organization
<i>IMF</i>	International Monetary Fund
<i>INL</i>	Bureau of International Narcotics and Law Enforcement Affairs
<i>IOM</i>	International Organization for Migration
<i>IRD</i>	International Relief and Development
<i>IRC</i>	International Rescue Committee
<i>ISF</i>	Internal Security Forces
<i>IS</i>	‘Islamic State’
<i>IWSAW</i>	Institute for Women’s Studies in the Arab World
<i>JIC</i>	Judicial Inspection Committee
<i>KII</i>	Key Informant Interview
<i>LAF</i>	Lebanese Armed Forces
<i>LCRP</i>	Lebanon Crisis Response Plan
<i>LECORVAW</i>	Lebanese Council to Resist Violence against Women
<i>LIFE</i>	Lebanese Institute for Democracy and Human Rights
<i>LTA</i>	Lebanese Transparency Association
<i>MoF</i>	Ministry of Finance
<i>MEHE</i>	Ministry of Education and Higher Education
<i>MoPH</i>	Ministry of Ministry of Public Health
<i>MoIM</i>	Ministry of Interior and Municipalities
<i>MoJ</i>	Ministry of Justice
<i>MoSA</i>	Ministry of Social Affairs
<i>NCLW</i>	National Commission for Lebanese Women
<i>NCO</i>	Non-Commissioned Officer
<i>NGO</i>	Non-Governmental Organization
<i>NHRI</i>	National Human Rights Institution
<i>NPM</i>	National Preventive Mechanism
<i>NRC</i>	Norwegian Refugee Committee
<i>OBI</i>	Open Budget Index
<i>OHCHR</i>	Office of the High Commissioner of Human Rights
<i>PLO</i>	Palestinian Liberation Organization
<i>SGBV</i>	Sexual and Gender-Based Violence
<i>SJC</i>	Supreme Judicial Council

<i>SOP</i>	Standard Operating Procedures
<i>SSP</i>	Security and Stabilization Project
<i>STL</i>	Special Tribunal for Lebanon
<i>TBA</i>	Tripoli Bar Association
<i>TI</i>	Transparency International
<i>TIP</i>	Trafficking in Persons
<i>TOR</i>	Terms of Reference
<i>UK</i>	United Kingdom of Great Britain and Northern Ireland
<i>UN</i>	United Nations
<i>UNCAC</i>	United Nations Convention against Corruption
<i>UNDP</i>	United Nations Development Programme
<i>UNESCO</i>	United Nations Educational, Scientific and Cultural Organization
<i>UNFPA</i>	United Nations Population Fund
<i>UNHCR</i>	United Nations High Commissioner for Refugees
<i>UNIFIL</i>	United Nations Interim Force in Lebanon
<i>UNODC</i>	United Nations Office on Drugs and Crime
<i>UNSCOL</i>	United Nations Special Coordinator for Lebanon
<i>UNRWA</i>	United Nations Relief and Works Agency
<i>UPEL</i>	Union for Protection of Juveniles in Lebanon
<i>UPR</i>	Universal Periodic Review
<i>US</i>	United States
<i>USAID</i>	United States Agency for International Development

FOREWORD

I am pleased to present the “Community Security and Access to Justice” report, a comprehensive assessment of the justice and security sector in Lebanon undertaken by the United Nations Development Programme (UNDP), focusing on access to justice for both Syrian refugees and Lebanese host communities.

The study shows important positive developments such as the remarkable abilities of Lebanese communities to address and face the challenges resulting from the Syrian crisis and the proactivity of district and municipality members who have addressed the insecurity within communities. The report also highlights the successful and inclusive platforms that help communities address the challenges they face showcasing the district cell of Nabatieh, which brings state and non-state actors together to discuss security issues. Also among the encouraging findings are the positive results of the new domestic violence law, though important enforcement challenges still remain. Finally, the assessment notes the fact that Lebanon’s Rule of Law institutions are staffed and supported by many talented and well-qualified people. This capital is a fertile resource for innovation.

Since the beginning of the war in Syria, the arrival of large numbers of Syrian refugees has meant new challenges for Lebanese communities, including how to build security and justice in a context where Rule of Law institutions were already facing long-standing issues. This report highlights a number of challenges hampering access to security and justice services such as the strong focus on a state security approach by the security forces, the inadequate resourcing of criminal justice institutions that have not received any additional funding, and finally, the relatively low number of legal prosecutors that oversee investigations, monitor detention, and present cases in the courts.

The report recommends that Rule of Law institutions become more responsive to the needs of the population. It also calls for differentiated security and justice services for the most vulnerable groups, such as unemployed youth, victims of domestic violence, and the poor, who often do not have access to the legal assistance they need to deal with minor disputes.

I hope this report will help to address the immediate security challenges faced by Lebanese society, both host communities and Syrian refugees and will encourage various stakeholders to engage in a constructive dialogue on how to improve and guarantee security and justice for all, building on the National Human Rights Action Plan and the recently approved law instituting a National Human Rights Institution.

Philippe Lazzarini

UN Resident and Humanitarian Coordinator & UNDP Resident Representative



THIS COMPREHENSIVE ASSESSMENT OF THE SECURITY AND JUSTICE SECTOR IN LEBANON FOCUSES ON THE COMMUNITY SECURITY AND ACCESS TO JUSTICE NEEDS OF BOTH SYRIAN REFUGEES AND LEBANESE HOST COMMUNITIES. IT MAPS KEY DEVELOPMENTS IN RULE OF LAW, JUSTICE, SECURITY AND HUMAN RIGHTS, COVERING MAIN PROBLEM-SOLUTION ISSUES, CHALLENGES, AND KEY ACTORS AND TOOLS THAT WILL BE USED TO INFORM UNDP'S RULE OF LAW PROGRAMMING FROM 2016. IT ALSO ESTABLISHES PROGRAMME BASELINES AGAINST WHICH CHANGE RESULTING FROM FUTURE UNDP PROGRAMMING CAN BE MEASURED. RECOMMENDATIONS FOR UNDP RULE OF LAW PROGRAMMING DURING 2016-19 ARE DETAILED IN CHAPTER 6 BELOW.

KEY FINDINGS

There are some tensions between Syrian refugees and their Lebanese host communities, particularly in North Lebanon, Akkar and in the Bekaa. Tensions also seem to be increasing in Mt Lebanon. These tensions appear to be driven by host community and security forces' perceptions of Syrian criminality, as well as cases of ill-treatment of refugees, competition over jobs and access to local services and infrastructure, and perceptions that humanitarian distribution targets Syrian refugees but largely excludes poor Lebanese.

The 20-25% increase in Lebanon's population since 2011 owing to the presence of refugees fleeing the war in Syria has stretched the Government and civil society's abilities to cope with provision of safety, security and justice services to Syrian refugees, host communities and the broader Lebanese populace.

Syrians do not appear to commit crimes at disproportionate levels despite perceptions to the contrary held by some Lebanese. About half of criminal cases against Syrians appear to be directly linked to their refugee status, most notably illegal entry, illegal residence and forged papers (which are all considered crimes in Lebanon). Only 1% of arrests of Syrian refugees are linked to terrorism, and 3% to murder. It is difficult to measure the proportionality of the criminal justice system's treatment of Syrians but the use of curfews of Syrian population in some communities and frequent security forces raids on Syrian informal tented settlements may indicate some degree of unnecessary or disproportionate security action.

Syrians' access to security and justice (and other) services is hampered by difficulties in regularizing their lawful residence in Lebanon. Encountering curfews or

checkpoints, or reporting a crime at a police station, carries a risk of discovery of any unlawful residence or entry, and the imposition in late 2014 of new laws on entry and residence have made regularization more difficult.

Like other parts of the Lebanese bureaucracy, security and justice institutions are affected by clientelism, political interference and sectarianism. There are high levels of perceived corruption within the Internal Security Forces (ISF) and the Judiciary. Sectarian considerations appear to be a factor in matters of selection, recruitment, and postings, and may also come into play with regard the promotion.

There appears to be only limited political will for major reform of the security and justice sector or to promote strict compliance with human rights standards, which contributes to a generally slow pace of change and limited sustainability of some donor interventions in these fields.

However, there are numerous champions of reform within ministries, security forces, and the Judiciary and Prosecution, particularly at mid-level but also among some of the most senior officials. Moreover, there is strong intellectual capital in the ministries and agencies. This presence of champions and technically capable partners allows space for institutional development and capacity building in a number of areas.

Criminal justice institutions all suffer from inadequate resourcing by the Government including receiving insufficient budgets, human resources, infrastructure and equipment. Lebanese security and justice agencies have not generally received significant additional resources to cope with the influx of Syrian refugees.

EXECUTIVE SUMMARY

Lebanon faces significant performance and efficiency challenges in its delivery of security and justice services. These are evident at both system-wide and individual agency levels. The presence of large numbers of mostly poor Syrian refugees has exacerbated many of these performance issues.

Lebanon lacks a formal national security or internal security plan. Coordination is significantly improved at the operational level, particularly with respect to national security (including counter-terrorist (CT)) investigations. The Prosecutor and Military Prosecutor also provide some level of coordination with regard to investigations.

Municipal police play an important role in local communities but they are often under-funded and many personnel remain untrained. They are employed or contracted by municipalities or unions of municipalities. Municipal police and their security forces partners need clarity in the legal scope of the municipal police's duties and powers: where, for instance, the authority of the municipal police and those of the ISF begin and end respectively. Municipal police are focused mainly on municipal by-law enforcement but do also have significant potential as 'first responders' in the community, including with regard to referring persons with safety, security and justice concerns towards appropriate Government and NGO services. Municipal police in many areas enforce curfews on Syrian refugees, which is probably a breach of Lebanese law as well as of international human rights standards.

Lebanon's security forces, including the ISF, have a strong state security focus. While provision of a significant level of state security is necessary given the internal and external threats Lebanon faces, the ISF needs to improve its responsiveness to community safety and security needs and its compliance with international human rights standards. Such enhanced responsiveness to the community will require significant transformation of how the ISF does its work, including through major improvements in capacity, performance and accountability and the introduction of results-based management. It has recently piloted community policing in Beirut with international support but this is yet to be scaled up to include regional and rural areas (i.e. the ISF Gendarmerie).

Lebanon's Judiciary faces some integrity and independence challenges, and cases are often delayed significantly, exacerbated in criminal courts by the influx of Syrian refugees. Judicial oversight is limited and

corruption and political interference perceived to be problematic, but the Judiciary is taking steps to promote financial independence and to improve court administration and performance management of judges.

Prosecutor numbers are particularly low given the high demands placed on them to oversee investigations, monitor detention and present cases in the courts.

Lebanon's vulnerable communities still have unmet demand for legal aid services to respond to their needs for legal counselling, advice and representation in criminal, civil and personal status (i.e. family law and inheritance) cases. Lebanon lacks a publicly-funded legal aid system. The Beirut and Tripoli bar associations are responsible for providing legal aid for representation in court while various NGOs provide counselling and advisory services.

There is a lack of public awareness, including in vulnerable communities, about key legal and human rights and how to assert these via Government or civil society mechanisms.

Lebanon's prisons and detention centres are overcrowded, with the two largest prisons (Roumieh (near Beirut) and Kobbe (Tripoli)) each having populations of more than three times their normal capacity. The prisons are mostly not fit for purpose as correctional facilities, lack rehabilitation and reintegration services for adults, and are managed by non-specialist police officers rather than by a professional prison service. Roumieh prison has poor infrastructure, notably water and sanitation. Handover of control of prisons from the Ministry of Interior and Municipalities (MoIM) to the Ministry of Justice (MoJ) does not appear imminent but good progress has been made, with the support of UNODC, in preparing the MoJ to undertake this role and in enhancing judicial and prosecutorial oversight over prisons and detention centres. The General Security (GS) detention centre located under a bridge in Lebanon is of particular concern with regard to conditions under which it holds foreign detainees.

Human rights abuses, including reported instances of torture and other cruel, inhuman or degrading treatment or punishment, are most likely to occur during the initial detention and interrogation by the ISF or other security actors with judicial police authority. There is limited judicial oversight over pre-trial detention in many cases and detainees are not permitted to access a law-

yer during the early stages of detention, including during the initial interrogation by police or other security forces.

Lebanon has identified a range of human rights challenges in its comprehensive National Action Plan for Human Rights. However, the plan is not yet being implemented, nor is there a timeframe for implementation or prioritization of which problems need to be most urgently addressed.

Lebanon has high rates of pre-trial detention, amounting to around 60% of the prison population, and contributing significantly to Lebanon's problems with prison and detention centre overcrowding. These detainees are often incarcerated in sub-standard prisons or detention centres and may face long periods of time before trial, and in the case of foreigners who have finished prison sentences, detention until deportation.

Sexual and gender based violence is common in Lebanon, including in Syrian refugee communities. Recent law reform such as the enactment of a domestic violence law has led to significant improvements but enforcement and case management challenges remain.

Lebanon has a significant trafficking in persons problem, including sexual exploitation (including of Syrian refugee women and girls), and forced labour and abuse of domestic workers.

Lebanon faces a continuing threat from terrorism and extremism and little is done on counter- and de-radicalization, including with regard to at-risk groups such as detainees and prisoners, and vulnerable youth.

Many CSOs working in security, justice and human rights are highly capable and in many instances are filling capacity gaps stemming from a largely absent state. The Lebanese Government imposes relatively few restrictions on civil society, including NGOs compared with other Middle Eastern countries.

Smaller, focused projects that address particular areas of community security, access to justice or human rights concerns may be more likely to succeed than larger projects solely aimed at building institutional capacity within Government.

Lebanon is host to a busy donor space. Donor coordination on security sector reform appears to be adequate, with regular meetings being convened by the EU, but there is no specific mechanism for donor coordination on justice and human rights issues.

1.1 Objective of the Assessment

This comprehensive Assessment of the security and justice sector in Lebanon focuses on the community security and access to justice needs of both Syrian refugees and Lebanese host communities. It maps key developments in rule of law, justice, security and human rights, covering main problem-solution issues, challenges, and key actors and tools that can be used to inform UNDP's rule of law programming from 2016, including a corresponding project document. It also establishes project baselines against which change resulting from future UNDP programming can be measured.

1.2 Conceptual Framework, Approach & Methodology

The Assessment builds on existing data and assessments as well as briefly reviewing planned, ongoing and completed donor-funded projects in the area of security and justice. It also identifies good practices in host communities by national institutions, civil society organizations (CSOs) and international organizations.

The section below covers key conceptual factors in the Assessment, including the rule of law and citizen security; its approach, including the human rights dimension and conflict sensitivity; and its methodology, including data collection methods.

1.2.1 Conceptual Framework

Rule of Law

The Assessment is based on the UN's conception of the rule of law. The rule of law is one of the fundamental concepts and visions under which the UN was created, with the UN Charter's Preamble stating as one of the UN's aims: *"To establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained"*.

The UN Secretary-General has defined the rule of law as:

"A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency."

While the rule of law is of a conceptually broad nature, this Assessment examines only justice, security and human rights elements of institutional responsiveness and service delivery, and community needs and demands. Accordingly, it does not cover the rule of law elements of other public service institutions.

Citizen Security

The Assessment reflects UNDP's approach to citizen security (though expanding the concept to include all residents of Lebanon including refugees), which in addition to reducing crime seeks to "focus on creating living conditions that anticipate in a proactive way the commission of violent or criminal acts." Moreover, "there is not one (type of) 'violence' but rather different types of violence that affect people in different ways."¹ In the context of Lebanon, institution building remains important but the demand side of rule of law work, including engagement with non-state actors, is an essential element in reaching humanitarian, stabilization and development objectives.

¹ UNDP, "Citizen Security: What does UNDP do for Citizen Security in Latin America and the Caribbean" (Brochure), 2014, p. 3. Eric Scheye, in a paper presented to the World Bank addressing the challenges of security and justice programming in fragile and conflict affected states (FCAS), argued that effective programming need to be guided by the 'experience of rule of law' of people living and working in FCAS and had to be cognizant of the "interstices and interfaces between the differing layers of power and authority." This power and authority will often include non-state security and justice providers. He goes on to recommend programming that is "designed to resolve a particular and identifiable local RoL problem" as being preferable in many cases to more traditional approaches such as institution building: Eric Scheye, "Rule of Law in Fragile and Conflict Affected Countries: Working within the Interstices and Interfaces," Framing Paper produced for the World Bank Headline Seminar on Rule of Law in Conflict-Affected and Fragile Situations, Washington: World Bank, July 2009, pp. 10 ,2

1. INTRODUCTION

1.2.2 Approach

Human Rights Dimension

The Assessment makes a close study of the findings and recommendations contained in Lebanon's National Human Rights Action Plan, aligning itself with this Plan wherever possible.² In addition, the assessment examined the Universal Periodic Reviews (UPR) of Lebanon for 2010 and 2015 taking into particular consideration the recommendations that the Government adopted.

Sector Wide Assessment

As a sector-wide assessment this paper recognizes the linkages and interdependencies between different actors and organizations delivering security and justice services. It is also cognizant of the substantial role that non-state actors, including CSOs, play in Lebanon with respect to security and justice. The Assessment's coverage of the security sector does not include the military or intelligence services except with regard to the role they play in the criminal justice system. Nor does the Assessment cover the security services of powerful individuals or of Lebanon's various armed groups.

Conflict Sensitivity

The Assessment follows conflict sensitivity protocols, particularly in seeking to ensure that its activities "Do No Harm." The Assessment takes place in an environment of considerable past, existing and potential conflict, including many instances of violent conflict. Even without the added challenges presented by the influx of over one million Syrian refugees in recent years, Lebanon's multi-sectarian identity, polarized politics and history of external interference makes the country highly susceptible to conflict. Projects developed in the wake of the Assessment will mainstream conflict sensitivity by, for example, ensuring that Lebanese host communities' safety, security and justice needs are addressed alongside activities addressing Syrian refugee needs in this regard.

The Assessment draws on the findings of a number of UNDP Peacebuilding Project-commissioned assessments of drivers of conflict in particular regions of Lebanon.³ The Assessment team explored and validated these findings in interviews and focus groups, particularly in the context of delivery of and access to safety, security and justice services.⁴

The key findings and recommendations of the Assessment were validated in workshops with UN partners and civil society as well as through briefings of key potential beneficiaries and donors.

1.2.3 Methodology

Assessment Team

The lead author of the Assessment is Rohan Burdett, Rule of Law Advisor, UNDP Lebanon. He has been assisted by Christelle Samaha, Project Coordinator, and three interns.⁵

Data Collection

The Assessment employs both quantitative and qualitative data collection and analysis. It commenced with an initial desk review that included program documentation, official statistics, and data and studies from UN organizations, the Lebanese Government, think tanks and NGOs.

This was followed by a series of key informant interviews (KIs) with UN colleagues, civil society experts, judges, government officials, security force officers, and municipal leaders and police. The purpose of the KIs was to build on, triangulate and update information from the initial desk review and also to point the Assessment team in the direction of further data sources.

Two focus group discussions (FGDs) explored Syrian refugees' experience with community security and access to justice. A further focus group of municipal police trainees at the ISF Academy discussed a range of issues concerning safety and security threats in their respective municipalities, the impact of the Syrian crisis, and their main duties, powers and needs.

UNDP and OHCHR jointly submitted a series of questions on Access to Justice for UNHCR's June Survey of Refugees.

Limitations

Data collection was constrained by certain limitations. The Lebanese Government regards certain information about capacity and capability - including staff numbers and deployments, budgetary information, and deficiencies in capability or performance of security forces - as sensitive and therefore a number of details are generally not made public. Moreover, as most security and justice institutions do not yet collect, collate and analyze data in a systematic fashion, establishing quantitative baselines on organizations' capacity, performance and capability has been challenging.

Some areas of enquiry regarding community security and access to justice also have limited baseline data available. Therefore the Assessment team recommends commissioning further research by external experts to enhance its understanding of key issues.⁶

² Parliamentary Human Rights Committee (Lebanon), "The National Action Plan for Human Rights in Lebanon, 2019 – 2014", Beirut: UNDP, 2013. UNDP's Technical Support to the Lebanese Parliament project and OHCHR supported the development of the Plan.

³ These reports were produced in 2014-15. According to UNDP Peacebuilding Project staff, conflict dynamics may be slightly different from now, with possibly fewer tensions in certain areas and emerging tensions around Lebanese-Lebanese interactions.

⁴ The Assessment also takes heed of lessons identified in the conflict literature, e.g. OECD, "Conflict and Fragility: Do No Harm: International Support for Statebuilding," Paris: OECD, 2010, p. 14 <http://www.oecd.org/dac/governance-peace/conflictandfragility/docs/do%20no%20harm.pdf>

⁵ General (rtd.) Charbel Mazraani, Mazen Al-Hassan and Amer Gharib.

⁶ E.g. Research in Syrian communities to test initial hypotheses about the nature and scope of community security and access to justice challenges they face; secondary analysis of the community security and access to justice aspects of SGBV through expert examination of the large amount of relevant data already collected; and focus group discussions on judicial integrity with civil society stakeholders.

2.1 Lebanon Crisis Response Plan

The Assessment is guided by the Lebanon Crisis Response Plan (LCRP) and subordinate planning, particularly in the fields of social cohesion, protection, and sexual and gender-based violence (SGBV). Successful donor interventions in each of these fields are predicated upon State and/or non-State actors effectively, efficiently and in an accountable manner delivering community security and justice services and enhancing the capacity of communities and individuals to assert their rights under Lebanese and international law (including international humanitarian law (IHL) and international human rights law). The LCRP is a joint Lebanese Government - UN plan “to ensure that the humanitarian response to the Syria crisis tangibly benefits Lebanon and helps to stabilize the country during this challenging period. It continues the necessary work of delivering humanitarian assistance to the displaced from Syria and other vulnerable groups, while expanding plans to invest in Lebanese services, economies and institutions.” The Plan focuses on meeting the needs of the most vulnerable communities, determined as those having a high Syrian-Lebanese population ratio and high poverty rates.⁷

2.2 Country Profile

The Lebanese Republic gained its independence on 22 November 1943. Prior to this it had been under a French mandate (1920-1943) established in the wake of the defeat of the Ottoman Empire in the First World War.

Lebanon is a unitary state comprised of six governorates (mohafazat): Beirut, Mt Lebanon, North Lebanon, South Lebanon, Nabatieh and Bekaa. A further two governorates, Akkar and Baalbek-Hermel have been approved through legislation⁸ but have not been de facto fully established. The governorates contain 26 districts (caza), each of which is administered by a qaem maqam. There are about 1108 municipalities and 1550 villages.⁹

Lebanon is classed by the World Bank as an upper middle income country and is placed among the UNDP Human Development Index's (HDI) “high human development” countries.

Table 1 below, which is extracted from UNDP's Lebanon Country Brief and World Bank data,¹⁰ shows key social, economic and demographic statistics:

4,292,000

Total Population

72.8 years

Life Expectancy at Birth

89.6%

*Adult
Literacy Rate*

USD 7,930

GNI per Capita

2. BACKGROUND AND CONTEXT

⁷ <http://www.unocha.org/cap/appeals/lebanon-crisis-response-plan2016-2015->

⁸ Law No. 552 of 2003

⁹ Central Administration of Statistics, Lebanon

¹⁰ UNDP, “Country brief: Lebanon”, Updated 2104/04; <http://data.worldbank.org/country/lebanon>

Table 1: Lebanon: Key Statistics

Human Development Index (HDI) Rank: 72/186 (HDR 2013)

Poverty Index: 7.6% (HDR 2009)

Poverty: Extreme Poverty 7%, relative poverty 28%¹

Gender Inequality Index: Rank 78/187 (HDR 2013)

Total Population: 4.292 million (HDR 2013)²

Population Growth Rate: 0.7% annually (World Bank 2011)

Adult Literacy Rate: 89.6 (2005-2010)

Life Expectancy at Birth: 72.8 years (HDR 2013)

GDP: 47.103 billion (World Bank 2015)

Real GDP Growth: 2.0% (World Bank 2014)

Inflation: 0.7% (World Bank 2014)

GNI per capita: USD 7,930 (World Bank 2015)

Unemployment Rate: Official 6.4% (CAS3 2011), unofficial 15%-20%

Lebanon is multi-sectarian and multilingual. It is home to 18 religious sects (also known as ‘confessional groups’) and Muslims and Christians make up around 54% and 40.5% of the population respectively. Lebanon’s official language is Arabic but French, English and Armenian are also spoken within the population.¹¹ The country is highly urbanized (87.2% of total population in 2011), with the capital, the greater area of Beirut (from Damour to Jounieh) having an estimated population in 2009 of 1.909 million.¹²

¹¹ Central Intelligence Agency (CIA), The World Factbook: Lebanon (2015), p. 1: <https://www.cia.gov/library/publications/the-world-factbook/geos/le.html>

¹² CIA (2015), p. 2

2.3 Broader Economic, Political and Social Context

2.3.1 Economy

Effective and efficient bureaucratic functioning has been limited by the fact that Parliament has not approved a budget since 2005. Instead, the Government follows the ‘12 month rule’ whereby the same amount is allocated to the same budget lines as in the previous year. The published budget does not include significant detail on funding of some Government security and justice entities.

Despite being an upper middle income country, Lebanon has high degrees of poverty (over one-quarter of the country’s population) and inequality. Lebanon currently faces myriad economic challenges. Table 2 below is an extract from the International Monetary Fund’s (IMF) Concluding Statement of its 2015 Article IV mission that summarizes Lebanon’s economic performance and outlook:¹³

Table 2: IMF Economic Analysis

Lebanon has a well-deserved reputation for resilience, but now faces an exceptionally challenging environment. The Syria crisis, now in its fifth year, dominates Lebanon’s short-term outlook and longer-term prospects... to date, the government’s Lebanon Crisis Response Plan remains largely unfunded by donors.

Combined with regional tensions, domestic political paralysis is also undermining confidence. As a result of the domestic and external uncertainty, growth remains disappointing. We estimate growth in 2014 at about 2 percent, and project a similarly modest rate in 2015. Inflation also declined sharply in 2014 on the back of lower oil prices and other one-off factors, but should return to a trend rate of about 3 percent by end-2015.

Exceptional factors allowed for a welcome primary surplus in 2014, but without decisive action fiscal deterioration will continue in 2015. We project the primary balance will deteriorate to almost 1¼ percent of GDP in 2015, with public debt remaining at 132 percent of GDP, very high by international standards.

Foreign-exchange and financial markets have remained resilient, despite Lebanon’s sizable external financial requirements... we estimate the current account deficit in 2014 at about 25 percent of GDP. This is a clear vulnerability, particularly in light of the currency peg to the U.S. dollar. Nonetheless, the Banque du Liban ... has maintained an ample level of gross FX reserves...

Lebanon’s economic model rests on confidence. The underlying faith of foreign investors and the large Lebanese diaspora is the basis for the country’s continued ability to attract sizable deposit in-flows ... however the growth rate of deposits is slowing. A decisive change in policies is thus needed to strengthen confidence...

- . **Policymakers need to find common ground to overcome the current policy paralysis**
- . **As an important first step toward anchoring confidence, the authorities should pass a comprehensive budget for 2015.**
- . **Timely and reliable data are crucial for greater accountability.** Although data collection and dissemination have improved in some areas, national and external accounts, fiscal, and social and labor-market statistics remain weak.

¹³ IMF, 14 May 2015: <https://www.imf.org/external/np/ms/051415/2015.htm>

2.3.2 Politics and Society

Lebanon's Constitution of 1926 provides for a separation of powers between Executive, Legislative and Judicial authority. Lebanese politics is marked by sectarianism. Lebanon's President is the head of state and is always a Maronite Christian while the Prime Minister is head of government and is always a Sunni Muslim, and the Speaker of Lebanon's unicameral National Assembly (Parliament) is always a Shi'a Muslim. Lebanon's peak Executive body is the Council of Ministers, which is appointed by the Prime Minister in consultation with the President and with the approval of the National Assembly. Most political parties form alliances for electoral purposes based on the relationships of local figures or different confessional communities.

Lebanon was devastated by the 1975-1990 Civil War. Neighboring Syria, which has historically influenced Lebanon's foreign policy and internal politics, dominated politics in Lebanon from 1976 until 2005. "The Taif Agreement (officially, the Document of National Accord) provided the basis for the ending of the civil war and the return to political normalcy in Lebanon."¹⁴ The agreement was approved by Parliament in 1989. Its key objective was to create a balance of power between the confessional groups by creating a new formula for equal representation of Christians and Muslims at the Government level (cabinet, parliament, grade one civil service posts, etc.). It also included a plan to strengthen the Lebanese authority in the (Israeli) occupied South as well as to enforce a time frame for the Syrian withdrawal from Lebanon. The country did not however go through a transitional justice process: there were no war crimes trials, no reparations, and only limited reconciliation and State institution building. The absence of a transitional justice process has negatively impacted Lebanon's culture of justice and accountability.

After the Taif Agreement, the statuses of several political parties drastically changed. Some parties were disarmed and some lost their leaders to exile or imprisonment, thereby redefining the balance of power in the country. Following the assassination of Prime Minister Rafik el Hariri in 2005, the country's parties were mostly divided into two coalitions, the 14 March anti-Syrian and 'pro-Western' Coalition, and the 8 March Coalition made up of the Shi'a parties Hezbollah and Amal along with their mainly Christian allies. The Hariri assassination led to the establishment of the Special Tribunal for Lebanon (STL), which has continued to investigate the assassination and is trying several accused in absentia. Also in the wake of the Hariri assassination and a number of other political assassinations, Syrian troops withdrew from Lebanon after major internal and international pressure. The country then witnessed the creation of an anti-Syrian Government under Prime Minister Faoud Siniora.

Since then, Lebanon has faced a war with Israel, political voids, and internal conflicts. In 2006, Lebanon suffered from a brief, yet damaging war, waged by Hezbollah against Israel after Hezbollah abducted two Israeli soldiers from across the southern border of Lebanon and killed three other soldiers. This triggered a strong response from the Israeli Government, which attempted to rescue the soldiers and bombed Lebanon's main infrastructure including highways, bridges and electrical power plants. By the end of August 2006, the Israelis had retreated from Lebanon after a two month-long war, leaving the country in a somewhat crippled state.

In May 2008, the Siniora Government accused Hezbollah of maintaining an illegal telecommunications network. Despite Hezbollah's rejection of these accusations, the Government pressed further on the topic, which triggered a violent reaction from the militia group. The event known as 'May 7' caused mayhem in Lebanon for a few days. The Doha Agreement of May 2008 came in the wake of this turmoil. This Agreement provided for a mechanism for the appointment of the consensus candidate General Michel Suleiman as President of Lebanon and the establishment of a Government of national unity. A period of relative peace emerged around 2009 and peaked in 2011, despite the neighboring Syrian war, before political turbulence and violence broke out again in the country with several car bombings in the southern suburbs of Beirut and clashes between opposing factions in Tripoli; a sign that the Syrian war had begun to influence the Lebanese political scene and to spill over.¹⁵

In January 2011, Saad Hariri's Government collapsed due to increasing tensions, largely concerning the STL, and was replaced by a Government led by Najib Mikati, an ally of the 8th March Coalition.¹⁶ In early 2013, Mikati formally resigned as Prime Minister due to increasing pressure from the political parties, mainly due to Hezbollah's involvement in the Syrian war. Violent outbreaks across Lebanon ensued in the wake of the resignation. After heading a caretaker Government for 10 months, Mikati was finally replaced by a consensus candidate for Prime Minister, Tammam Salam, a prominent Sunni leader who formed a Government of national unity led by ministers from all the main political factions.

Governance in Lebanon took another step backwards in May 2014 with the end of Michel Suleiman's term as President. The Government entered a state of presidential vacuum and is, until now, somewhat paralyzed owing to the lack of a President. Debates are still ongoing about which candidate will succeed Suleiman, and the Council of Ministers refuses to cooperate on important matters such as appointment of an army commander and a crisis over garbage collection in the summer of 2015. The garbage crisis sparked protests against the Government for its lack of coordination, cooperation and resolution of the issues that plagued the country. Protestors demanded the resignation of the Parliament, which they consider to have been illegally constituted due to the fact that it had extended its own term twice and had failed to elect a president to form a new Government.

The recent political crisis with the Gulf Countries had further complicated the scene in the country. The downgrading of diplomatic relations with Lebanon by Saudi Arabia, Kuwait and the United Arab Emirates is one step in this deteriorating relationship as was the resignation of Justice Mister Ashraf Rifi. Saudi Arabia's decision to postpone delivery of a major package of military aid has been of particular significance to Lebanon's poorly-resourced security sector.

2.3.3 Impact of the Syrian Crisis

In recent years, the impact of the Syrian crisis and the influx of Syrian refugees has been a palpable source of increased fragility. According to the World Bank, in addition to straining vital services "the crisis is also expected to worsen poverty incidence among Lebanese as well as widening income inequality. In particular, it is estimated that as a result of the Syrian crisis, some 170,000 additional Lebanese were pushed into poverty (above a baseline figure of 1 million) by the end of 2014, and an additional 220,000 to 320,000 Lebanese citizens were estimated to have become unemployed, most of them being unskilled youth."¹⁷ Lebanon already had about one-quarter of its population in poverty, and many of the host communities to Syrian refugees are among Lebanon's poorest, particularly in Akkar and the Bekaa. The large number of Syrian refugees has placed particular pressure on host communities, including with regard to employment and access to services and infrastructure; and Syrian refugees have come to constitute more than a quarter of the country's entire population.¹⁸

The presence of the Syrian refugees has added additional tensions against a backdrop of pre-existing inter-communal tensions, political tension and economic fragility. The nature of conflict – actual or potential – between Syrian refugees and host communities differs from location to location but there are general trends that are identifiable at the governorate level.¹⁹ Akkar and the Bekaa have relatively large ratios of Syrian refugees to Lebanese hosts and relatively high poverty rates, and have faced generally more tension and conflict between Syrians and Lebanese than other regions of Lebanon. Tensions have reportedly been increasing in recent months in Mount Lebanon. Nabatieh on the other hand reports relatively low levels of tension and conflict, which possibly reflects the fact that there are relatively low numbers of Syrian refugees there and that refugees live mainly in the community rather than in informal tented settlements.²⁰ Following are case studies of Akkar and Bekaa:

¹⁶ UNDP (2014), p. 5

¹⁷ 11 World Bank (2015): <http://www.worldbank.org/en/country/lebanon/overview>

¹⁸ UNDP (2014), pp. 3 and 5

¹⁹ Trends over time regarding tensions between Syrian refugees and Lebanese communities are not currently captured adequately; a key objective of the UNDP-supported Ministry of Interior and Municipalities (MoIM) security cells is to provide monthly data on tensions which should reveal such trends and provide early warning of potential conflict.

²⁰ See also the 30 November 2015 refugee vulnerability map produced by UNHCR, at: file:///C:/Users/User/Downloads/UNHCR_LBN_REF_MAP_03_30-11-2015_A3_SyrianRefugeesRegisteredinLebanon1%20%25.pdf

¹⁴ Hassan Krayem, "The Lebanese Civil War and the Taif Agreement", American University of Beirut, 1997

¹⁵ UNDP (2014), pp. 5-4

Case Study: Akkar

Akkar Governorate was established in 2014 when it was separated by administrative edict from Tripoli and the five other districts of North Lebanon. It is 788 km² in size and has a 100 km border with Syria. Akkar’s Lebanese population is 252,917, of which 159,287 are below the poverty line. The majority of Lebanese in Akkar are Sunnis with a Christian and Alawite minority. Most Syrian refugees have come from Homs, Idlib, Aleppo or Hama.²¹ There were 101,066 registered refugees with UNHCR in Akkar as of 30 September 2015.²²

A November 2014 UNDP-commissioned conflict assessment of Akkar had the following main findings:

. Akkar and Akroum have suffered historically from neglect by the central Government, resulting in economic deprivation, the highest poverty rates in Lebanon, few livelihood opportunities, poor infrastructure and limited access to public services (including security and justice services).

. Many residents of Akkar have relatives across the border in Syria. Traditionally residents traded across the border but this activity has been frequently curtailed owing to the Syrian conflict.

. Some 25% of Syrian refugees in Lebanon are located in Akkar. The Syrian influx has put added pressure on already inadequate infrastructure, particularly with regard to water and sanitation. Competition for resources and services, and a relative lack of international donor support to host communities have exacerbated tensions.

. Safety perceptions of Lebanese residents of Akkar and Akroum are on a negative trend, with about 75% saying they feel unsafe today compared with only 7% three years ago. Syrians are “instinctively blamed for crime, sexual harassment and security incidents.”²³

21 OCHA, “Lebanon: Akkar Governorate Profile,” 11 August 2012: <http://reliefweb.int/sites/reliefweb.int/files/resources/-20140811AkkarGovernorateProfile.pdf>

22 UNHCR data: file:///C:/Users/User/Downloads/UNHCR_LBN_REF_MAP_02_30-09-2015_A3_SyrianRefugeesRegisteredinLebanon.pdf

23 Beyond Reform & Development, “Empowering Local Actors in Conflict Prone Areas” A Conflict Analysis Report: Akkar and Akroum, November 2014

Case Study: Bekaa

The Bekaa valley comprises 42% of Lebanon’s area and is composed of Bekaa and Baalbek-Hermel governorates. The Bekaa has a population of 540,000. Baalbek-Hermel is mainly Shiite with some Sunni pockets; central Bekaa has a majority Sunni and Christian population; whilst West Bekaa and Rachaya have a more mixed confessional population.²⁴ As of 30 September 2015 there were 373,429 registered Syrian refugees in Bekaa and Baalbek-Hermel governorates.²⁵

A March 2014 UNDP-commissioned conflict assessment of the Bekaa had the following key findings:

. Violent conflict is relatively common in the Bekaa and the region has suffered significantly from spillover of the Syrian conflict including border clashes such as the ongoing fighting in Aarsal.²⁶ Border clashes, the rise of Islamist groups and weapons proliferation have worsened the security situation, particularly in Aarsal.

. Most conflict issues in the Bekaa are “local manifestations of national level conflicts and their causes.” Lebanon’s “long enduring clientelistic sectarian-based power sharing political system is at the root of many of Lebanon’s reemerging conflicts” as are centralized development policies that have favoured Beirut over rural and regional areas. Other factors include the Sunni-Shi’a sectarian division, which has been exacerbated by the Syrian conflict and in particular by Hezbollah’s role as an active pro-Syrian regime combatant.

. The presence of Syrians has strained local resources in the Bekaa. Syrian refugees in Lebanon “are vulnerable to both government and politically sanctioned exploitation and discrimination, as well as arbitrary acts of violence by community members.” The frequency of these acts has increased since the start of the Aarsal conflict.²⁷ According to UNDP field officers, raids by the Lebanese Armed Forces (LAF) on informal tented settlements have also had a negative impact on Lebanese-Syrian relations.

24 OCHA, “Governorate Profile: Bekaa”, 4 March 2014: <https://data.unhcr.org/syrianrefugees/download.php?id=4674>

25 file:///C:/Users/User/Downloads/UNHCR_LBN_REF_MAP_02_30-09-2015_A3_SyrianRefugeesRegisteredinLebanon.pdf

26 Commencing in February 2013 Lebanese Armed Forces (LAF) had a number of firefights with militants affiliated with the Al Nusra Front (ANF). The ANF mistreated the bodies of dead Lebanese soldiers. The Military Prosecutor subsequently charged 34 people over this first Aarsal incident. After the arrest of the ANF commander, Imad Jomaa in August 2014 a group of fighters from the so-called ‘Islamic State’ (IS) and the ANF attacked an army checkpoint and an ISF station in Aarsal. The militants took control of Aarsal, and ISF and LAF soldiers were taken hostage. After several days of heavy fighting a truce was established as fighters withdrew to the borders and the Lebanese army regained full control of the town. These incidents caused major losses in the ranks of the LAF as well as the militants. A number of LAF and ISF personnel were kidnapped, some of whom have been killed, with the remainder still hostages. Fighting has continued into 2016.

27 Muzna al-Masri, “Between Local Patronage Relationships and Securitization: The Conflict Context in the Bekaa Region, Conflict Analysis Report, January 2015

THIS SECTION REFLECTS ON THE PERCEPTIONS OF SAFETY AND SECURITY AS PERCEIVED BY BOTH THE GENERAL POPULATION OF LEBANON (INCLUDING HOST COMMUNITIES) AND SYRIAN REFUGEES. THE AREAS OF ANALYSIS INCLUDE AN OVERVIEW OF WAYS IN WHICH THE POPULATION OBTAINS SAFETY AND SECURITY SERVICES FROM THE STATE, AND ANALYSIS OF CRIME STATISTICS.

3.1 Perceptions of Safety and Security

3.1.1 General Population

Perceptions of safety and security differ markedly according to location, local circumstances and whether the respondent is Lebanese or Syrian. The Assessment team's KIs throughout Lebanon found a range of different assessments of safety or security threats coming from or associated with Syrian refugee communities. Some mayors claimed to be very concerned, others far less so. Mayors in the Bekaa seemed to have a large role in resolving local conflicts. Sometimes they delegated this role to the municipal police (and a number commented they would like their municipal police to be better able to support them in this role). Interviewees noted varying response times of the closest security force. Municipalities in the South tended to have greater trust in and interaction with the LAF than the ISF, probably owing to political considerations.

A nationwide opinion survey conducted by International Alert in 2013 found that a "majority of Lebanese feel less safe now than three years ago (i.e. before the Syrian refugee crisis), that most security threats are considered very serious on the national level but less serious on the local level, and that the threat posed by Syrian refugees is consistently identified as serious across the country. Crime threats and security challenges were nuanced across regional, sectarian, urban/rural and gender divides."²⁸ Higher perceptions of lack of safety were reported among respondents in Mt Lebanon and the North, the poor, and those from areas with higher proportions of Sunni respondents.²⁹ Respondents identified the following as the main sources of security challenges: physical insecurity (96%), political instability (95%), the war in Syria (95%), and threats posed by Syrian refugees (91%) and Israel (88%). These figures however dropped significantly when respondents were asked the same question about the situation in their local area.

All governorates apart from the North rated property crime as the greatest perceived criminal threat, while the North rated political crimes, such as assassinations and bombings, higher.³⁰ This divergence would seem to be linked to relatively higher levels of political violence seen in the North in recent times. Sunni communities gave higher ratings to political violence than members of other confessional groups. People gave lower ratings for seriousness of criminal threats if they had a permanent ISF station in their area. Property crimes were generally the main concern of urban respondents whereas other threats, including assaults, political violence and SGBV were typically higher concerns for those in rural areas. The highest reported crime victimization rate was in Beirut (21%), which is significantly higher than those reported in other areas (e.g. Bekaa 2%, Nabatieh 4%).³¹

Lebanese across the sectarian divide showed low levels of trust towards Palestinians, Syrians and other foreigners in Lebanon, with International Alert concluding that "the challenges posed by the presence of Syrian refugees, which have intensified since the time of the survey, constitute a significant and crosscutting issue all over Lebanon."³² When asked the reasons for their perceived insecurity, poverty (66%) and unemployment (46%) were the main factors. Inefficient state security institutions were considered factors by 22% of respondents.³³

²⁸ Hovig Wanniss, "Security Threat Perceptions in Lebanon," International Alert, 2014, p.2

²⁹ Wanniss (2014), p. 4

³⁰ Wanniss (2014), p. 6

³¹ Wanniss (2014), p.8

³² Wanniss (2014), pp. 10-9

³³ Wanniss (2014), p. 9

3. COMMUNITY SAFETY AND SECURITY

3.1.2 Syrian Refugees

Syrian refugees, unsurprisingly, generally perceived Lebanon as being far safer than their home locations in Syria. Indeed in a 2013 survey by BRIC, safety was reported by refugee respondent as “being the most likable thing about the host area and the reason why they decided to move there”. Around 68% of respondents said they felt safe in their new settlements, with only five per cent feeling unsafe. The most common reasons for feeling unsafe were prejudice against Syrians (19.6%) and crime (11.5%). Most respondents reported the host community was “helpful sometimes or all of the time.”³⁴ Some 93% of respondents cited violence as a major reason for deciding to leave Syria, with an increase in crime coming second (43%) of which 32% was related to a fear of SGBV.³⁵

A 2014 Save the Children social cohesion study of Syrian refugees and their Lebanese hosts in Akkar and the Bekaa found that greater involvement of the Lebanese Government, including wider police presence, would improve perceptions of safety. Some Syrians feared taking collective action “out of fear of being arrested, jailed and deported or for fear of their families’ safety” and were concerned that authorities would not be sympathetic to their complaints. But in each of these locations there was Lebanese collective action against Syrians, taking “the form of protests to the municipalities and other authorities, threats against Syrians, evictions, verbal abuse and physical violence against Syrians, and destruction of their property.” The study found “staggering” levels of Lebanese support for discriminatory policies, including stopping receiving refugees altogether (90% in Akkar; 74% in the Bekaa), imposing nightly curfews (90%) and restricting political freedoms (90%).³⁶

According to a recent survey conducted by St Joseph University, refugees in the South expressed fewer concerns with security and justice than in other areas.³⁷ This was reflected in discussions the Assessment team had with officials in Nabatieh, who attributed this phenomenon to a modest ratio of Syrians to Lebanese and to the fact that most Syrians lived in the community rather than in informal tented settlements. Notwithstanding this, they would prefer the refugees to leave. The view towards Syrian refugees was significantly more negative during interviews with officials from the Bint Jbeil district, which may be largely attributable to the local community and refugees having divergent attitudes to the Syrian regime.

Syrian refugees and Lebanese host communities also have divergent estimates of the likelihood of intercommunal violence. According to the Save the Children study, Syrians assessed such violence as unlikely with Lebanese thinking the opposite. Survey and FGD results showed little potential for organized collective violence by Syrians against Lebanese while there was a serious threat of such violence being carried out by Lebanese hosts against Syrians. The survey ascribed reluctance on the part of Syrians to resort to collective violence as stemming from the power imbalance between them and their Lebanese hosts. It assessed that “(t)he precarious and vulnerable situation of refugees leaves them defenseless against abuses from Lebanese nationals backed by the apparatuses of state power (perceptions of biased judiciary, security forces, service providers, etc.). Furthermore, while the Lebanese in various municipalities are able to organize quickly due to kinship ties, Syrian refugees are unable to do so because of their wide dispersal across the Lebanese territory.”³⁸ Furthermore, it was clear to the assessment team that many Syrians appear to seek informal security arrangements with their Lebanese hosts. This may include cultivating the Lebanese land for extremely low wages in return for permission to live on the host’s land and possibly obtain some protection from security threats. This informal arrangement poses significant risk of exploitation and at the same time reflects the sometimes weak performance of the security institutions to uphold their responsibilities with respect to Syrian refugees.

UNDP and OHCHR developed a questionnaire on Syrian refugees’ access to justice for the June 2015 UNHCR survey of 1,000 Syrians registering with UNHCR. The survey found overwhelmingly that Syrian refugees would seek out UNHCR (52.58%) followed by NGOs (10.94%), the GS (9.45%) and the Mukhtar (community leader) (7.42%) and if they needed

legal advice. Lawyers / notaries public ranked very low at 2.94%. There were similar results regarding who would offer them free legal advice. The high response for UNHCR in both these questions may be at least partly explained by the fact that UNHCR was running the registration process during which these questions were asked.

The UNHCR survey found that the vast majority (88.30%) had not experience a dispute in the last three months. The most common disputes concerned housing / accommodation (4.8%) or violence / aggression / harassment (1.2%). Of those who experienced disputes, they were mostly with Lebanese landlords (26.47%), family members (16.18%), neighbours (9.16%) or employers (8.09%). Most persons who had disputes first approached a family member or community leader (24.31%) for assistance, while 16.67% did not approach anyone. Others approached included UNHCR (10.42%), the Mukhtar (10.42%) and NGOs (6.25%). Most disputes were resolved or attempted to be resolved by these same bodies in similar proportions. More respondents were satisfied / very satisfied (33.33%) than unsatisfied / very unsatisfied (21.38%). 33.33% had a neutral opinion on the result while 11.97% said the case was not yet resolved.

The UNDP Assessment team conducted two FGDs with Syrian refugees resident in the Bekaa and in Mt Lebanon respectively, asking them a range of questions on community security and access to justice.³⁹ The following is a summary of the discussions:

Focus Group Discussion: Bekaa

Bekaa FGD participants asaid legal assistance to Syrian refugees was mainly sought from and provided by NGOs, in particular the Norwegian Refugee Committee (NRC). Legal assistance focused on administrative matters such as registering births, deaths and marriages. Beating, harassment and theft against Syrians by Lebanese was reported to be common. Syrians feared going out in the evening owing to the risk of harassment. Curfews were reported as being common and there were cases of Lebanese youths pretending to be police and creating checkpoints to steal people’s mobile phones and papers. LAF raids – mostly on informal tented settlements - were also common, often unexpected, and allegedly lacking in respect for people (particularly women). During LAF raids, some young Syrian men were arrested, detained for a few days, and then released. Lebanese youths were also accused of intruding into Syrian tents. The ISF was regarded as generally being uncooperative.

For marriage and divorce matters, Syrians in the Bekaa approached a Lebanese sheikh under the Lebanese personal status law. Land disputes were usually settled by the shaweesh, who is the head of the settlement and mediates intra-Syrian conflicts. In cases of conflict with Lebanese, Syrians generally sought the assistance of a well-connected or respected Lebanese.

The participants reported cases of breaches of labour rights by Lebanese employers. In one case there was an agreement to pay \$800 in wages but the Syrian man contracted to do the work wasn’t paid. When he asserted his right to the wages he was beaten and his motorcycle was stolen. Police allegedly dismiss complaints made to them about labour abuses.

Focus Group Discussion: Mt Lebanon

The Mt Lebanon FGD participants advised that Syrian refugees sought legal assistance from UNHCR, the NGO Caritas and the NGO hotline. Harassment, assault and exploitation of Syrians were regarded as common. A minority of Lebanese were considered helpful to Syrians, including some landlords who told their Syrian tenants that they would protect them. The ISF was allegedly unresponsive when criminal complaints were made by Syrians. The GS’ response varied from officer to officer but the participants felt there were no clear guidelines on renewing residence. Participants claimed that the dominant local political party in one area did not respond to criminal complaints.

The Mt Lebanon FGD participants claimed that Syrians generally wouldn’t make complaints to authorities even if they are harmed. Sometimes Syrians were reportedly falsely accused and then arrested. In some cases of arrest, the Syrian community supported each other to post bail.

³⁴ BRIC, “Survey on the Livelihoods of Syrian Refugees in Lebanon,” Nov 2013, pp. 32-33

³⁵ BRIC (2013), pp. 36-35

³⁶ Save the Children, “Social Cohesion and Intergroup Relations: Syrian Refugees and Lebanese Nationals in the Bekaa and Akkar”, 2014

³⁷ Carole Alshrabati and Jihad Nammour, “Survey on Perceptions of Syrian Refugees in Lebanon,” Executive Summary, St Joseph University, 2015, p.2

³⁸ Save the Children, “Social Cohesion and Intergroup Relations: Syrian Refugees and Lebanese Nationals in the Bekaa and Akkar”, 2014

³⁹ The Bekaa FGD involved three women and four men, and the Mt Lebanon FGD involved five women and three men. All were volunteers with UNHCR or NGOs.

3.2 Obtaining Safety and Security Services from the State

Lebanese citizens and residents in general face significant challenges obtaining responsive, effective, efficient and accountable safety and security services from the ISF and other State agencies. Human rights breaches appear to be common, as are divergences away from international standards of democratic policing. Problems are both sector-wide and institution-specific, occurring at regular points along the justice chain, from arrest through to imprisonment. The UN Committee against Torture considers that the criminal justice system is dysfunctional, including through late processing of procedural notifications that deprive persons of the right to appeal; unprofessional conduct of examining judges; unjustified delays between hearings; lack of transport for detainees; and poor coordination between judicial authorities, the police and the military.⁴⁰

There are significant disincentives to visiting a police station to report a crime. In order to do so, the complainant must wait at the station while their criminal record (nashra) is obtained. This may take several hours or more because the information must be obtained (generally via fax) from the ISF headquarters in the complainant's governorate of official residence.⁴¹

Vulnerable groups and communities, including Syrian refugees and other foreigners, and young people face particular challenges in obtaining satisfactory safety and security services. The Assessment team found a stated reluctance among Syrians to contact the criminal justice system even if personally victimized by crime or harassment or if a witness to the same.

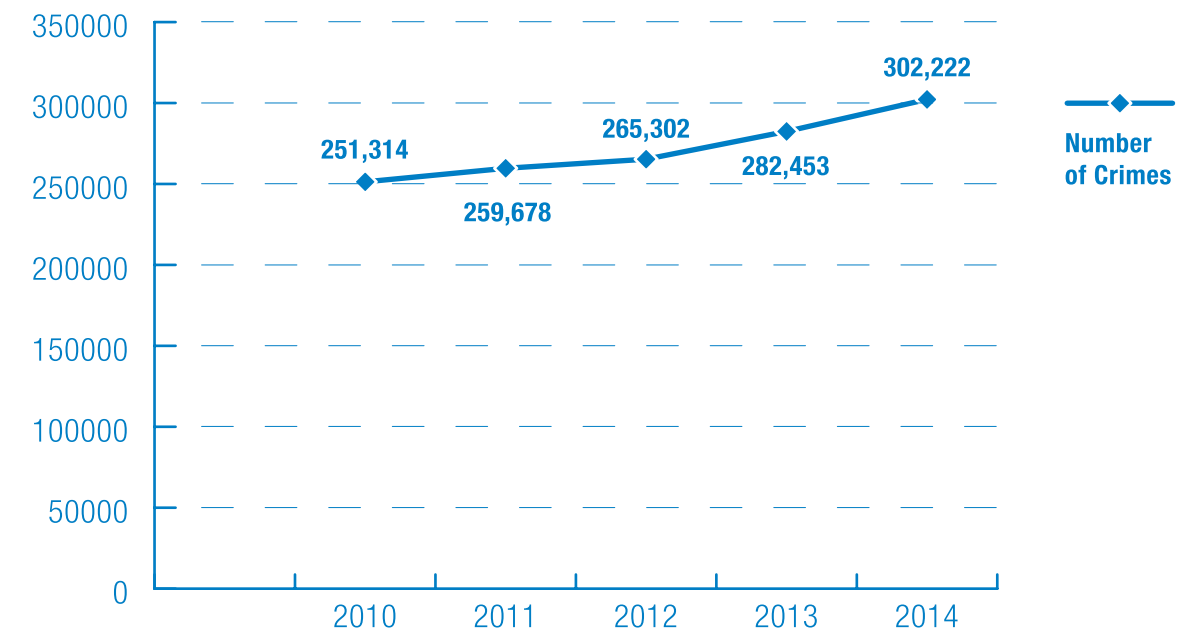
3.3 Crime Statistics

About half of criminal cases against Syrians appear to be directly linked to their refugee status, most notably being illegal entry, illegal residence and forged papers (which are all consider crimes in Lebanon). According to UNHCR, only 1% of arrests of Syrian refugees are linked to terrorism, and 3% to murder.⁴²

Crime rates for the general population have not increased beyond what can be accounted for by the increased population. The impact of the Syrian presence on each security or justice organization is detailed below in Sections 3.4 and following. According to WHO estimates, Lebanon has an estimated homicide rate of 5.4 per 100,000 population (2012) but the 95% confidence level in these figures has a wide variation (between 1.1 and 28.8 per 100,000 population).⁴³ The lower end of this scale would show Lebanon as moderately affected by homicides but the higher end of the scale would indicate a high homicide rate. These 2012 figures pre-date the arrival of the vast majority of Syrians.

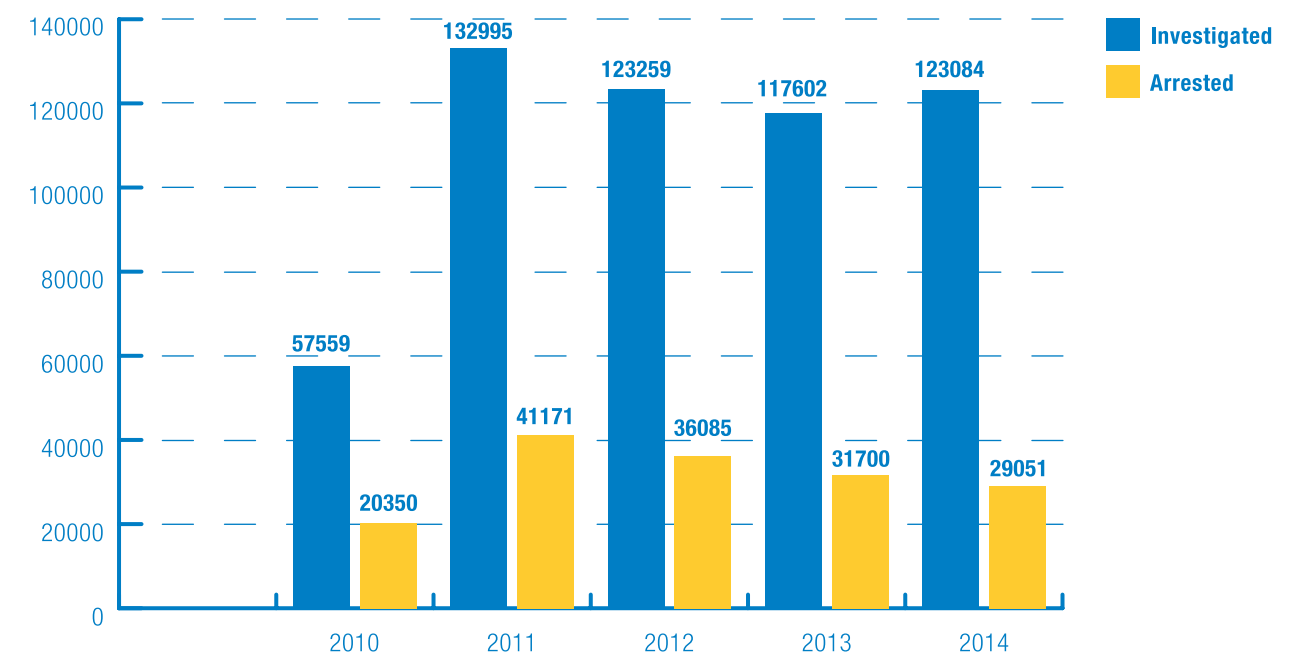
Following are key crime statistics collated by the ISF showing trends from before the arrival of Syrian refugees until 2014. These statistics should be treated with caution as the ISF lacks a strong capacity in statistics, reporting, and monitoring and evaluation. Figure 1 below shows a significant increase from 2010 to 2014 in overall number of crimes recorded by the ISF. 2010 (pre-crisis) showed a total of 251,314 crimes recorded, while 2014 showed 302,222 crimes, an increase of over 20% in just five years. This increase can be explained by the increase in population due to the influx of Syrian refugees. There are significant data weaknesses in ISF statistics which can lead to double-counting and other errors but the figures do seem to indicate that there is no greater criminality among the Syrian population when compared with the Lebanese norm. Annex A provides additional data on criminality and victimization over this period, focusing on murders.

Figure 1: Total Number of Crimes: 2010 - 2014



Despite this increase in numbers of crimes the number of people investigated and arrested (Figure 2) has declined slightly since 2011 after a significant jump between 2010 and 2011.⁴⁴ A UK funded study found that with the exception of theft, Syrian refugees did not commit proportionately more crime; indeed they were more likely to be victims of crime.⁴⁵ While ISF statistics on murder cases depicted in Annex A show the numbers of cases and proportion of cases where the perpetrator was Syrian has generally increased slightly since 2011, over the same period the number of Lebanese perpetrators has more than doubled. There is a need for further research to determine what is behind these increases.

Figure 2: Number of people investigated and arrested, 2010-2014



40 Report of the United Nations Committee Against Torture, 51st and 52nd Sessions, General Assembly Official Records Sixty-ninth session Supplement No. 44 (A/2014/44/69)

41 The ISF advised in late 2015 that a national criminal records database would soon be rolled out, making the process of checking the nashra significantly quicker.

42 Interview, senior UNHCR official, February 2016

43 <http://www.undp.org/content/dam/undp/library/corporate/Reports/UNDP-GVA-violence2014-.pdf>

44 Further investigation is required to explain the 11-2010 jump. This may have been due to improved collection and collation of statistics rather than a huge change in numbers investigated or arrested.

45 Northern Ireland Co-operation Overseas (NI-CO), "Policing the Syrian Refugee Crisis in Lebanon: Policies, Procedures and Prescriptions", 28 July 2014, p.16

3.4 Institutional Response by the State to Community Security Needs

THIS SECTION AIMS TO MAP THE MAIN STATE INSTITUTIONS THAT ARE MANDATED BY THE LEBANESE LAW TO OFFER SAFETY AND SECURITY SERVICES FOR THE PEOPLE AND THE STATE. THIS INCLUDES THE INTERNAL SECURITY FORCES, MUNICIPAL POLICE, GENERAL SECURITY AND LEBANESE ARMED FORCES. THE MAPPING IN THIS SECTION REFLECTS ON EACH INSTITUTION’S LEGAL BASIS AND GOVERNANCE, STRUCTURE AND FUNCTION, CAPACITY, EFFICIENCY AND PERFORMANCE, TRANSPARENCY, ACCOUNTABILITY AND OVERSIGHT, HUMAN RIGHTS RECORD AND A BRIEF OUTLINE ON EACH ENTITY’S REFORM PLANS AND DONOR SUPPORT.

3.4.1 Internal Security Forces

The ISF are the Lebanese national police force. They also have responsibility for managing and staffing prisons, mainly through a Prisons Bureau, which is under the ISF’s Gendarmerie.⁴⁶ The ISF have faced significant challenges in responding effectively, efficiently and accountably to the Syrian crisis. A key coping strategy is a significant increase in recruitment in 2015 and 2016 and there are also plans to soon commence the building of a new prison in Majdlaya in North Lebanon to reduce some of the overcrowding endemic in Lebanon’s prisons (see Section 3.8 below for details). The ISF’s reform efforts are detailed in 3.4.7 below; while these will in many cases assist the ISF in coping with the additional challenges presented by the Syrian crisis, they are generally not specifically oriented towards meeting these.

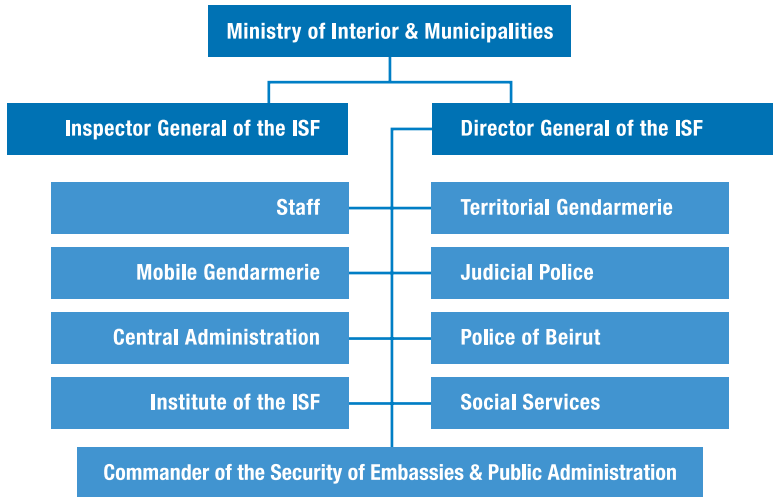
Legal Basis and Governance

The key laws governing police structure and function are the ISF Organizing Law No. 17 of 1990, The Structural Organization of the Internal Security Forces (Decree No. 1157 issued on 2 May 1991) and the Criminal Procedure Code (CrPC). The ISF’s policing, prisons and national security mandate is broadly defined and the ISF seem to have kept largely within this mandate. However, a number of procedural and operational shortfalls that impact human rights, community security and access to justice are detailed below. The Director General of the ISF is accountable to the Minister of Interior, and ISF personnel are subject to military law.⁴⁷ The ISF had their origins in the Lebanese gendarmerie established in 1861 and the Directorate General of the ISF was established in 1959.⁴⁸

Structure & Functions

Figure 3 below shows the structure of the ISF. The Inspector General of the ISF conducts his inspectorate role independently from the ISF chain of command and is directly responsible to the Minister. The ISF’s origins in a gendarmerie are seen in the Mobile and Territorial Gendarmerie; with ISF general policing units outside Beirut being referred to as the ‘Gendarmerie.’ The Judicial Police are the main investigative arm of the ISF though all ISF personnel may technically take on a ‘judicial police’ role as permitted under the CrPC, and accordingly have arrest and detention powers and may communicate directly with the prosecutor or investigative judge.⁴⁹

Figure 3:
ISF Structure⁵⁰



46 Lebanon has 25 prisons. Twenty four are managed by the Gendarmerie with one, based in Beirut, being run by the Beirut Police.

47 ISF Organizing Law, art. 2

48 Law-Decree No. 138 dated 12 June 1959: See <http://www.isf.gov.lb/en>

49 Criminal Procedure Code (CrPC), art. 38

50 Adapted from a diagram formerly on the ISF website: www.isf.gov.lb

Under the Organizing Law the ISF is designated as an armed security force responsible for:

- . “Preserving order and security support;
- . Providing communal peace;
- . Protecting publics (sic) and properties;
- . Preserving freedoms within the law;
- . Implementing law and other related decrees;
- . Performing the duties of jurisdictional supervision unit;
- . Executing juridical assignments and writs;
- . Implementing judgments and legal orders;
- . Supporting general authorities in performing the duties thereof;
- . Guarding decided by the competent authorities, of institutions and public organizations;
- . Guarding prisons and managing the same when required; (and)
- . Protecting the diplomatic missions in Lebanon.”⁵¹

The ISF are militarized, with their officers having been educated at the Military Academy; and their personnel holding military ranks, generally wearing a military-style (blue camouflage) uniform (though non-military style uniforms are now increasingly being worn), and often carrying assault rifles. The ISF’s mandate has a strong emphasis on providing state security but they have however sought to transition to an approach involving greater orientation towards community policing and ‘policing by consent’ with the support of US and UK police mentors.

Capacity

As of 2013, there were 27,594 ISF staff. In 31 January 2015 the Government decided to increase ISF establishment from 29,495 to 35,000.⁵² A training course for 2,000 recruits commenced in late 2015 and a further 2,000 will be trained in 2016.

Only 1,009 ISF personnel were women as of 2013. The number of women represented a significant increase over the figure of 571 for 2012 and only two in 2011 (a constant figure since 2001).⁵³ No women will be recruited during 2015-16⁵⁴ The ISF have no target or quota for recruitment of women.

The ISF do not have a current strategic plan but are currently working on one to cover 2016 onwards. The Minister of Interior considers development of an operational security action plan, improving prisons and enhancing anti-narcotics capability as his main priorities.⁵⁵ The ISF leadership regards the ISF to be significantly underfunded and in need of significant training and equipment from donors.⁵⁶ The ISF have over 60 standard operating procedures (SOPs) covering a broad range of duties.

The ISF budget is not made public but follows the ‘twelve month rule’ following the 2005 budget passed by Parliament. According to a senior ISF officer, the ISF generally use up their annual budget by July and need to seek supplementary funding for the rest of the year. Moreover, the portion of the budget comprising staff salary, allowances and other personnel costs has increased significantly since 2005. As the budget hasn’t increased, the amount available for running operations and for equipment provision and maintenance has been progressively squeezed.

Recruitment standards for officers are high but variable among NCOs (non-commissioned officers) and ‘privates’. ISF officers are recruited in two ways: Most officer cadets enter the Military Academy for three years of training after having achieved high marks in their baccalaureate and having passed other requirements such as fitness tests and health checks. Military training is undertaken with officer cadets from the other armed and security forces (i.e. Lebanese Armed Forces (LAF), GS, General Directorate of State Security and Customs (GDSS)). The ISF officer cadets then undertake six months of ISF training and six months of supervised field placements. The second means of entering the ISF officer ranks is as a direct entry officer. These are graduates in law, medicine, engineering and other specialist fields, and they generally undertake six months of military training followed by six months of ISF training, though this is variable.⁵⁷

51 ISF Organizing Law, art. 1.

52 National News Agency, 31 January 2015. The Government promulgated Amendment No. 2 to Decree 1460 dated 15 July 1991.

53 OHCHR statistics

54 Presentation by ISF Academy Commandant, May 2015

55 Interview, senior ISF officer, October 2015

56 Interview, senior ISF officer, August 2015

57 Interview, senior ISF officer, October 2015

The ISF Institute includes the ISF Academy and other training schools. Training for recruits who will graduate as sergeants or privates is less systematic and depends on the operational needs of the ISF at the time of the particular recruitment round. Sergeant candidates have higher educational qualifications than those who will graduate as privates. Their courses are the same but sergeants are given some additional leadership and supervisory training. The length of time of such training is variable.⁵⁸

The investigation capacity of ISF has benefited from various donors but significant challenges remain in terms of use of forensic evidence, with investigators relying heavily on confessional evidence and witness testimony.

Efficiency and Performance

Trust

Public trust in the ISF is low. A public opinion survey published in January 2014 showed that only 18% of respondents had “full trust” in the ISF (compared with 71% for the LAF and 41% for the GS) while 34% do not trust them at all. This represented an overall decline in trust when compared with a 2009 survey that showed 14% of respondents expressing full trust and 16% having no trust in the ISF.⁵⁹ A number of mayors interviewed by the Assessment team expressed lack of confidence in the ISF.

Public perception surveys show that Lebanese citizens regard the ISF as having major corruption problems. Global Integrity, an anti-corruption NGO considers that police employment is skewed by sectarian power-sharing considerations and patronage.⁶⁰

Community Policing

The international community has supported the development of a community policing and ‘policing by consent’ culture but this assistance is focused on a few pilot sites and on training. Much work remains to scale up such reform nationally. The US State Department’s Bureau for Narcotics and Law Enforcement Affairs’ (INL) Lebanon Police Program has supported to the introduction of community policing to Lebanon since late 2009. The ISF selected an initial twenty officers to be trained in community policing by INL instructors and to cascade knowledge on this subject throughout the ISF. The training consisted of a 12 week course in Lebanon regarding instructor development, supervision and cadet course content that was followed by a thirty day course in the US on community policing. Further community policing training for 300 ISF personnel (of all ranks) was held in Chekka to equip the trainees with techniques in order to be applied in the Naher el Bared police station in the wake of previous armed clashes between the LAF and militants. More than 1,500 additional ISF members subsequently underwent community policing training conducted by INL’s training team. Community policing training is now institutionalized in the ISF Academy’s curriculum.⁶¹

In 2013-15, INL, the British Embassy and Search for Common Ground sought to develop community policing in the Ras Beirut model police station. Initial activities included facilitating police-community (including youth) meetings; supporting a series of ‘shadow patrols’ involving police and youth. The project more recently facilitated joint committee meetings and use of an app to operate as a crime reporting communication channel between the ISF and the community.⁶²

Reporting and Statistics

The Service and Operations Branch at ISF Headquarters (HQ) is responsible for collecting and collating a broad range of crime statistics. The statistics are used by the Director General (DG) ISF and other senior staff to deploy resources in response to emerging crime trends. The ISF collect statistics on victims and complainants but do not conduct victimization surveys, which would allow them to compare reporting crime with actual victimization and thereby allow adoption of a more proactive approach (i.e. intelligence-led policing) to its work. Nor do the ISF routinely carry out nation-wide perception surveys, which would enable them to track community trust and to measure whether reforms have improved communities’ perception of police.

Some ISF statistics are unreliable, particularly because of ‘double counting’ of investigations or charges that have moved

58 Interview, senior ISF officer, October 2015

59 <https://www.sfcg.org/better-together/>

60 U4, “Overview of Corruption and Anti-Corruption in Lebanon,”2012, p. 4: <http://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-lebanon/>

61 Christelle Samaha, “Security Sector Reform in Lebanon – Case Study: Women in the ISF”, MA Thesis (unpublished), Lebanese American University, January 2013

62 Interview, Search for Common Ground, July 2015

from one unit (e.g. a local police station) to another (e.g. the Judicial Police). There is no unique identifying number for either a suspect or a particular offence.⁶³

The ISF will contract a consulting firm in 2016 to design an Enterprise Management System (EMS) that will automate and integrate all of their records. The online national criminal records (nashra) system was expected to be running by the end of 2015, and will eventually be incorporated into the EMS.⁶⁴ Once the online nashra system has been fully rolled out it will allow police stations to check criminal records promptly, eliminating the previous practice of having to check records at governorate level, which caused witnesses and complainants to be delayed – and effectively detained – for periods up to several hours.

Transparency, Accountability and Oversight

According to a 2012 report by the anti-corruption think tank, U4, Lebanon has no independent police oversight body in Lebanon or effective complaints system.⁶⁵ In early 2015 however a new system for receiving and dealing with complaints was established within the ISF. The new system allows any person to send a complaint about an ISF staff member via internet, letter or phone or by visiting any police station. The ISF website publicizes the procedure and commits the ISF to “periodic publishing of statistics, and measures taken to correct performance.” Complaints received from a woman are to be handled by a female ISF officer where possible. The maximum response time is 120 days. Complaints are sent to the Personnel Bureau where they are compiled and then discussed with DG ISF who takes the decision as to what steps ought to be taken in response to the complaint. Complaints may be sent for investigation to the Information Branch, Personnel Bureau, Investigation Department, or to the superior officer of the individual who is the subject of the complaint. After investigation, the file is returned to the Personnel Bureau, which determines whether the complaint will be dismissed, or referred to the Disciplinary Tribunal or, in the case of an alleged crime, to be investigated under the authority of an investigative judge.⁶⁶ There is no specialist training available on internal affairs or anti-corruption.

A number of complaints were made about police conduct during demonstrations over the garbage crisis that took place on 22 August 2015 and led to a number of injuries. Two officers were punished for misbehavior and a further six referred for criminal investigation.⁶⁷ The ISF has produced and disseminated a Code of Conduct, with OHCHR support.

The Code covers the following topics, which are expanded upon in explanatory notes:

- . Professional duty
- . Duty of superiors
- . Honesty and integrity
- . Impartiality
- . Conduct
- . Discipline
- . Use of force and firearms
- . Rights of suspects and detainees
- . Compliance with the Code of Conduct

The Code was recently updated by OHCHR to improve its coverage of the new domestic violence law, use of force and firearms, and torture prevention.

The Personnel Bureau maintains monthly statistics related to internal affairs (including corruption) cases, detailing numbers of complaints, arrests and convictions. These statistics are not publicly released but some details are released internally (not mentioning names) for information and deterrence purposes. There has however been in recent years an upwards trend in numbers of disciplinary and corruption cases detected and investigated, which may partly be the result

63 Interview, senior ISF officer, October 2015

64 Interview, senior ISF officer, November 2015

65 U2012) 4), p.4

66 Interview, senior ISF officer, November 2015. See also: <http://www.isf.gov.lb/en/article/1018/ISF-Complaint-System>

67 Interview, anti-corruption expert, September 2015

of poor standards of some recruits during a massive recruitment drive in 2005-7. A number of ISF officers have been arrested in the last year, with a former Governor of Roumieh prison being convicted of corruption by the Military Court, sentenced to seven years' imprisonment (currently under appeal), and dismissed from the ISF.

The ISF's Inspector General leads a General Inspectorate and is responsible directly to the Minister. He may also investigate complaints but complaints made through the above process are not referred to him (as he is not within the ISF chain of command notwithstanding that Director General ISF has administrative control over him and his staff). The Inspectorate is also charged with conducting periodic inspections of ISF facilities including prisons and detention centres.⁶⁸

The Inspectorate is comprised of three departments:

- . Complaints and Investigation Department
- . Inspection Department
- . Human Rights Department

The Inspectorate is staffed by nine officers and around 40 other ranks.⁶⁹ Most investigation work is conducted by the officers, with the other ranks mainly performing administrative or support functions.

While the Inspectorate has a role in ensuring discipline and compliance with rules and regulations it does not have a performance management mandate. In reality the Inspectorate conducts very few if any internal investigations, as this role is often undertaken by the ISF's Information Branch. The Information Branch is Lebanon's police intelligence service and operates secretly: details of its internal affairs work are not publicly available but its contact details (for police complaints purposes) are on the ISF website.

The Department of Human Rights also reports directly to the Inspector General and is comprised of two officers (one of whom is based at Roumieh prison) and five other ranks. It also performs a secretariat role for the ISF's anti-torture committee.

Civil society plays a minimal role in transparency, accountability and oversight of policing: clearly collaboration with civil society will need to be a vital element of the type of future reforms needed to ensure Lebanon meets international standards in this regard.

Human Rights Record

The UN Committee against Torture claimed in its 2013-4 report on Lebanon that Lebanese law enforcement systematically practices torture and other cruel, inhuman or degrading treatment in pre-trial detention and during interrogations.⁷⁰ Human Rights Watch (HRW) claims that drug users, prostitutes and lesbian, gay, bisexual and transgender people are particularly vulnerable to torture and ill-treatment at the hands of the ISF, and in particular its Drug Repression Bureau and other elements (including of the Judicial Police) that enforce "morality-based" laws.⁷¹

HRW interviewed 52 persons from these communities who alleged torture or ill-treatment, including sexual abuse, at the hands of the ISF. Victims alleged this was done for reasons including to: obtain information, force a confession, incriminate others, punish or discipline, or to ensure that victims did not report abuse.⁷²

The interviewees made the following allegations of abuse:

- . Sexual violence (21 women)
- . Denial of food, water or medication, or confiscation of medicine (17 individuals)
- . Threats of physical violence (almost all individuals)
- . Threats of physical violence against families (five individuals)

⁶⁸ Interview, senior ISF officer, September 2015

⁶⁹ A senior ISF officer noted that the UK's Metropolitan Police Professional Standards Department has several hundred officers for a police service of about 31,000 warranted officers.

⁷⁰ UN Committee against Torture, "Report of the Committee against Torture", 51st and 52nd Sessions, A/14-2013, 44/69, p. 270

⁷¹ While homosexuality is not explicitly criminalized, art. 534 of the Penal Code proscribes "any sexual intercourse contrary to the order of nature."

⁷² Human Rights Watch, "It's Part of the Job: Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations", June 2013, 26: <https://www.hrw.org/report/26/06/2013/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations>

According to the Lebanese Government's response to the UPR, since 2010 there have been expanded opportunities for human rights training awareness-raising of ISF staff, including:

- . Human rights training being compulsory in all basic training
- . Training on the ISF Code of Conduct also being compulsory in such training courses
- . ISF training curricula including community policing, international humanitarian law and domestic violence
- . Cooperation with human rights NGOs to arrange training courses⁷³

Although cooperation with human rights NGOs was identified, the role is limited to training courses; monitoring by civil society of ISF custody of detainees has not been permitted.

An ISF anti-torture committee was established on 14 September 2010, which "communicates directly with the Director-General of the (ISF), submitting regular reports so that he can take appropriate measures in each case."⁷⁴ In 2016 the Human Rights Department of the Inspectorate plans to develop, with UNDP support, standard operating procedures (SOP) and an action plan for the anti-torture committee's operations.⁷⁵

Reform Plans and Donor Support

The ISF produced a strategic plan for 2010-13 that highlighted human rights as a key priority. Though not confined to the Syrian crisis, the Minister of Interior has tasked DG ISF with developing a security action plan at the operational level (e.g. deployments). Currently there is no ISF strategic plan but a 2016-29 strategic plan is reportedly under development.⁷⁶ The ISF opened a new Academy, located at Aaramoun, in October 2015. The Academy was largely funded by the US, with significant support on equipment also from the EU. The old academy at Warwar was outdated and considered unsuitable for modern training methods. Aaramoun will train all security forces apart from the LAF.

INL police advisers are currently developing a manual on community policing in Lebanon.⁷⁷ The ISF plans, with US support, to open a further model police station in Ashrafieh, Beirut. There is currently no support on community policing being undertaken by international donors outside Beirut (i.e. with the ISF Gendarmerie).

The European Union (EU) implements the "Developing National capability for Security and Stabilisation" Programme, which included the recently-concluded "Security and Stabilisation Project" (SSP). The EU also supports a large Integrated Border Management (IBM) project which includes capacity building for the ISF among other agencies.

SSP covered three work streams:⁷⁸

- . ISF professionalization and organizational development, including: "Updating of the ISF strategic plan and Strategic Planning Team capacity building; Simplification of administrative procedures and support to the citizens addressing police stations (helpdesks and adequate information); Computerization of procedures in operation rooms, including support to the use of adequate equipment; Conception of a comprehensive package of in-service training modules for the ISF Training Institute."
- . Fight against crime, including: "Investigation and Intervention Squad (BRI) capacity building; Provision of training to the judicial police with the use of adequate equipment." This component also includes capacity building of the ISF's six crime scene units.⁷⁹
- . Traffic management and road safety, including: "Support to the Traffic Management Centre in providing real-time information on traffic, including provision of equipment; Update or creation of traffic plans in the major cities ...; Automation of procedures for the recovery of fines; Support to creation and capacity building of a team of ISF trainers on traffic management/road safety; Creation and capacity building of an ISF body dedicated to road safety awareness ... including provision of adequate equipment."

⁷³ United Nations General Assembly / Human Rights Council (25 September 2015), p. 8

⁷⁴ United Nations General Assembly / Human Rights Council (25 September 2015), p. 4

⁷⁵ Interview, ISF officer, October 2015

⁷⁶ A new strategic plan is currently under consideration.

⁷⁷ Interview, INL, November 2015

⁷⁸ <http://www.eu-ssplebanon.com/>

⁷⁹ Interview, SSP advisor, May 2015

3.4.2 Municipal Police

Although the municipal police are not a recognized as an ‘official’ security service provider, the impact of the Syria crisis has revitalized their role and numerous municipal police forces have been tasked to enforce curfews and to undertake other duties relating to the control and supervision of Syrian refugees. Since the start of the Syrian crisis, municipalities were instructed by the MoIM to take responsibility of maintaining order for host communities and Syrian refugees. These duties are a key part of the strategy of the MoIM and municipalities to ‘control’ Syrian refugees. There appears to be no legal basis for municipal police to enforce curfews or for mayors to impose them and they may be a breach of the right to liberty of movement enshrined under article 12 of the International Convention on Civil and Political Rights (ICCPR). In response to a MoIM request UNDP is supporting the development of SOPs and a code of conduct for municipal police.

Legal Basis and Governance

Municipal police are employees or contractors hired by municipalities and are completely separate from the MoIM and ISF. Contractors are frequently hired because of the added bureaucratic complexity of hiring employees (which requires MoIM approval). Several unions of municipalities have also established police forces (e.g. Sahel al-Zahrani in South Lebanon).⁸⁰ The Municipal Law⁸¹ and Criminal Procedure Code⁸² provide the legislative framework for municipal policing in Lebanon. The Municipal Law outlines the role of the municipalities, their functions and competencies. However, reference to municipal police in this law fails to provide clear guidance as to the scope and nature of their work or their legal authority. The law gives municipalities executive authority to maintain and protect the safety and prosperity of the population. It also gives municipal councils responsibility and authority to establish measures related to public emergency⁸³. The CrPC states that mayors may exercise the authority of judicial police under the supervision of the Public Prosecutor and that village guards and night watchmen may keep account of infringements and report them to a judge.⁸⁴ Some forces are uncertain as to their legal powers and there have even been cases of municipal police having been arrested by the ISF while going about their legitimate duties. Article 74 of the Municipal Law gives mayors authority in ‘avoiding or preventing anything that might trouble public health, safety and security’; ‘ensuring public decency’ and ‘ensuring security through the municipal police in its capacity as Judicial Police.’ This article is the only reference in statute that appears at face value to possibly give judicial police authority to municipal police.

The Municipal Law also gives municipalities the authority to establish “police, guards, firemen and rescuers”, with their respective units being created upon a decision of the Minister.⁸⁵ The law also empowers municipalities to task the municipal police to “handle the functions of the health controller and tax collector”.⁸⁶ The Municipal Law addresses the capacity requirements and training needs of the municipalities, considering it to be a responsibility of the MoIM to ensure that they are able to undertake their duties.⁸⁷ Recent ISF training of the municipal police has largely covered by the MoIM/ ISF, with municipalities only needing to fund transportation, food and ammunition.⁸⁸

Structure and Functions

The structure of municipal police forces is highly variable. Most have a small number of personnel led by a ‘chief’. Municipal police forces in the larger cities have a more formalized structure, with several forces including the Tripoli Municipal Police having developed their own SOPs. The municipal police are completely separate from the ISF and other armed and security forces but they generally coordinate their activities with local ISF stations and / or LAF units. A series of KIs with mayors, other municipal council members, and municipal police chiefs and other officers revealed a significant breadth of municipal police structures, functions and roles. Most perform a basic municipal officer / first responder role as their core duty (involving traffic duties and enforcing municipal by-laws), while others, especially in the larger cities, undertake a more conventional ‘watch and ward’ policing role. Some municipal police forces also resolved

80 The Municipal Law (arts. 121, 124-125) allows for municipalities to agree to join a union of municipalities, which can provide coordination and support in policing. There are some 52 municipal unions in Lebanon covering 242 localities, according to UN HABITAT: <http://unhabitat.org/local-strategic-planning-at-the-level-of-municipalities-and-unions-of-municipalities-in-lebanon/>
81 Decree Law no. 118 dated 30/6/1977 & its amendments
82 Act No. 328 of 7 August 2001 as amended by Act No. 359 of 16 August 2001
83 Municipal Law, art. 6) 51)
84 Criminal Procedure Code, art. 38
85 Municipal Law, art. 83
86 Municipal Law, art. 84
87 Municipal Law, arts. 94-91
88 Interview, senior ISF officer, July 2015

disputes in the community (including within and regarding Syrians).

The Assessment team noted that the varying roles and authority of municipal police was highly contingent on the local political-economic context of the respective municipality. Political parties and mayors played a significant role in determining the scope of work of municipal police in the South and some parts of the Bekaa. In other areas, such as the North and parts of the Bekaa, family and political linkages with the security forces were also important.

The Assessment team interviewed 20 municipal police officers from 10 forces who underwent training by the ISF during July-August 2015. These forces claimed a range of coercive legal powers: Three of the ten forces were armed, while all of them asserted a right to arrest persons caught in flagrante delicto and all claimed they had a right to detain persons until the ISF or other security agencies arrived. None of the forces however had purpose-built detention facilities and none of them claimed to have judicial police powers.

Key safety and security issues facing the communities policed by the forces were reported by participants in the July-August 2015 training course were:

- . Theft
- . Breaching curfew
- . Disputes between Syrians and Lebanese, mostly over key services and infrastructure such as water supply, use of land, and parking places.
- . Traffic offences (including drag racing, lack of registration papers and drivers’ licences)
- . Loitering by groups of young men
- . Begging
- . Fires
- . According to the trainees, none of their communities appeared to have a problem with radicalization.
- . Duties reported by the police forces under training included:
 - . Municipal enforcement of construction permits and markets.
 - . Traffic control.
 - . Foot and vehicle patrols during both day and night.
 - . Enforcing curfews of Syrians.
 - . Monitoring Syrian informal tented settlements (including maintaining records of who is present in each camps, and who has arrived or left).
 - . Preventing crime and fighting when community tensions rise.
 - . Evicting tenants from properties when their tenancy agreement has ended or if they are not paying the rent.
 - . Guarding, especially of schools during arrival and departure times of students and of mosques and churches at prayer times.

In two UNHCR-convened FGDs held in Bekaa and Mt Lebanon,⁸⁹ the Assessment team asked Syrian refugees to detail what duties they considered that municipal police performed in their local area. In Bekaa apparent duties included organizing crowds and protecting the area around the mosque on Fridays; (lawfully) collecting tax from Syrians (LL500 from each household); organizing humanitarian aid (e.g. securing a shelter in a school); organizing curfews (including curfews of motorcycle use); and protecting refugees sleeping alongside roads while fleeing Aarsal. In Mt Lebanon some respondents expressed confusion about municipal police reporting lines and role, but noted they conducted raids on Syrians, and enforced curfews and checkpoints.

89 The focus group discussions were facilitated by the Assessment team and were held in Zahle and Sin-el-Fin in June 2015.

A study by United Cities compared the municipal police of Lebanon, Tunisia and France.⁹⁰ Key findings of the study were that:

- . Only France has a well-defined statutory framework for its municipal police.
- . French and Lebanese municipal police have administrative and judicial police functions, while Tunisian municipal police undertake municipal enforcement and an expanded role owing to becoming linked to the internal security forces in June 2012.
- . Selection criteria and recruitment processes for French and Tunisian municipal police are standardized throughout the country, however selection criteria in Lebanon differ from municipality to municipality.
- . French municipal police are trained exclusively by le Centre National de la Fonction publique territoriale; Lebanese municipal police are trained by the ISF Academy, municipalities and NGOs; and Tunisian municipal police are trained by the National Police School.
- . In France, municipal police formally coordinate with national police/ security forces; in Lebanon there is a mechanism created with the qaem maqam (district head) to discuss measures taken with regard to Syrian refugees⁹¹; and in Tunisia there is no formalized coordination between central government security authorities and municipal police.

Capacity

Municipalities visited by the Assessment team generally complained that their municipal police forces were underfunded. Municipalities are funded by the MoIM, and some also have lawful authority to raise local taxes as a means of increasing revenue. Tight budgets limited municipal police numbers, infrastructure and equipment as well as the ability to pay for training. Municipalities are supposed to receive a proportion of revenues collected by the central government regarding mobile phones but some municipalities and activists claim this has not been provided in recent years.

Establishing police at union of municipalities’ level presents an opportunity for sharing and coordination of police resources, with resultant economies of scale. Few unions have established police forces but a greater number are sharing resources such as firefighting and road maintenance plant, equipment and labourers. Moreover, establishment of union police forces would also institutionalize the decentralized capacity of unions to provide local safety and security services.

Many municipal police have received no police training whatsoever. The ISF has been tasked by the MoIM to train municipal police personnel over the years and UNIFIL has also provided several short courses delivered by Carabinieri officers. But these courses do not meet the demand, and there are challenges with municipalities affording attendance at the training courses or, if they have only a small number of personnel, being able to release them for training. The most recent training course at the ISF Academy (July-August 2015) had 20 participants from forces throughout Lebanon, and sought to respond to MoIM concerns that municipal police had not been trained on their duties or on weapons handling. The curriculum was based on the ISF recruit training curriculum with the assistance of a French Government-funded project on municipal police implemented by United Cities. The course included a substantial amount of training in municipal violations as well as basic instruction in community policing. The training appears to have got more progressively relevant but it is still oriented towards the type of duties ISF typically do rather than those of the municipal police (local by-law enforcement, traffic, etc.) and probably needs more instruction in communication skills and perhaps conflict prevention / mediation skills. As the municipal police have a ‘first responder’ role, consideration should also be given to providing first aid training (and equipment) and instruction on basic firefighting. The course will be further assessed for relevance and updated as is necessary once the UNDP-supported municipal police SOPs and code of conduct are approved.

According to ISF Academy documentation, municipal police training provided by the ISF covers the following subjects:

- . Marching
- . Maintain order and security
- . Tactical education
- . Weapons

90 Cités Unies Liban / Bureau technique des villes libanaises (BTVL), “Projet d’appui aux municipalités libanaises dans le domaine du renforcement du rôle et des compétences de la police municipale au Liban - Etude comparative : la police municipale en France, au Liban et en Tunisie”, May 2015 (United Cities) p. 31 (UNDP translation)

91 This would appear to be the MoIM’s security cells

- . Shooting
- . Reports and requests writing and book keeping
- . Municipal police duties in administrative policing
- . Staff/personnel system
- . Criminal Procedure Code
- . Criminal Code
- . Military Justice Code
- . Municipal police duties in traffic policing
- . Lebanese Constitution
- . Military, administrative and judicial management
- . Community policing
- . Human Rights
- . Humanities
- . ISF Code of conduct
- . Traffic practical/exercises
- . Sports

The Beirut municipality has “municipal guards” who are also trained by the ISF Academy on the following subjects:

- . Marching
- . Weapons
- . Shooting
- . Traffic Law
- . Reports and requests writing and violations records
- . Municipal police duties in administrative policing
- . Municipality Law
- . Municipal Police role
- . Maintain order and security
- . Sports

The first week-long UNIFIL training of municipal police took place during March-April 2015 and attracted 31 participants from 21 municipalities. A further week-long course was delivered in September 2015 to three participants. The ISF Academy observed the first courses. The first courses included the following subjects: behaviour on duty, duty documents, communications techniques, searching of persons, car and foot patrol, check-points, securing crime scenes, taking road accident measurements, and weapons handling (pistol).⁹²

Efficiency and Performance

Municipal police do not have a standard set of operational or administrative policies, let alone agreed minimum standards of recruitment (e.g. conducting criminal records checks) and training (e.g. having attended a certified police training course before commencing duty or carrying firearms). Nor do municipal police have a formally recognized law enforcement status; indeed several interviewees reported to the Assessment team that on occasions municipal police had been arrested or harassed by ISF officers in the course of undertaking their duties.⁹³ Coordination with the ISF and other security forces varies according to location. There is a clear need to have their legal status clarified, in particular regarding where their duties start and end compared with those of the ISF and other security organs. And the public and the security forces need to be advised of these lawful, mandated duties, responsibilities and powers. In this regard SOPs and the code of conduct are essential reforms. Labour rights for municipal police are limited because significant numbers of them are contractors rather than employees and the municipal police appear to have no association or other representative body.

92 UNIFIL, “Police Training Sessions,” 2015 (report of March-April 2015 municipal police training)

93 See also United Cities (2015)

Transparency, Accountability and Oversight

The municipal police lack a code of conduct and generally lack SOPs, which should detail accountability and oversight both internally and externally. They are either employed or contracted by municipalities which then have disciplinary responsibility for their forces. While there is no formal discipline system, several mayors advised the Assessment team that they used informal disciplinary means such as imposing extra duties.

An officer in the ISF Inspectorate advised that some years ago the Minister of Interior had commanded it to conduct inspections of municipal police. These inspections no longer take place but there is a precedent for such Ministerial oversight over municipal police.

Human Rights Record

The major apparent area of human rights abuse committed by municipal police is denying Syrians’ right to freedom of movement through curfews, thereby compromising their access to services (including health, education, and safety, security and justice services). There is anecdotal evidence of instances of other forms of human rights abuse, including assaults and forced evictions. Examples of alleged municipal police human rights abuses were provided by a focus group of Syrian refugees from Mt Lebanon. The participants accused municipal police of abusing Syrians, particularly during raids and at checkpoints at night. This included beatings and confiscation of ID cards. The participants claimed that prior to the Syrian crises the municipal police were ‘friendlier’ to Syrian residents. Apart from possibly the enforcement of curfews, these abuses do not appear to be systematic across municipal police forces generally, though there may be pockets of concern in particular municipalities.

There is significant potential for human rights abuse by municipal police but the ISF and others with detention powers seem most at risk. According to the ISF, the municipal police only have an ordinary citizen’s right to arrest and detain a person if a crime is witnessed. As such they must immediately inform the ISF or other security entity and hand the detained person over to them.⁹⁴

Looking at human rights risk generally, the potential risk of human rights abuse by smaller, poorly trained and supervised police is significant. This risk is made worse by the prevalence of hiring police through short term contracts rather than as employees, as this may limit sanctions available to the municipality in the event of misbehaviour. A number of municipal police forces carry firearms⁹⁵ (some of which have been provided by the MoIM and others are personal guns) but a significant proportion of these officers have not been either licensed by the MoIM or trained.

Reform plans and Donor Support

The ISF plans to continue training municipal police and has modified its curriculum to better meet municipal police needs (e.g. training on enforcement of municipal by-laws). The ISF Academy has also studied the extent of municipal police powers and is partnering with UNDP, UNHCR and the MoIM’s Directorate General of Municipalities to develop a set of SOPs and a code of conduct for municipal police. UNIFIL has provided three short training courses to municipal police personnel during 2015 and United Cities supported a municipal police training course, in partnership with the ISF, in late 2015.

94 The UN Committee against Torture has found that Lebanese law enforcement systematically practices torture and other cruel, inhuman or degrading treatment in pre-trial detention and during interrogations UN Committee against Torture, “Report of the Committee against Torture”, 51st and 52nd Sessions, A/14-2013 ,44/69, p. 272

95 The armed municipal police forces interviewed carried pistols only and not assault rifles, etc.

3.4.3 General Security

Despite having primary responsibility for immigration, residence and nationality matters the General Security has not been given significant additional resources to cope with the huge influx of Syrian refugees in recent years. The GS, and the Lebanese Government more generally, has responded to the Syrian presence through a major clamp-down on rights of legal entry and residence. Prior to the 2014 “Policy on Syrian Displacement” Syrians were automatically entitled to a six month residence permit with the option of renewal. However the 2014 reforms required most Syrians to have a Lebanese sponsor and imposed further restrictions on accepting ‘displaced persons’.⁹⁶ These new policies have created more pressure on Syrians given the fact that the majority are poor and comprised of households of large families.

Legal Basis and Governance

The GS was established by Decree 1061 of 1921. In 1945 a further decree established the Directorate of General Security within the Ministry of Internal Affairs. The GS currently operates under Legislative decree No. 139 of 12 June 1959, which established it as a general directorate, under the MoIM, led by a Director General. Executive Order No. 2873 of 16 December 1959 added to the GS’ central administration regional departments and air, maritime and border departments.⁹⁷

Structure and Functions

The structure of the General Security is not public. The GS’ primary responsibility is for immigration and residence matters. It plays a central role in the management of Syrian refugees. The GS appears to generally conform to its (broad) mandate; while it focuses on immigration and residency issues it also conducts other duties to protect state security. The GS has the authority of judicial police under the Criminal Procedure Code.⁹⁸ It therefore has arrest and detention powers and can communicate directly with the prosecution or investigative judge. The GS has very broad authority under the law, including:

- . Collecting information on political, economic and social issues and analysis of this information.
- . Participating in judicial investigations regarding threats against state security.
- . “Supervising the preparation and implementation of security measures”.
- . Investigations related to entry or travel bans, or deportation.
- . Border security.
- . Media censorship and inspection, including films.
- . Monitoring and facilitating the transit, entry, stay, residence and departure of foreigners.
- . Security for Lebanese and foreign VIPs.
- . Issuing Lebanese passports, permanent or temporary residence permits, and Palestinian travel documents.
- . Procedures regarding naturalization and civil status.⁹⁹

Despite this breadth of potential functions and responsibilities, in reality the GS’ main duties are related to border security, immigration, nationality (including passports) and residence matters. It is common for cases not involving such matters to be handed over to other authorities such as the ISF, or in the case of some national security matters, to the LAF Military Intelligence.

Capacity

Details of GS staff numbers or its budget are not made public. The GS has had to cope with a massive increase in the number of foreigners in recent years without commensurate budgetary or other resource increases. The GS has a significant number of women staff members. In the most recent training course, around 1,000 of the 1,500 GS cadets trained at Aaramoun ISF Academy were women.¹⁰⁰ During 15 March to 15 April 2015, a total of 1,523 people entered GS detention and 1,593 left GS detention (to be deported or released). In both cases, Syrians comprised the largest number of detainees (see Table 3 below).

96 Ghida Frangieh, “Lebanon Places Discriminatory Entry Restrictions on Syrians”, Legal Agenda, 22 January 2015: <http://english.legal-agenda.com/article.php?id=679&lang=en>

97 <http://www.general-security.gov.lb/About-GS.aspx> . Note that the Lebanese Government does not refer to Syrian refugees as ‘refugees’ but rather as ‘displaced persons.’

98 CrPC, art. 38

99 <http://www.general-security.gov.lb/About-GS.aspx>

100 Presentation by ISF Academy Commandant, May 2015

Table 3: Numbers Entering and Leaving General Security Detention, 15 March – 15 April 2015¹⁰¹

Nationality	Entering Detention	Leaving Detention
Lebanese	137	135
Syrian	795	844
Syrian-Palestinian	10	13
Syrian-Turkish	1	1
Syrian-American	1	1
Palestinian	3	5
(Palestinian (Refugee	96	107
Palestinian-Swedish	1	1
Other	479	486
Total	1,523	1,593

Transparency, Accountability and Oversight

The GS is responsible to the Ministry of Interior. Like the LAF and ISF it is a military-style, disciplined force with a rank structure and its members are subject to military law. There is no independent oversight mechanism and the GS does not release details of internal disciplinary cases. OHCHR is planning to support development of a GS Code of Conduct. The GS publishes in its magazine statistics on the numbers and nationalities of those detained (see Table 3 above).

Human rights

The GS has a detention centre located under a bridge in Adlieh, Beirut, which drew particular criticism from the UN Committee against Torture’s 2013-14 report in Lebanon.¹⁰² Most GS detainees are held only for a short period of time (i.e. several days). As with the ISF, there is significant human rights risk during pre-trial detention, and in particular in the period prior to appearing before a judge (up to 48 hours, extendable once with prosecutor approval), where there is no access to a lawyer. The GS also detains persons pending deportation who have finished their sentences or have been acquitted. The Beirut Bar Association has recently concluded an agreement with the GS to allow them to access clients in GS detention centres. The GS is generally cooperative with embassies that choose to assert their right to access of detainees.¹⁰³

Lebanon is not a state party to the 1951 Convention Relating to the Status of Refugees. But it has an obligation under international law not to deport persons back to a country where they are at risk of persecution. Lebanon’s immigration and residency laws and policies may violate this international legal principle of non-refoulement. While Lebanon does not currently physically deport Syrians into the hands of the Syrian Government, critics argue that the Lebanese Government does seek to coerce Syrian refugees to leave. Refusal to grant residence leads to a deportation order, which if breached is a criminal offence.”¹⁰⁴

101 Extracted from “General Security” magazine, Issue 20, May 2015, p. 44
102 UN Committee against Torture (2013-14)
103 Interview, judge, September 2015
104 Ghida Frangieh, “Forced Departure: How Lebanon Evades the International Principle of Non-Refoulement”, Legal Agenda, 29 December 2014: <http://english.legal-agenda.com/article.php?id=675&lang=en>

A Humanitarian Organizations and Affairs Division established in late 2012, which cooperates and coordinates with CSOs and NGOs on:

- . Repatriation of illegal immigrants
- . Assistance in refugee resettlement in third countries
- . Processing asylum applications
- . Fighting human trafficking and assisting victims
- . Processing humanitarian files regarding foreign nationals¹⁰⁵

Reform Plans and Donor Support

The Lebanese Government’s response to the UPR claims that since 2010 opportunities for training and awareness-raising of GS staff have expanded, with the GS for instance training investigators on legal standards for detention and investigation.¹⁰⁶ The GS is a major beneficiary of EU support under the EU’s IBM project and will be the subject of an EU institutional development project. UNHCR engages closely with the GS and MoIM on matters concerning the immigration and nationality status, and civil and political rights in general, of Syrian refugees.

3.4.4 Lebanese Armed Forces

The Lebanese Armed Forces are a highly visible presence in Lebanon. They have a major internal security role as well as protecting Lebanon’s borders. While their internal security role focuses on terrorism and other national security matters, if an LAF patrol observes or suspects other criminal behavior it is authorized to act upon it, including to arrest and detain upon suspicion. As is detailed below it also has authority to investigate national security matters and its Military Court system tries most national security cases.

The Syrian crisis has impacted the LAF in a number of ways. The LAF has been engaged in combat to deal with offshoots of the Syrian crisis in border areas such as Aarsal, opposing anti-Damascus forces including terrorist organizations such as the so-called ‘Islamic State’ (IS) and the Al-Nusra Front (ANF). It has also intervened in armed disputes in Tripoli sparked by rivalries heightened by the Syrian conflict (i.e. between Sunni and Alawite communities). The LAF impacts Syrian refugees directly through its roles in providing border security, operating check-points, and undertaking kinetic counter-terrorism (CT) and other national security operations such as raids on Syrian informal tented settlements.

Legal Basis and Governance

In addition to their more conventional military role, the LAF have constitutional authority to investigate and try national security (including terrorism) cases. The LAF’s line ministry is the Ministry of National Defence. The Military Court, Military Prosecutor and Military Judicial Police use the Code of Military Justice in all of their cases, including national security ones and ones involving civilians. Article 19 of the Code lists those organizations and persons who can serve as Military Judicial Police. They are:

- . The Military Prosecutor, his/ her assistants, and the investigative judges at the Military Courts
- . Officer and non-commissioned officers (NCOs) designated by the Minister of Defense as proposed by the of the Supreme Military Council
- . Military Police
- . The head of the Military Court registry assigned by the Military Prosecutor

Persons holding the status of Military Judicial Police are supervised by the Prosecutor General. According to Article 20 of the Code, the Military Judicial Police have the same authority as the (civilian) Judicial Police in terms of crimes under the jurisdiction of the Military Courts. The ISF Information Branch works on occasion to the Military Prosecutor to investigate alleged national security (including terrorism) crimes.

105 United Nations General Assembly / Human Rights Council (25 September 2015), p. 4
106 United Nations General Assembly / Human Rights Council (25 September 2015), p. 7

Structure and Functions

The LAF is led by the Commander in Chief, who is supported in this role by the Chief of Staff, four Deputy Chiefs of Staff, and various Directorates. Ground Forces comprise the following: five Regional Commands; 11 Mechanized brigades; six Special Forces regiments; one Republican Guard brigade; one Commando regiment; one Airborne regiment; one Navy Commando regiment; and two Artillery regiments. These are supported by combat service support units including Medical services; a Support brigade; a Logistics brigade; Military Police and an Independent Work regiment. The LAF also has Navy and Air Force elements.

The LAF's mission includes "maintaining internal security and stability." In doing so it undertakes security roles in support of the police (e.g. patrolling and guarding of civilian areas) as well as investigations of civilians suspected of national security offences or an offence involving a member of the armed or security forces.

The military court system is composed of a Military Court of Cassation and a Permanent Military Court, both located in Beirut, and of Military Courts presided over by single judges in each of the governorates.

Under its constitutional authority to investigate and try national security (including terrorism) cases, the LAF may arrest and detain suspects under the supervision of the Military Prosecutor, who is a civilian prosecutor with direct access to the LAF Commander. The LAF Military Intelligence, which falls directly under the LAF Commander, generally conducts such investigations and manages detention facilities for those arrested.

Chapter 2 of the Code of Military Justice lists the Court's jurisdiction as:

- . Crimes listed in Chapter 3 of the Code.
- . Crimes of treason, espionage and unlawful connections.
- . Crimes related to weapons and military ammunitions.
- . Crimes committed inside barracks.
- . Crimes committed by the military.
- . Crimes committed by ISF and GS members.
- . Crimes committed by civilian staff working at the Ministry of Defence, Military Courts, ISF, LAF and GS in the course of their employment.
- . Crimes impacting the interest of the LAF, ISF and GS.
- . Crimes committed by a foreign soldier in case an agreement is absent between the Lebanese Government and the country in question.

The Military Court hears certain cases regarding civilians in addition to military discipline cases. These cases are either of a national security (including terrorism) nature or involve a military official as a party to the case. The military intelligence, working as Military Judicial Police, have a leading role in conducting CT investigations. Mostly this work is undertaken under the authority of the Military Prosecutor but the (civilian) Prosecutor General also has authority to task the military intelligence to investigate cases. The Military Prosecutor coordinates the respective CT and national security investigation roles of the LAF, ISF, GS and General Directorate of State Security (GDSS). In major cases, the Military Prosecutor may task a number of these agencies. For example following the November 2015 bombings in south Beirut the Military Police was tasked by the Military Prosecutor to immediately manage and preserve the crime scene, with the investigations being conducted by both the ISF's Information Branch and the GS.

Military police are under the ultimate command of the LAF Command for their military discipline role and report to the Military Prosecutor regarding their criminal investigation (including national security) role. There are no set criteria as to whether the Military Police or Military Intelligence should be tasked with investigating a particular matter. There is no right of appeal from the military courts to the civilian Judiciary, even in cases where civilians are tried. There are however certain linkages with the civilian criminal justice system: the Military Prosecutor is a civilian prosecutor; civilian agencies such as the ISF may assist the Military Prosecutor or the Investigative Judge; and a civilian judge sits on all multi-member military benches.

The Military Prosecutor monitors all detention by the LAF and has unfettered access to all places and circumstances of detention. The Code of Military Justice allows initial detention for 24 hours, which is extendable by the Military Prosecutor for an additional 24 hours.

Overall responsibility for military discipline rests with the Disciplinary Department in the LAF Command, which liaises with the Military Court regarding matters of the criminal nature. All of Lebanon's armed and security forces are subject to the disciplinary jurisdiction of the Military Court, i.e. LAF, ISF, GS, GDSS and Customs. The Disciplinary Department manages the disciplinary files and deploys military police to conduct arrests, investigations and other policing in this regard. If a civilian is involved in an incident (e.g. a civilian shot at an LAF checkpoint) the initial investigation is undertaken by the military police but it works to the Military Prosecutor (who is a civilian).

Capacity

Reliable LAF staffing numbers appear not to be publicly available. LAF officers are trained at the Military Academy for three years. Officer Cadets in the Academy are appointed upon graduation as 2nd lieutenants in the LAF or in the various security forces (ISF, GS, GDSS and Customs).

The LAF receives much better funding than the other security forces and has attracted large amounts of support from donors – particularly the US, France and Saudi Arabia - in recent years. According to a Lebanese newspaper article, the 2012 draft budget for the LAF was 1.2 billion, representing only 2.8% of GDP (compared with Saudi Arabia 8.9% and Israel 6.4%). In early 2016 Saudi Arabia announced that it would suspend a USD 3 billion program of military aid to Lebanon, which has clear implications for future LAF capability.

Transparency, Accountability and Oversight

The LAF is responsible to the President. It is a disciplined force and its members are subject to military law. There is no independent oversight mechanism.

As stated above, military courts are presided over by a military officer, with a civilian judge sitting on each multi-member military bench. The Military Prosecutor is a civilian judge and monitors all LAF detention centres. There is no right of appeal to the civilian judicial system.

The Military Court is able to refer cases to the civilian courts' Accusatory Chamber or Appeals Court for reference and/ or review. The civilian courts apply the (civilian) Criminal Procedure Code in such circumstances.

Human rights

The LAF's role in internal security regularly has a significant impact on Syrian refugees. The LAF has conducted raids on refugees' homes and informal tented settlements. It has arrested Syrian refugees for alleged national security offences. As with the ISF, there is particular human rights risk during pre-trial detention and interrogation. Military detention centres, including those that house civilian terrorism and other national security suspects, are, like their civilian counterparts, overcrowded.

The Lebanese Army has an Office of International Humanitarian Law and Human Rights, which was established in 2009. The Office conducts training in IHL and human rights; documents cases of persons killed in wars to natural disasters as well as victims of land mines or cluster munitions, and conducts training of trainers and awareness-raising on IHL and human rights matters. It partners with NGOs to undertake such activities. It also undertakes internal monitoring of compliance with the main human rights conventions, including through inspection visits to military prisons. The Office was recently given authority to present reports of torture to the LAF Command but it has no authority to investigate these; in cases involving civilians the military police would be tasked to investigate under the authority of the Military Prosecutor while cases involving military personnel only (e.g. torture cases in military prisons) are handled by the Disciplinary Department (and passed to the Military Prosecutor if criminality is suspected).

Legal Agenda, a prominent Lebanese legal and human rights NGO, recently assessed the Military Courts' compliance with international law and standards on fair trials. Its findings included the following:

- . Judicial Independence: The composition of the military courts allows military officers to dominate over "the modest presence" of civilian judges; prosecution of certain crimes is made by military leaders; the Minister of Defence (i.e. the Executive) appoints military members of the courts; and the fact the military court members are often ranked lower than the court president infringes upon the independence of the individual members.

- . Right of Personal Action: Military Court jurisdiction is limited to public prosecution so victims of alleged offences are not entitled to launch personal actions or to produce evidence, thereby violating article 13.3 of the ICCPR.
- . Right to a Defence: Military officers (who are preferably but not necessarily lawyers) may be appointed as defence counsel, and the lack independence from the military hierarchy and may have limited legal expertise. Lawyers are only given 24 hours to review the case file, and the Court many ban lawyers from entering the court for up to three months on grounds of serious misconduct.
- . Right to Appeal: decisions of the military investigative judge cannot be appealed, which threatens guarantees such as the right to access medical attention.
- . Absence of Explanations: Military Courts seem to have no obligation to articulate reasons for their decisions.

Reform plans and Donor Support

The LAF receives substantial overseas aid, in particular from Saudi Arabia, France and the United States.

The former Minister of Justice, Ashraf Rifi announced that he wished to establish special courts to try terrorism and other national security cases and limit the military's jurisdiction over such cases.

The Lebanese Government response to the UPR commented that since 2010 IHL had been added to basic training courses for officers and privates, and had distributed the Lebanese Army Code of Conduct to all soldiers.

3.5 Planning and Coordination

Strategy, planning and coordination are weak among Lebanese security entities and between them and the criminal justice actors including the Prosecution. Sectarian, political and bureaucratic rivalries lead institutions to operate largely in silos both at the policy and operational level. By way of example, there is no formal coordination of law enforcement response among the armed and security forces (unlike, say, Italy, where the interior ministry coordinates such matters with respect to that country's several police forces irrespective of which ministry they report to). In addition, use of forensic evidence is not well-coordinated between investigators, prosecutors and judges and prosecutorial oversight over the conduct of investigations and detention is often weak.

Decision-making is highly centralized with ministers making decisions on what would appear to the external observer to be rather insignificant matters. This leads to bureaucratic delay and other inefficiencies.

Donors have sought to promote cooperation among agencies: For example, the EU is supporting coordination between the GS, ISF, LAF and Customs on border management through its IBM project. It was not clear to the assessment team if any donor had been engaged in supporting the investigation capacity of the security forces in terms of enhancing coordination with the prosecution or the judiciary.

UNDP is supporting a MoIM-led network of security cells, membership of which includes the armed and security forces and key ministries (see Case Study below).

Case Study: Security Cells

In 2013, the MoIM established security cells centrally and in each district to respond to tensions between and within Syrian refugee and Lebanese host communities. These cells include representation from the ISF, GS, LAF, GDSS and the Ministry of Social Affairs (MoSA), Ministry of Public Health (MPH) and Ministry of Education and Higher Education (MEHE). While the system was rollout-out in 2013 it fell mainly into disuse; some municipalities lacked staff or equipment while others lacked interest in the initiative. The original data collected was very 'numbers focused' and didn't give indications of actual impact on the ground of conflict drivers or of peacebuilding / stabilization efforts. In early 2015 UNDP was asked by the MoIM to support a re-launch of the initiative. In response to the request UNDP has provided the central and district cells with training and mentoring, equipment, and bespoke software tools for measuring tensions in communities (based on UN conflict assessment tools to assist with early warning and analysis. UNDP will also support the central cell analysts to develop reporting templates and various analytical products for use to inform line ministries, donors and humanitarian actors of relevant conflict and security developments. These efforts are also being linked in to other UNDP work on developing stability indicators.

The central security cell is led by a MoIM general and district cells are generally led by the qaem maqam and may include representation from civil society, including NGOs. At central level a section of ISF personnel led by two ISF officers is responsible for collection, collation and analysis of information from the district security cells and for making reports to the head of the central security cell. The district security cells are responsible for collecting data from each municipality and collating it before sending it on to the central security cell for governorate and nation-wide collation and analysis. The Nabatieh district security cell has remained active since 2013, and meets on a weekly basis, providing a written report to the head of the central security cell, who alerts responsible personnel in the Ministry about important information. The reports cover a range of issues related to conflict including crime trends and possible drivers of conflict in host communities, including pressure on health and education services and infrastructure. The assessment team attended a meeting of the Nabatieh security cell in early September 2015, which was attended by representatives of the Governor's office, ISF Information Branch, GS, DGSS, Military Intelligence, MoSA, MPH and MEHE. Local NGOs working on issues concerning refugees also attended the meetings. The Assessment team found that this security cell meeting was professionally conducted and produced data that was likely to be of value to central authorities.

THE FOLLOWING SECTIONS COVER KEY ISSUES ABOUT JUSTICE SERVICE DELIVERY IN LEBANON, INCLUDING ACCESS TO LEGAL ADVICE AND REPRESENTATION, SERVICES PROVIDED BY THE MINISTRY OF JUSTICE, JUDICIARY AND PROSECUTION, AND PRISONS.

Lebanon's long civil war and other conflicts led to many thousands being killed or 'disappeared', often in cases amounting to breaches of international humanitarian law. However, transitional justice is far from being achieved: according to a study carried by International Centre on Transitional Justice, many surveyed individuals felt that while the politicians had reconciled (e.g. through the Taif Agreement), justice had not been delivered to individuals and communities. There was also a strong perception that the sectarianism dimension exists in justice services.

According to the FGDs conducted by the assessment team with Syrians in Mt Lebanon and the Bekaa, many Syrians appeared to refrain from approaching state justice institutions. This would appear to have arisen as a result of a fear of being discriminated against or facing arrest owing to a failure to have lawful residency status. According to FGD respondents, most Syrians preferred to resolve their disputes either through a Syrian or Lebanese mediator depending on the parties of the conflict.

As a relatively small country, physical access to courts is unlikely to prove a challenge to most. However, public information services about court services, including about court fees, are poor, even within the courts themselves.

The Lebanese people have experienced years of political disruption and a weak state as mentioned in the early sections of this report. The assassination of prime minister Rafiq al-Hariri in particular brought into sharp relief the compromised ability of the state to provide justice, and it was necessary to resort to the formation of a special tribunal for Lebanon under UN Security Council Resolution 1757 (2007) to investigate and try suspects in this assassination.

4. JUSTICE SERVICES

4.1 Access to legal advice and representation

4.1.1 Legal Aid

Lebanon provides no government funding for legal aid and Lebanon's two bar associations are expected to provide legal aid out of their own resources. NGOs can provide legal awareness and counselling but only members of the bars can provide legal representation. Access to legal advice and representation is limited for the poor, vulnerable and excluded, including Syrian refugees, women and children. A detention assessment published by the American Bar Association's Rule of Law Initiative (ABA ROLI) judged that "(i)nadequate counsel is a major problem for persons accused of crimes, in particular for those unable to pay an attorney. Lebanon lacks a public defender system, and free legal aid is provided via the bar associations, which have limited funds; appointed attorneys, who are often trainees, are paid a nominal fee. Legal aid is not appointed until a suspect's first appearance before a judge, and therefore persons needing free legal assistance do not have counsel during their period of arrest and when the initial pretrial detention decision is made. Appeals in criminal cases must be filed by an attorney, and legal aid is not of right at the appellate stage; notably, the Cassation Court does not accept applications filed by legal aid lawyers.

The Beirut Bar Association (BBA) has received about 1,000 requests for legal aid from courts since 2014. The BBA's legal aid committee examines the court request upon receipt, identifies the needed lawyers, and follows up with the lawyers proving the legal aid (including assessing their performance). The BBA has reported an increased work load (mainly criminal, including the Military Courts) since the arrival of the large numbers of Syrian refugees.

According to the Tripoli Bar Association (TBA) President there are many legal cases where the defendant, particularly if a Syrian refugee, cannot afford a lawyer. While numbers vary from month to month, an estimated average of 20-40 criminal cases per month involve a defendant who cannot afford to pay a lawyer or court fees. These are mostly criminal cases. The TBA works to assist most of these but its resources are very stretched, with a significant increase in caseload following the arrival of the Syrian refugees. The TBA President commented that there is no entitlement to legal aid in

the Military Courts (though the Code of Military Justice does appear to envisage the Military Court engaging with the bar associations to arrange defence counsel); if a defendant cannot afford a lawyer s/he is assigned a military officer (who is preferably but not necessarily a qualified lawyer) to defend them.

A senior lawyer interviewed by the Assessment team listed the following as problems in the current provision of legal aid:

- . Uneven quality of representation in legal aid cases; they tend to be conducted by junior lawyers.
- . Lawyers need to specifically put their name on a list if they wish to do legal aid work.
- . Some lawyers taking fees even on legal aid cases.
- . Lawyers, who fail to turn up for legal aid matters are not sanctioned, only replaced. There needs to be a performance management system in legal aid.
- . Legal aid is as of right in the criminal system; however, legal aid for civil matters is unusual other than when provided by NGOs.

Support to legal aid is a key donor priorities. The EU has recently commenced the “Institutionalizing and Modernizing Legal Aid” project, which will be implemented by La Sargesse University in collaboration with the bar associations. This is a two-year EUR 1 million project, and will commence with a baseline study (no comprehensive baseline study on legal aid has yet been conducted by any donor or implementer). The project has a target of 2,100 cases for around 7,000 beneficiaries. It will create legal aid offices in Roumieh and Tripoli prisons. The EU seeks to improve the quality of legal aid and the project will therefore work on improving the reporting provided by legal aid lawyers as well as the oversight of their work by the bar associations.

The Syrian crisis has attracted an increased number of donors and NGOs to working on legal aid, supplementing the role of the bar associations. However there appears to have been no comprehensive needs assessment conducted on legal aid in Lebanon. Organizations working in this field include:

- . St Joseph University Law School: Has a law clinic, which has been recently awarded a EUR 1 million legal aid project by the EU (see above). It will partner with the bar associations in delivering this project.
- . Norwegian Refugee Council Information, Counselling and Legal Assistance project: operates throughout Lebanon and provides administrative advice, mediation and legal representation on matters such as birth registration, housing and property and residence status. NRC also has a network on legal aid.
- . International Relief and Development (IRD): operates in North Lebanon and has a wider mandate than NRC, also covering some criminal and personal status matters through awareness-raising, counselling and legal representation.
- . Caritas: Based in Beirut, Zahle and South Lebanon, providing legal representation in administrative, family, labour and some criminal matters.
- . Association of Justice and Mercy (AJEM): Mainly focuses on prison cases.
- . International Rescue Committee (IRC): Works in Mt Lebanon and part of the Bekaa providing legal awareness but not representation.

4.1.2 Mediation

Mediation is relatively new to Lebanon. A draft Mediation Law has been with Parliament since 2009 but has not been passed. The lack of a law limits enforcement options and means that judges cannot refer cases to mediation. Several organizations conduct mediation, including the Centre professional de médiation (CPM) at the St Joseph University, the Tripoli Bar Association and the Beirut/ Mt Lebanon Chamber of Commerce . CPM conducts training courses and provides (usually pro bono) mediation services on family, commercial, labour and inter-communal disputes. In doing so it works closely with municipalities and NGOs (Mercy Corps, Search for Common Ground, etc.) conducting training in non-violent communications in addition to mediation. CPM has also trained seven politicians from a range of parties in order to promote mediation in the political field. The Chamber of Commerce undertakes commercial mediation and arbitration and has received capacity building assistance from the International Finance Corporation (IFC).

CPM has also worked on mediation in the criminal justice field, training youth prisoners / detainees in non-violent communications and plans to establish a mediation unit in Roumieh prison. The mediation unit will mediate disputes between prisoners and guards and well as family problems.

4.1.3 Syrian Refugees

A 2015 assessment by the Lebanese Institute for Democracy and Human Rights (LIFE) assessment found that filing a law case and ongoing litigation costs were expensive and therefore limited the ability of Syrian refugees to seek redress through the courts. The poverty faced by many Syrian refugees means that basic living needs (e.g. shelter, medical care) are prioritized over asserting legal rights through the courts.

According to LIFE, because many Syrian refugees lack documentation permitting lawful residence, they were unable to access courts or police stations without risking arrest. Filing complaints against Lebanese citizens was particularly challenging and there was a complete reluctance on the part of Syrian refugees to file complaints (of assault, etc.) against Lebanese armed and security forces personnel, or government or political party officials. Reasons for this reluctance include discrimination and the threat of retaliatory measures.

4.2 Institutional Response by the State to Justice Needs

Lebanon has a hybrid legal system with roots in the French civil code, Ottoman law and (whilst formally a secular state) the religious laws of the various confessional groups. Its main laws were developed during the French mandate and French jurisprudence remains highly influential. The Constitution was amended in 1990 to incorporate the national accord (Taif Agreement) that ended the Civil War, and sought to subject all officials and citizens to the rule of law and to enhance the independence of the judiciary. International conventions are automatically incorporated into Lebanese law upon ratification, and rank above domestic legislation in Lebanon’s hierarchy of laws but under the Constitution.

Justice services are provided by the Ministry of Justice, Judiciary and Prosecution as well as through legal advice and representation from lawyers (who have to be a member of either the Beirut or Tripoli Bar Associations) and NGOs. This section provides an overview of the mandate and functions of Lebanon’s justice institutions in terms of legal basis and governance, capacity, efficiency and performance, transparency, human rights record and reform plans and support. In addition to highlighting the state’s justice service providers including MoJ, Judiciary and Prosecution, this section also covers the correction part with a deep reflection on the situations inside prisons. The last part of this section reflects on non-state providers of justice services.

4.2.1 Ministry of Justice

Although part of the Executive, the Ministry of Justice has a strong influence over the Judiciary and many of the Ministry’s staff – particularly in senior appointments – are judges. The MoJ provides administrative services for and a certain degree of control over, the Judiciary, including over recruitment, promotion and transfer of judges and appointments to the Supreme Judicial Council. The Ministry has about 1,200 staff of whom around half are women. It is designing a new structure but needs a law to implement this. Furthermore, it is seeking to develop its forensic science capability and improve accountability of public notaries.

Under a Presidential Decree, the MoIM is supposed to progressively hand over responsibility for prisons to the MoJ. This has not been put into law and has not been implemented but with UNODC support the MoJ has made significant steps towards its being prepared to take over responsibility for prisons. UNDP has engaged closely with the MoJ over about 10 years, including in a major project to bring an IT infrastructure to the courts.

In Lebanon’s submission to the UPR it noted the following achievements with respect to the MoJ:

- . Directorate of Prisons created on 30 October 2012
- . Promotion of the Sentence Reduction Committee’s work
- . Restructuring of the Department of Forensic medicine to “consolidate action by the State to combat and prevent torture.”

This project was significantly delayed, demonstrating what a number of development professional and NGO interlocutors identified as the major challenges posed by donor implementation of large institutional development projects. An evaluation recommended improving planning processes, conducting a comprehensive organizational assessment and re-engineering of the MoJ. UNDP has also facilitated the formation of a joint Justice Integrity Network involving Lebanon, Jordan, Morocco and Tunisia.

The EU Security and Stabilization Project includes a MoJ work stream covering reinforcement of International judicial cooperation; and capacity building and provision of adequate equipment for the management and storage of criminal evidence.

4.2.2 Judiciary

Lebanon's judiciary has faced significant challenges, including frequent delays, which have been exacerbated in recent years owing to increased caseload resulting from the presence of large numbers of Syrian refugees since 2011. The Syrian presence has increased judicial caseload by up to 40%.

Legal Basis and Governance

Lebanon has a court system with a constitutional guarantee of independence. It is comprised of four main court systems: ordinary courts (civil and criminal), the State Council (administrative court), military courts, and religious courts. The specific courts operate under a variety of laws, most importantly the Judiciary Act, the Criminal Procedure Code and the Civil Procedure Code.

Supreme Judicial Council

The Supreme Judicial Council is responsible for overall management, strategic direction and oversight over the Lebanese Judiciary and is composed of ten members:

- . Ex-officio members: The First President of the Court of Cassation (as President), the Prosecutor General (as Vice-President), and the President of the Judicial Inspection Committee.
- . Elected members: Two judges among the presidents of chambers at the Court of Cassation, elected by the presidents and judges of the Court of Cassation.
- . Members appointed by the MoJ: One of the presidents of the chambers at the Court of Cassation, two of the presidents of the chambers at the Courts of Appeals; a president of the chambers at the Courts of First Instance; and a president of the courts or of a unit in the MoJ.

The SJC oversees the Judiciary, including its independence and performance; submits proposals for judicial transfers and appointments to the MoJ; resolves disputes between the Minister of Justice and the SJC; forms the Disciplinary Council for Judges; requests investigations of judges by the Judicial Inspection Committee; considers amnesties; and gives opinions on draft laws and regulations concerning the Judiciary.

Structure and Functions

Annex B is a summary of the structure and functions of ordinary, administrative, military and religious courts, as well as the juvenile jurisdiction of the criminal courts.

Capacity

The MoJ is largely responsible for the Judiciary's budget. Lebanon's Judiciary has significant resource constraints, including funding, human resources (including inadequate numbers of judges), infrastructure and equipment. This poor resourcing may be in breach of international standards. Funding for administration is particularly low. The Syrian presence has increased judicial caseload by 35-40% but there has been no increase in number of judges. Twenty new judges are supposed to be appointed each year but in some cases only 14 have been hired owing to a low pass rate in the entrance exam for the Institute of Judicial Studies. The SJC President has therefore revised the entry exam for judges and plans to recruit 40 new judges in each of the five years from 2015 (including some directly from the Bar, including possibly at higher seniority than entry level).

Renovation of the Palace of Justice in Beirut has so far cost USD 18 million and there are doubts that the MoJ will have funding to complete the work. An UNDP evaluation of its support to the MoJ court automation project recommended that judicial information technology (IT) and financial capacity should be supported by UNDP.

The Institute of Judicial Studies (IJS) is responsible for training student judges. The MoJ, not the Judiciary, has authority over the IJS. The IJS was established under the Judiciary Act 1961. There are currently three alternative paths to judicial appointment. First, candidates can sit an entrance examination for the IJS and if selected undertake a three year training program. The second way of becoming a judge is direct entry for candidates with PhDs in law to the IJS three year

training course without having to sit the entrance exam. The third pathway is appointment as a judge without having to undertake the IJS course: Such candidates must have served at least six years as a lawyer, or at least six years as a civil servant having a position in which a law degree is required. Continuing Professional Development is the responsibility of the SJC and not the IJS.

Efficiency and Performance

Delay

Lebanese courts suffer from major delays, with the civil courts being worse than the criminal courts, mainly because of the relative complexity of many civil cases. A senior judge estimated that the presence of Syrian refugees had increased judicial criminal caseload by up to 40%, especially in the North (which includes Akkar) and the Bekaa. The judge also noted a historical backlog of cases that was the product of years of conflict during which fewer cases could be tried. Many old cases remain, particularly regarding property issues.

Court procedures also contribute to delay, with lawyers allegedly using delay as a tactic and as a means for obtaining extra fees. Moreover, some judges were "lazy"; another senior judge noted that one judge had heard only two cases in a year. The SJC and Bar Associations have established a joint committee to try to reduce delay.

A comparison of caseload nationally showed a 30% reduction in delays between 2012 and 2013. A senior judge attributed this mainly to the fact that the SJC had imposed on judges a requirement to report and had commenced addressing judicial performance. According to senior judges, the new disciplinary measures led by the Chief of Judicial Inspection appeared to be improving performance and discipline.

Court statistics for 2013-14 (see Annex C) reveal particularly long delays in the Penal First Instance (single judge) Courts in Mt Lebanon and North Lebanon. In that year 22,489 cases were instituted in Mt Lebanon and 12,137 in North Lebanon. Disposal rates were significantly lower in these courts than in those of other governorates.

Judicial Independence

Accused persons face significant court delays and a judiciary that is allegedly prone to political interference and of limited independence. Fair trial guarantees, particularly under the military courts, are inadequate. Art. 14.1 of the ICCPR requires that trials be conducted by "a competent, independent and impartial tribunal established by law." Article 20 of the Lebanese Constitution guarantees judicial independence, stating that there were "judicial guarantees." But the Arabic text to Article 20 of the Constitution gives no details as to what these "judicial guarantees" are, and in general the Constitution has failed to specify safeguards. The Constitutional Council has however from time to time affirmed the judicial independence guarantees by imposing limits on the legislature's power.

A study by the anti-corruption think tank, U4, noted that there is heavy political interference in judicial decision-making (according to Freedom House), that power sharing and confession-based judicial appointments makes the institution more vulnerable to political interference (according to Global Integrity) and that the World Economic Forum Global Competitiveness Index ranked Lebanon 131st out of 144 countries with regard to judicial independence.

The Judiciary is subject to Executive authority (i.e. the MoJ) in key areas such as appointment, promotion, transfer of judges. As the MoJ has responsibility for most of the judicial budget, the Judiciary also lacks financial independence and lacks adequate funds for its operations. Court staff are employees of the MoJ, and judges have difficulty in disciplining them in cases of corruption. The SJC has limited independence from the Executive (i.e. MoJ) owing to five of its members, while being of judicial status, being appointed by the MoJ.

Management

Judicial performance management is limited. According to a senior judge, some judges view the SJC, which has responsibility for discipline as not independent. The senior judge added that computerization would improve speed and transparency of case disposal, and that while there had been trials of videoing court sessions, this was rejected by judges. Court statistics are now more rigorously collected. Most judges returned figures for 2013-14 but a number of first instance criminal court judges in Mt Lebanon and the North did not, hence figures of settled cases for these areas are either not available (Mt Lebanon) or unreliable (North).

There remains a need for better court management. Judges have responsibility for court management (not the MoJ-employed administrative staff) and the Judicial Inspectorate has authority of court administrative staff. There is no cadre of senior court management professionals and the Judiciary doesn't support this model for Lebanon.

Transparency, Accountability and Oversight

The Judicial Inspection Committee (JIC) is responsible for monitoring the performance and discipline of judges and court administrative staff, including referring cases to the Disciplinary Council for Judges, which comprises three senior judges. The Committee comprises one president, four inspectors general and six inspectors. In addition to its inspection authority over ordinary courts, the JIC also inspects a range of bodies including: Audit Courts, MoJ committees, court departments, notaries public, and receivers in bankruptcy. Significantly, the JIC has no jurisdiction over Military Courts or Religious Courts. The Minister of Justice can request that the JIC investigate a judge, and this seems the most frequent basis upon which the Committee works. The JIC's investigations and findings are secret and it does not publish any statistics. There is no clarity on sanctions imposed; indeed these appear to be largely discretionary. Lack of independence may have contributed to vulnerability to corruption. ABA ROLI found in a study that “external and undue influence is commonly exerted in criminal cases.” This included use of facilitation payments to ensure timely processing of a case by police or court staff. It also noted that at the time of arrest improper influence was exerted on police regarding how they should advise the prosecutor to arrest or not.

The Lebanese Courts provide public access to legal decisions. There used to be an official law digest but now cases are compiled by commercial companies, which are readily available to the legal profession and to the public.

The Judiciary sees its website as its main public communications tool. It is planning to make a series of short videos to be put on the SJC website, which will show court users how to undertake some steps in the case without recourse to a lawyer. Details of fees to be paid will be included in the video.

UNDP's EU-funded Access to Justice Project funded and established a Helpdesk at the Beirut Palace of Justice, which provided information to court visitors regarding judicial services. This initiative was not however sustained after UNDP support finished.

Human Rights Record

The courts do not have direct oversight over the activities of law enforcement such as pre-trial detention and interrogation (prosecutors are in charge of this) but judicial decisions have a direct or indirect impact on human rights if they are unfair or otherwise biased. Use of forensic evidence is somewhat uncommon in the courts and there does not appear to be a general push by judges for prosecutors to present such evidence at trial. Moreover, according to some lawyers interviewed judges rarely seem to disregard evidence obtained by coercive means, such as forced confessions, and rarely order enquiries into claims of torture. The Judiciary does not make performance data and disciplinary cases public so it is not possible to measure the extent to which the Judiciary is deficient in this regard.

Reform Plans and Support

The Judiciary has embarked on a 5-year process of reform (2013-2017), detailed in a strategy entitled “The Management and Challenges of the Reform and Change Process in Courts”. The goal of the reform is:

Strengthening the independence of the judicial authority including its financial independence, transparency in carrying out its work, pursuing an increase in the productivity of courts, issuing rulings within a reasonable time which is the criteria for fair trial, and making use, as much as possible, of modern technologies to facilitate judicial tasks and responding to the demands of litigants.

To reach this goal, the 5-year plan seeks first to develop work practices by forming task forces and developing work flow procedures, and secondly to improve the quality of judicial work. Below is a further analysis of the key issues that the 5-year plan try to address:

Judicial independence

Enhancing judicial independence is a key objective of the SJC. There have been small steps to improve financial independence, with the Cassation Court now having its own budget (i.e. dealing directly with the Ministry of Finance (MoF), not via the MoJ). The SJC relied on a legal provision that gives the First President of the Cassation Court the financial powers of the Minister of Justice. The Cassation Court is trying to recruit two accountants to assist in this role. The Judiciary hopes to give other courts a degree of financial independence by agreeing a mechanism with the MoJ that the First President of each Court of Appeal has a substantial input into the MoJ's development of its budget.

Human Resources

The Judiciary's 5-year plan identified three main human resources needs:

- . More judges.
- . Developing continuing professional development programs for judges.
- . More judicial assistants and training them.

By increasing recruitment of and improving training for legal assistants, the Judiciary hopes to enhance court efficiency, particularly by speeding up the summons process.

In seeking to improve the quality of judicial work the 5-year plan proposes a broad range of reforms, which include:

- . Holding seminars, attended by judges and foreign experts, to discuss ways of improving quality.
- . Monitoring and evaluating the performance of courts and of judges.
- . Adopting a flexible approach to the transfer of judges to respond to varying court workloads and to speed up the filling of vacancies.
- . Promoting a culture of judicial ethics.
- . Drafting a law to strengthen judicial independence.
- . Strengthening judicial cooperation with Arab and Western countries.
- . Activating the disciplinary process, including for judicial assistants.
- . Establishing specialized courts, including on complex financial matters.
- . Improving examinations for potential judges.
- . Curriculum development in the IJS.
- . Continuing professional development of judges.
- . Determining average time frames for adjudication by type of case.
- . Determining average time frames for judicial assistant tasks.
- . Improving transparency through the annual report, media relations, and outreach to university students.

The EU has agreed to support these projects through a EUR 4 million, three-year program “to consult foreign and local experts with the aim of reinforcing the rule of law and transparency in the judicial work.” However, while this responds to a significant proportion of Judiciary's needs for external experts, there is still a need for support to overall reforms in terms of updating procedures and designing and implementing new systems (including training staff to manage court automation systems).

Case Management and Court Administration

The 5-year plan seeks to develop work flow procedures through the following:

- . Fast tracking adjudication of low value civil claims.
- . Enforcing the Code of Civil Procedure to improve efficiency of case management.
- . Studies of practices foreign courts use to increase case disposal rates.
- . Reforming the Code of Civil Procedure, particularly with regard to “summons methods to prevent intentional stalling that hampers the course of the case” and the plea in abatement (which in some cases has become an excuse to delay the case).
- . Court automation.
- . Increased numbers of administrative staff: the Judiciary currently has some 400 vacancies for judicial assistants.
- . Improving judicial statistics.
- . Scaling up model courts.
- . Building an SJC website.

Task forces have or are being formed to work on the following:

- . Development of work practices.
- . Establishing a Secretariat-General to assist the SJC in its administrative work (including a press office).
- . Strengthening the role of the First Presidents of the Courts of Appeal in the six governorates.
- . Forming “judicial advisory bodies” in the governorates that are elected by judges, which serve as a communica-

tions links between the SJC and judges as well as an advisory body to the First Presidents of the Courts of Appeal on court administration.

- . Visiting regional courts.
- . Forming a committee with the Beirut and Tripoli Bar Associations to develop proposals for “legal amendments to ensure timely case adjudication.”
- . Judicial backlog.
- . Forming a committee to oversee continuing professional development for judges.
- . Establishing a committee in charge of the performance evaluation of courts.

In 2013, the Judiciary established a ‘consultative committee’ in each Court of Appeal to assist the First President of the Court of Appeal in management and administration of the courts. Six judges, elected by their judicial colleagues, form the consultative committee in each Court of Appeal (though Mt Lebanon Court of Appeal has two committees owing to its population and caseload size). The consultative committees assess how much time is need for particular cases so that judicial performance can be more easily managed. No donors are working with the consultative committees and they need further training. The EU is supporting some administration training for student judges but this will not reach consultative committee members and would probably be too basic in any case.

Caseload and court management automation will assist in management but only covers the Beirut Palace of Justice, and two smaller courts. The Judiciary has adequate software to roll this out nationally (i.e. 2,000 licences) but needs hardware and cabling. There are currently no system administrators to manage this system. The Judiciary wants to be in charge of this unit. There is therefore a need to plan, create, train and possibly equip a unit of system administrators. Senior judges considered that there was a need to analyze case backlogs and to determine the approximate time required for completing various cases (e.g. ‘hard / complex’ vs. ‘easy’ cases). Under a recent SJC initiative, each judge will now being asked to estimate how many cases they will complete each year as a key performance indicator. Senior judges also identified a need for management training for judges (e.g. how to fix hearings over the year – judges tend to put too much work into the first part of the year). The Judiciary (including prosecutors) receives significant support from the US Government, which is focused on providing training and equipment. The US is currently training judges on CT, anti-money laundering / countering the financing of terrorism (AML/CFT), and cyber-crime investigations but doesn’t currently cover court administration or the civil courts.

The EU has recently finalized its EUR 22mn Access to Justice Project, of which some components were implemented by UNDP. This project included two court automation projects, implemented through consulting companies at the Palace of Justice, as well as the UNDP court automation project. Each of these projects has been subject to considerable delays. The project also supported judicial institutions including the SJC, State Council, IJS and JIC. This provided technical assistance, focusing on development of legislation supporting judicial independence.

A second EU Justice project commenced at the end of 2014 and will provide the following support to the MoJ and Judiciary:

- . Training to and study visits (areas to be determined) for judges and prosecutors. This will include support to the IJS on training and to the SJC on continuing professional development, with a committee of Lebanese and foreign judges deciding on curricula. This component’s budget is EUR 3.8mn over 30 months. The EU considers that despite their training support, there will still be unmet demand for other donors to consider. The EU is not planning, for instance, to cover financial independence matters and most of the work will be on legislative reform.
- . Promotion of independence of the Judiciary through public awareness and advocacy. This component was launched in May 2015 and will be implemented by Legal Agenda, a Lebanese legal / human rights NGO. Its budget is EUR 3.8mn over 30 months. This component will not include support to financial independence.

The Judiciary (including prosecutors) also receives significant support from the US Government, which is focused on providing training and equipment. The US is currently training judges on CT, anti-money laundering / countering the financing of terrorism (AML/CFT), and cyber-crime investigations but doesn’t currently cover court administration or the civil courts.

4.2.3 Prosecution

Legal Basis and Governance

Public Prosecutors in Lebanon are part of the Judiciary but are not permitted to render judgment. Their duties are governed mainly by the CrPC and include: leading the initial investigation (unless it is undertaken by an Investigative Judge), overseeing pre-conviction detention and pleading the State’s case in court.

Structure and Functions

The Prosecution system in Lebanon is similar to the French system. It is led by the Prosecutor General of Lebanon, who is also the Prosecutor of the Cassation Court. The Prosecutor General has equivalent status to the Director General of the MoJ and to the First President of the Cassation Court. The Prosecutor General is appointed by the Council of Ministers decree upon the advice of the Minister of Justice, and is a member of the Supreme Judicial Council.

The Prosecutors of the Courts of Appeal and public attorneys (procureur adjoint or mouhamoun amoun) that assist them lead investigations of felonies and misdemeanours through the judicial police (except in those cases investigated by an Investigative Judge) and prosecute all cases in the criminal courts and courts of appeal. Significantly the Prosecutor or the Investigative Judge is required by the Criminal Procedure Code to attend to the crime scene to lead the investigation including through searches and seizures, obtaining witness testimony and interrogating suspects. In reality, however, because of limited human resources and an entrenched practice of delegating authority to the judicial police, this only occurs in the most serious crimes.

The Prosecution has the responsibility of overseeing pre-trial detention. It has its own detention facilities in each Palace of Justice (i.e. at the governorate level) and also oversees facilities run by the ISF, LAF Military Intelligence (through the Military Prosecutor), GS and DGSS. Many pre-trial detainees however are held in prisons, and Prosecutors are also expected to monitor these individuals. The Palace of Justice detention facilities are managed and guarded by the ISF.

Capacity

The Prosecutor of the Cassation Court is assisted by ten public attorneys. The Financial Prosecutor and Military Prosecutor are each assisted by five Public Attorneys. Each Appeal Court has a Prosecutor who is assisted by the following:

- . Beirut: Six public attorneys
- . Mt Lebanon: Nine public attorneys
- . Nabatieh: One public attorney
- . North (also covers Akkar): Four public attorneys
- . South: Two public attorneys
- . Bekaa (also covers Baalbek and Hermel): Four public attorneys

The numbers of prosecutors seem to be too low for the needs, particularly bearing in mind an increase in caseload resulting from an additional 25% or so of population owing to the presence of Syrian refugees. Moreover, these low prosecutor numbers appear to have contributed to a lack of oversight over most police investigations and restricted capacity to monitor places of detention. These are key human rights responsibilities of prosecutors that are mandated in the CrPC. Despite of this responsibility, the Prosecution does not have specialized units that might assist in this regard, such as human rights, gender or public information. The absence of these specialized capacities seems to reflect on the significant shortage of human resources including with respect to certain areas of specialist expertise within this office. The MoJ is in charge of the Prosecution’s budget. All prosecutor positions are filled throughout the country. However, there is a shortage of legal assistants to support them in their administrative work, further restricting prosecutors’ ability to keep up with the demands of their advocacy, casework and oversight duties. According to a senior Prosecutor, prosecutors are coping with the situation but they have a heavy workload and therefore delegate a significant amount of work to the judicial police. This imposes significant constraints on prosecutors’ ability to lead and manage police investigations; indeed, they do most of their work over the phone (including making orders for extending detention) and rarely visit crime scenes (contrary to the CrPC, which requires either the prosecutor or investigation judge to visit each crime scene visits as a first step in the investigation).

The senior Prosecutor interviewed considered that prosecutors and staff have adequate vehicles but have some needs in terms of office equipment (i.e. computers, furnishings). He also believed that prosecutors are subject to danger and are not adequately protected by the ISF. He took the view that judges and prosecutors working on high profile cases should be provided with armoured vehicles.

Prosecutors are selected, recruited and complete the same three-year judicial training courses as other judges. They sit a competitive exam or are selected from among experienced lawyers. Like other judges, prosecutors have sought donor support for continuing professional development, which is currently very limited.

Efficiency and Performance

The main challenge faced by the Prosecution is a major increase in workload caused by the influx of Syrian refugees. Even without the added numbers of residents caused by the Syrian crisis, the Prosecution considers that Lebanon's economic crisis has increased the number of property crimes such as theft. Some 27% of pre-trial detainees are foreigners, the vast majority of which are Syrians.

The Prosecution considers that while the law on pre-trial detention is sound, improving certain procedures (e.g. limiting lawyers' use of certain challenges at the procedural level) would reduce numbers of pre-trial detainees. The Prosecution notes however that there is significant fluctuation in pre-trial detainee numbers owing to security force activity (e.g. raids) and some continuing challenges with transportation of detainees to and from prisons and detention centres. The Prosecution's performance management system centres on a requirement that each prosecutor submits a monthly update on cases to the Prosecutor General and to the Judicial Inspection Committee. The Prosecutor General also follows up prosecutors' performance issues through visits and meetings.

Transparency, Accountability and Oversight

The Prosecutor General also has disciplinary authority over prosecutors and may refer them to the JIC. As detailed in 4.2.4 above, judicial corruption - which presumably includes the Prosecution - is perceived to be a major challenge for governance in Lebanon. Changing the judicial incentive structure through pressure from outside the judiciary is considered key to preventing and combating judicial corruption in Lebanon.

Human Rights Record

The Prosecution has a key role in protecting human rights through its oversight over criminal investigations and detention. This appears to be done diligently by at least some prosecutors but there appears to be uneven performance in this regard. Judicial inspection of prisons is particularly important given the fact that there is no other external oversight (with the exception of International Committee of the Red Cross (ICRC), acting confidentially) of prisons. OHCHR, the UN Committee against Torture and human rights organizations judge human rights abuses to be pervasive among security agencies. The Prosecution therefore appears to be deficient in meeting its role of preventing human rights abuses in custody.

Reform Plans and Donor Support

As part of the Judiciary, the direction of future prosecutorial reform is contained in the Judiciary's 5-Year Plan (see 4.2.2 above for details).

The Judiciary recognizes that in response to the Syrian crisis it needs more judges, including prosecutors. It therefore proposes recruit a larger number of judges / prosecutors in each forthcoming year than has been the previous practice (see 4.2 above for details). The Judiciary has recently recruited more legal assistants to conduct administrative work.

4.2.4 Prisons

Lebanon's prison system is in crisis. Overcrowding is endemic, with prisons operating at some 330% of capacity; in some prisons inmates lie 'head to toe' next to each other or have to take turns sleeping. According to the Lebanese Government's report to the 2012 UN Conference on Sustainable Development, inmates also suffer "inadequate access to natural light, insufficient exercise time; poor meal provisions; (and) deplorable sanitation." The report also noted poor medical care and many cases of drug addiction. Prison infrastructure is poor, including with regard to water and sanitation. The Syrian crisis has added to prison overcrowding, with around 21% of Lebanon's adult male prison population being Syrian.

Legal Basis and Governance

Article 1 (3) (c) of Law No. 17 gives the ISF authority to guard prisons and article 153 of Decree 1157 regulates prisons. Internal Regulations for Lebanese Prisons (i.e. SOPs) are in Decree 14310, which was last amended in 1995. Prisons are currently managed by the ISF under the leadership of the MoIM. All of Lebanon's prisons apart from women's prison in the suburb of Barbar Al-Khazen are located outside of Beirut and are therefore subordinate to the ISF's Gendarmerie. Day-to-day command of the prisons is the responsibility of the Prisons Bureau, which is led by an ISF lieutenant colonel who works directly to the commander of the Gendarmerie.

The Government has decided that management of the prisons was to have been transferred to the MoJ by 2012 and UNODC has a project supporting this transition. However there is currently no date given for the handover.

Structure and Functions

Lebanon has 25 prisons. It has one central men's prison, Roumieh, which houses around half of all prisoners nationally. Roumieh was purpose built in the 1960s as a maximum security prison. The two other large prisons are at Tripoli and Zahle, and the remaining, smaller prisons are known as 'peripheral prisons.' Apart from Roumieh, none of Lebanon's prisons were purpose-built as prisons. All of Lebanon's prisons also house pre-trial detainees. Lebanon has no open prisons or classification prisons. Lebanon has four women's prisons, located at: Baabda, Kobbe, Barbar Al-Khazen and Zahle.

Juvenile males are detained / imprisoned in a separate wing of Roumieh prison and Juvenile females are detained / imprisoned at the 'Female Minor's Centre'. Juvenile prisoners must be between 14 and 21. Prisoners over the age of 18 must have committed the offence prior to turning 18 and have agreed to stay in the juvenile prison rather than be moved into the general prison population. Few juveniles aged over 18 choose to enter the general prison population; those who do generally do so in order to be moved to a peripheral prison closer to their families. Juvenile girls are housed in a lower security rehabilitation centre.

The Internal Regulations for Lebanese Prisons cover a broad range of matters, including:

- . structure, management and command of prisons;
- . search;
- . accountability;
- . women's prisons;
- . medical department;
- . religious practices;
- . imprisonment and release;
- . internal regulations;
- . libraries;
- . visitor procedures and regulations;
- . nutrition;
- . clothing and bedding;
- . surveillance of prisoners and internal order;
- . punishments and rewarding good behavior;
- . external security;
- . workshops and prison work;
- . records and publications;
- . juvenile rehabilitation and protection, and the creation of a female juvenile prison;
- . prison records;
- . renovation of certain prisons;
- . the Decree on prisons under the authority of the Ministry of Defense - Army Command;
- . prisoner allowances; and
- . transfer of sick prisoners to hospital and assigning doctors to treat prisoners in cases of unavailability of prison doctors.

Capacity

Lebanon's prison system is extremely overcrowded, lacks a professional prison service, and suffers from severe resource constraints and poor infrastructure. Lebanon has few alternatives to imprisonment, pre-trial detainees are mixed in with prisoners (in contravention of the law), and adult prisoners have little access to rehabilitation measures. The prison budget is not made public.

Senior MoIM and ISF officials consider that prison staffing is inadequate. This shortage of staff has knock on effects such as availability of prison officers to escort prisoners to court. Lebanon's central maximum security prison, Roumieh Prison has around 42 officers and approximately 750 NCOs and other ranks.

The ISF is considering appointing some of the 4,000 recruits starting recruit training in 2015-16 to be prison staff and to give them incentives on the expectation that they will serve a minimum number of years.

Staff tenure has been a significant problem for prison managers, as working in the prison is not a popular posting and indeed has a reputation as a 'punishment posting.' In past years average tenure could be measured in months but senior ISF prison officials posit that staff are staying for longer periods now. Having staff remain on prison postings for a longer period of time is important in terms of maintaining skills and knowledge as well as incentivizing the ISF and international community to put further resources into professional training (as there is little point in training personnel who will only be in place for a period of months).

All prison officers are ISF police staff, and Lebanon lacks a professional prison service. Most ISF prison staff have received no formal training in prison management or guarding. However, a small number have been trained in the United States and the ISF Academy has a prison officer curriculum that it can roll out. Prison leadership however expressed concern about the difficulty of releasing staff for training owing to shortage of numbers. Some training of prison staff is undertaken by the Gendarmerie and the Mobile Gendarmerie, covering transfer to courts and riot control.

Prison Population and Overcrowding

According to the Beirut Bar Association, prisons were at 330% of capacity as of early 2015. Total prison population in Lebanon was 6,450 as of mid-June 2015. This represents an increased proportion from a steady state (for more than ten years) of around until 5,000 until around 2013, demonstrating that overcrowding is not a new phenomenon. Approximately 60% of prisoners are pre-trial detainees, hence prison populations are dominated by inmates who have not yet been convicted. Annex D shows numbers, status and locations of prisoners according to MoJ figures for 2014.

According to June 2015 prison statistics, around 21% of Lebanon's adult male prison population are Syrian (compared with slightly more than 8% for Palestinians). This represents a significant rise in recent years, with previous figures being: 2010 – 11%, 2011 – 12.4%, 2012 – 13.9%, and 2014 – 22.5%. The total proportion of all foreigners for 2010 was just 18%. Imprisoned Syrians were charged or convicted of a range of crimes, but only 2% of these were illegal entry or residence offences, with the remainder being theft and robbery, terrorism, counterfeiting, murder and sexual offences. According to the 2014 figures, 59 adult women had been convicted and imprisoned. The other adult women imprisoned comprised 174 pre-trial detainees and eight at the end of their sentence. The total prison population for women of 241 represents some 3.9% of the Lebanon's total prison population.

As of mid-2015, Roumieh housed 130 male juveniles, comprising 116 in pre-trial detention, with six having been convicted and eight having been convicted but awaiting trial for further criminal charges. Other boys are held at the Association for Protection of Juveniles in Lebanon (UPEL) juvenile facility in Fanar. Boys in Roumieh are provided better living conditions than adult prisoners and detainees. However the UPEL facility suffers from overcrowding, with the facility having one functioning floor that held twenty six children at the end of 2012.

The nationality breakdown of male juveniles at Roumieh was: 60 Lebanese, 49 Syrian, 9 Palestinian, 1 Egyptian and 11 "others". The proportion of Syrians is therefore around 40% (including around 15 on terrorism-related charges).

There are no girls in the central women's prison; girl offenders, numbering only eight according to the 2014 figures, are housed in a separate rehabilitation centre in Daher el Bashek, Mt Lebanon.

Roumieh houses around 670 prisoners detained or convicted for terrorism-related offences. These prisoners have been separated from the main population and will be housed in a new, separate 'model' facility at the prison. Kobbe prison

in Tripoli houses about 20 inmates charged with or convicted of terrorism-related offences; these inmates are mixed with the general population. Likewise male juvenile terrorism suspects and convicts are mixed in with the general male juvenile population.

The Lebanese Government considers that the main answer to the problem of prison overcrowding is to build more prisons. The Government is seeking to build three new peripheral prisons (in the North (Mejdlaya), South and in the Bekaa) and a new central prison in order to reduce the problem of prison overcrowding. The prison in the North has been funded (USD 55 million from the Government and USD 5 million fundraised from the business community) but there other prisons are not yet funded. The cost for each peripheral prison is USD 65 million, with the central prison to cost USD 100 million. There is therefore a shortfall of around USD 230 million.

Prison Infrastructure

Prison infrastructure is often poor and the ISF does not have a budget for replacement, refurbishment or repair of outmoded infrastructure. Only Roumieh was purpose built as a prison but its age, lack of maintenance and refurbishment, and overcrowded conditions have strained its infrastructure, particularly with regard to water and sanitation. Roumieh prison's water and sanitation infrastructure faces numerous problems. Raw sewage has leaked into its "central house", making use of a modern kitchen and diesel water heaters impossible. The ICRC has supported improvements to Roumieh's water supply in the past and is undertaking a study of water infrastructure at Roumieh with a view to providing further support in this area.

Part of Roumieh prison's land is currently occupied by a LAF unit. This includes a prison block (external to the main prison complex), and thus contributes to prison overcrowding. Moreover, the presence of the army unit limits the area into which Roumieh could expand its building infrastructure, and the main water storage tank as well as its filtration system are on army-occupied land. While UNDP provided solar panels in 2010, this does not now provide enough hot water for prisoners' needs and is in a state of disrepair.

A large accumulation of garbage at Roumieh prison owing to the ongoing garbage collection crisis has put prisoners and detainees' health at potential risk. In order to reduce garbage problems the Prison's human rights office is partnering with an NGO to develop a recycling project.

Efficiency and Performance

Prisoner Classification

Lebanese prisons do not have a functional prisoner classification or risk assessment system. Nor is there a sentencing plan for each prisoner. The only segregation operating is between males and females (housed at different facilities) and between adults and juveniles (Roumieh and Kobbe (Tripoli) prisons have separate juvenile wings and juveniles do not come into direct contact with adults). After a raid in early 2015 to end occupation of a wing of Roumieh prison by inmates convicted of or facing trial for terrorism-related offences, prison management was keen to separate Islamists in particular from the general population. Such inmates were consequently moved to a separate wing in order to manage them better but this was a decision to move them en bloc rather than as a result of classification based on risk assessments of individuals' dangerousness and propensity to radicalize others. 'Terrorist' detainees and prisoners are mixed in with the general prison population in Kobbe Prison. Most Islamists housed at Roumieh were Fatah al-Islam fighters from Tripoli and Saidia.

There is no classification system within the juvenile prison population: pre-trial detainees and convicts are mixed together, and terrorist detainees / prisoners (around 20 in total) are integrated into the general juvenile population. There are no de- or counter-radicalization programs. The prison reports an approximately 30% recidivism rate for juveniles.

Prison Management

Lebanon does not have a professional prison service. Rather, ISF personnel are appointed as prison officers or managers with minimal professional training and expected to learn on the job from more experienced colleagues and by reading the prison regulations and guidelines. There is no standard period of tenure for prison officers or managers. Prisoner records are kept on a database provided by UNODC and includes court information, including release date of prisoners. The ISF are considering granting the Beirut Bar Association read-only access to the database in order for lawyers to be able to better follow up information about prisoners and detainees.

Roumieh prison (and most likely the other prisons) faces major disciplinary problems, both of inmates and staff. Inmates are not given formal information (such as in a booklet) upon entry describing their rights and disciplinary obligations. A video leaked in mid-2015 showing beatings of prisoners by prison staff caused significant public and media attention and a number of staff now face criminal charges. Prison procedures for investigating breaches of inmate discipline state that the staff conduct and investigation, arrange for a medical check if needed, and then punishment is inflicted, which may include loss of privileges, solitary confinement, or relocation (particularly where there is sectarian conflict). The leaked video however seems to show that prisoners have faced arbitrary corporal punishment from guards, which may amount to cruel, inhuman or degrading treatment or punishment, or even torture.

Alternative Sentencing

Lebanese law, with the exception of the Juveniles Law, has limited provision for alternative sentencing. This contributes to overcrowding. Felonies require imprisonment upon conviction and while misdemeanors can be dealt with by a fine or conditional stay of enforcement, there is no system of probation. A senior ISF prison official expressed concern that some prisoners would be likely to go into hiding if they were put on probation (e.g. in Palestinian camps, where Lebanese authorities generally lack de facto jurisdiction). Many judges told an ABA ROLI assessment team that they “believed that minimum sentences set by law are often too harsh and that many defendants would benefit from alternative measures.” There is therefore a clear need to review the CrPC to provide for an increased range of sentencing options for judges. In order to reduce the prison population a new policy has been recently brought in whereby prisoners charged with or convicted only of drug possession offences are released. Prisoners were expected to keep drug free and were tested. However a senior ISF prison official took the view that this process was not being effectively implemented and that there was a high rate of recidivism. Those who test positive for drugs are returned to prison, generally for periods of 2-3 months.

A draft law on community service for adults, which would provide significant scope for alternative sentencing, has not yet been passed by Parliament. The MoJ is also currently examining means of enforcing community orders, for example through use of electronic ankle bracelets.

As with adults, a relatively high proportion of juvenile inmates at Roumieh prison are pre-trial detainees. This high rate appears due to various inefficiencies of the justice system (lack of judges or legal aid, slow legal procedures, and so on) as well as the inability of many juveniles to afford bail. Law No. 422 of 2002, Protection of Children in Violation of the Law or Exposed to Danger, overhauled the juvenile justice system by creating juvenile courts, and shifted the focus from incarceration and punishment of young offenders to education, rehabilitation and protection. This law made Lebanon more compliant with the Convention on the Rights of the Child (CRC). Imprisonment became an exceptional measure after the introduction of this law with judges able to apply non-custodial sentences such as reprimands, protection, supervised freedom, victim reparation, and so on.

Despite its considerable merits parts of Law No. 422 appear not yet to be fully implemented. A senior judge noted problems with the number and quality of staff in protective institutions (particularly a lack of social workers) and lengthy delays in pre-trial detainee juveniles being brought to trial. The Law had however resulted in alternative sentencing being very frequently used - including ordering community service (e.g. working with the fire department, Red Cross or NGOs) - but home detention was not a current option. Posting bail was often problematic for poor juveniles (as it is for poor adults).

Using alternatives to sentencing is a major feature of the Juveniles Law but there are no alternatives to pre-trial detention apart from bail. Law No. 422 seeks also to improve protection of children during investigations. Article 34 of Law 422 stipulates that authorities must contact a social worker to be present during the interrogation. Social workers are usually sent from UPEL. If this service is not available, a social worker approved by MoSA should be contacted and should conduct a background check on the social environment of the child. Authorities such as the judicial police and public prosecutor are also required to inform the parents or guardians of the child. However, some 40% of interrogations with juveniles occur without the presence of a social worker. This is due to a lack of availability of social workers and also because authorities do not contact them in some cases. Only 30% of the juveniles allegedly abused by the authorities inform the investigating judge, with some apparently having been kept in the police station until signs of abuse are no longer visible.

Following the initial interrogation and the findings of the background check conducted by the social worker, the public prosecutor decides if the juvenile should be prosecuted or not. Prosecutions of children move much more quickly through the system than those of adults, with cases taking about one year between arrest and the decision of the trial court.

Reduction of Sentences

One key initiative of the MoJ to reduce prison overcrowding is the establishment in 2012 of a Commission for the Reduction of Sentences. The Commission is led by a judge and has a senior prison (ISF) officer, a psychiatrist and a social worker as members. If a prisoner has demonstrated good conduct and has served at least half of their sentence they may apply for early release. If successful, their sentence is reduced by between a sixth and a half of the total sentence. The released convict remains on parole for the rest of their sentence; violation of parole conditions (e.g. through further criminal convictions) may lead to their being returned to prison to serve the rest of their sentence. Prisoners can also obtain early release on health grounds. Table 4 below show sentence reduction statistics since 2012. Since 2012 progressively more requests have been accepted, i.e. 2012: 16.03%, 2013: 34.06%, 2014: 45.81% and January-July 2015: 42.12%.

Table 4: Nationwide Sentence Reduction Statistics, 2012- July 2015

Year	Number of suggested cases	Denied	Accepted
2012	524	440	84
2013	323	213	110
2014	358	194	164
January-July 2015	197	116	81

A related government legislative initiative to reduce overcrowding was the shortening the annual prison calendar from 12 to nine months. There have also been initiatives to pay off prisoners’ fines, including one in 2012 to spend USD 66,000 to pay off the fines of 24 inmates.

Rehabilitation

Lebanon lacks a proper process of rehabilitation and preparation for reintegration into society for adult prisoners. Establishment of a rehabilitation system is a key priority of the MoIM, MoJ and ISF. It is also a challenge for the criminal justice system to keep track of released prisoners; for example, Lebanon has no sex offenders’ register. Prison SOPs have a brief section on transfer of prisoners to private rehabilitation centres (e.g. for drug addicts and the elderly) and list a number of NGOs that (as at 1995) were providing relevant services. However, the SOPs are silent as to the ISF’s role in rehabilitation. Roumieh prison does allow however a small number of prisoners to work and train in the Roumieh prison mechanical and get a certificate from the MEHE, and twelve adult prisoners under long sentences undertake paid work full-time in the prison’s sewing shop. The MoIM is considering implementing a similar project for Tripoli prison.

NGOs also support modest efforts in rehabilitation and reintegration of prisoners. AJEM, for example supports rehabilitation of prisoners and has staff and volunteers expert in social work, law, healthcare and psychology. AJEM works in all prisons as well as the detention centre in the Palaces of Justice. Its rehabilitation services include assistance with finding work and reconciling ex-prisoners with their families. AJEM also runs a half-way house with 23 beds for ex-prisoners in Rabieh, Mt Lebanon. Three other NGOs are known to conduct drug rehabilitation but they too have only a limited number of beds available.

The juvenile justice system does somewhat better in rehabilitation and reintegration of offenders. A significant improvement took place in 2012 with the juvenile wing of Roumieh opening, with UNODC support, a social affairs centre in 2012 to provide awareness and therapy for incarcerated minors. NGOs offer services such as rehabilitation and education, for example, the Fondation du Père Afif Osseiran (FPAO) has a reintegration centre and provides housing for juveniles that cannot go back home after their sentence.

Transparency, Accountability and Oversight

Prison inspections are conducted by senior ISF officers but judges also have a responsibility to undertake inspections. The MoJ has been allocated 16 judges for this purpose. These 16 have so far visited 12 prisons in Lebanon and a number are permanently allocated to larger prisons, including Roumieh. The ICRC visits prisons and detention centres and engages with the MoIM on prison conditions and management. There is no system for lay inspections of prisons (e.g. by NGOs or independent individuals) nor are the bar associations or Parliament permitted to formally inspect prisons. However, accredited individuals from NGOs, lawyers and other visitors (e.g. consular officials) regularly visit the prisons to provide other services and the Assessment team was also given good access. In anticipation of this move and owing to its responsibility for pre-trial detainees, the Prosecutor General has ordered each prison to be inspected at least monthly by prosecutors.

Human Rights record

Prison conditions are poor and prisons are extremely overcrowded. There are reports of abuse of detainees and prisoners, including a case (noted above) in early 2015 where assaults on inmates by staff were recorded and released to the media. The Lebanese Government's reply to the UPR noted the following achievements in regard to efforts to transfer of prisons to the MoJ:

- . Creation of a Directorate of Prisons webpage on the MoJ website.
- . Drafting a decree concerning the Directorate of Prisons.
- . Implementation of the “Basem” automated prison administrative system, which capacitates judicial oversight and the speeding up of proceedings.
- . Law No. 216 of 30 March 2012 reduces the prison year from twelve months to nine.
- . Training of prison staff at the Institute for Judicial Studies.
- . Training of LAF employees in military prisons
- . Maintaining a health file for each prisoner
- . Decree No. 6583 of 12 October 2011, which seeks to improve the quality of services offered to female inmates
- . Reform Plans and Donor Support

The Director General of the ISF, Prosecutor General and the MoIM consider the building of new prisons to be a high priority. A senior MoIM official considers that in addition to this, there are important needs with respect to improving human resources, providing better prison conditions, and developing a capacity for prisoner rehabilitation. Prison overcrowding limits the MoIM's ability to conduct reforms in areas such as rehabilitation and improved conditions. In terms of human resources, the MoIM and ISF recognize that they need to professionalize prison managers and warders, who are all non-specialist ISF personnel, and to improve prison conditions. The international community is taking some steps to improve prison officer training, with INL for example funding attendance of some staff on training courses in the US.

Part of the EU's new Justice project is focused on prison reform. The EU will support the reorganization of the forensics unit inside the MoJ, including by training doctors and supplying medical equipment and some modest infrastructure (in particular for Tripoli prison. It will also support service provision for victims of mistreatment, including legal aid and social support. This component's budget is EUR 1.2mn over 30 months.

The Lebanese Government aims to build three peripheral prisons and a new central prison to replace Roumieh. So far only one peripheral prison – in the North - has been funded but commencement of construction is awaiting the successful negotiation and purchase of all the land necessary for the prison. There is no timeframe set for the construction of the other two peripheral prisons and of the new central prison. Each of the new peripheral prisons will house – in separate wings - 552 male, 180 female and 48 male juvenile prisoners, with a health clinic in each wing. The ISF has verified with the ICRC and OHCHR that the design meets international standards. Owing to inmate population levels reaching unprecedented heights in late 2015, the ISF is also looking for a temporary prison building but has had challenges negotiating a suitable location with local residents.

The ICRC and UNODC are leading international support to rehabilitation of prison building infrastructure. The ICRC is currently funding refurbishment of seven of the smaller prisons (Halba, Baalbek, Jezzine, Baabda, Rashaia, Douma and

Jibnine) with a budget of USD 420,000. A private donor is supporting rehabilitation of the small prison in Marjaoun, which had been destroyed (along with a number of other prisons) by Israeli forces during the 2006 war. UNODC will undertake a USD 700,000 project to improve prison infrastructure and services, funded by the Italian Government. The project aims to “improve food management and hygiene, introduce services for prisoners suffering from mental illness and provide better care for Syrian children living in detention.” Roumieh prison has started work with an NGO in order to recycle garbage.

The ICRC is providing technical assistance to the Lebanese Government on finding solutions to prison overcrowding. It convened a meeting in October 2015 and further meetings, involving MoIM, ISF, MoJ the Judiciary and an EU-funded torture prevention project, are proposed. A senior ISF prison manager commented that Lebanon saw some value in learning regional lessons on combating prison overcrowding, and suggested that Jordan may be a good model in this regard. A project to move responsibility for prisons from MoIM to the MoJ has been subject to significant delay, with such a move unlikely to take place in the short-term despite being planned to be completed by 2012. The MoIM remains in clear control of prisons and is likely to remain so for the foreseeable future. UNODC is implementing a project to support the handover, and a senior MoJ official advised that the Ministry is ready to start running prisons for women and juveniles when appropriate funding (including for new facilities) comes through. The MoJ is working on law reform to create a prison service and has started deploying judicial officers to prisons to monitor files. This file monitoring provides the MoJ with insight into matters such as delays getting particular prisoners to trial. The MoJ wants 40 judicial officers deployed to prison but so far has only been allocated 16. These 16 have so far visited 12 prisons in Lebanon and a number are permanently allocated to larger prisons, including Roumieh.

The UNODC prison reform project, launched in 2011, established a juvenile vocational workshop in Roumieh where young detainees and prisoners undergo a rehabilitation-focused, individualized program managed by a team of social workers and educationalists. Upon entry to the prison, boys are interviewed by a social worker and a ‘social file’ is prepared for each (including background information on health, and educational and work history). The social worker is required to report any signs of abuse to the Juvenile Department. Boys are then given a booklet on their rights and duties and given a week's induction and observed for signs of aggression and levels of literacy. An orientation phase follows which covers trade skills (woodwork, leatherwork, barbering, mechanics, electronics, and computers), literacy classes or English depending on individual capacity and need. Any work is paid and they get a Ministry of Education certificate at the end of training courses. Boys are allowed two hours in the exercise area each day and a physical education teacher visit three times a week. Parents are able to visit their sons up to four times a week. UNICEF also works on the improvement of the juveniles' conditions with its Justice for Children program that aims to ensure that all minors that come into contact with the justice system have access to a “child-friendly” system and advocates the importance of alternative measures to detention.

4.3 Non-State Providers of Justice Services

Lebanon has numerous CSOs working on aspects of justice provision and human rights protection. They are often highly capable and in many instances are filling capacity gaps stemming from a largely absent state. Informal provision of mediation and conflict resolution is often undertaken by prominent members of communities, indeed Syrian refugees in particular take advantage of these systems. The Lebanese Government imposes relatively few restrictions on NGOs compared with other Middle Eastern countries.

4.3.1 Bar Associations

Lebanon has two bar associations, the Beirut Bar Association (BBA) and the Tripoli Bar Association (TBA). All lawyers wishing to practice in Lebanon must belong to one of these associations, with the TBA covering the North Lebanon and Akkar governorates and the BBA all other governorates. It is not possible to have membership of both associations. The Beirut Bar Association was established by law in 1919 and is organized under law and governed by its own Syndicate Rules and Code of Ethics.

The BBA is led by an elected President and governed by an elected Council of members. It has a range of committees, whose heads are appointed by the BBA President, covering issues including: legal aid, anti-corruption, human rights,

prisons, women, family, juvenile and child rights, and a disciplinary board. Most Lebanese lawyers don't specialize: there is no 'criminal bar' or 'commercial bar' as such. The Tripoli Bar Association is led by an elected President and Council. Bar Associations provide and fund legal aid, and only their members may represent clients in court. This legal aid work is complemented by a wide range of NGOs and a legal clinic at La Sagesse University and a mediation centre at the Saint Joseph University. Further detail on legal aid and mediation is provided below. The Beirut Bar Association has an active Human Rights Institute; its activities are also detailed in 4.1 above.

4.3.2 Political Parties

A number of political parties exert parastatal authority, including with regard to provision of security and justice services. There is however little research into how these organizations undertake such work, and how this is perceived by residents in areas under their control. Hezbollah emerged in the aftermath of Israel's 1982 invasion of Lebanon and is the lead provider of safety and security services in much of the South and parts of the Bekaa. Political leaders from all parties play informal mediation roles in cases of disputes (including a number of the mayors interviewed in the Bekaa by the Assessment team).

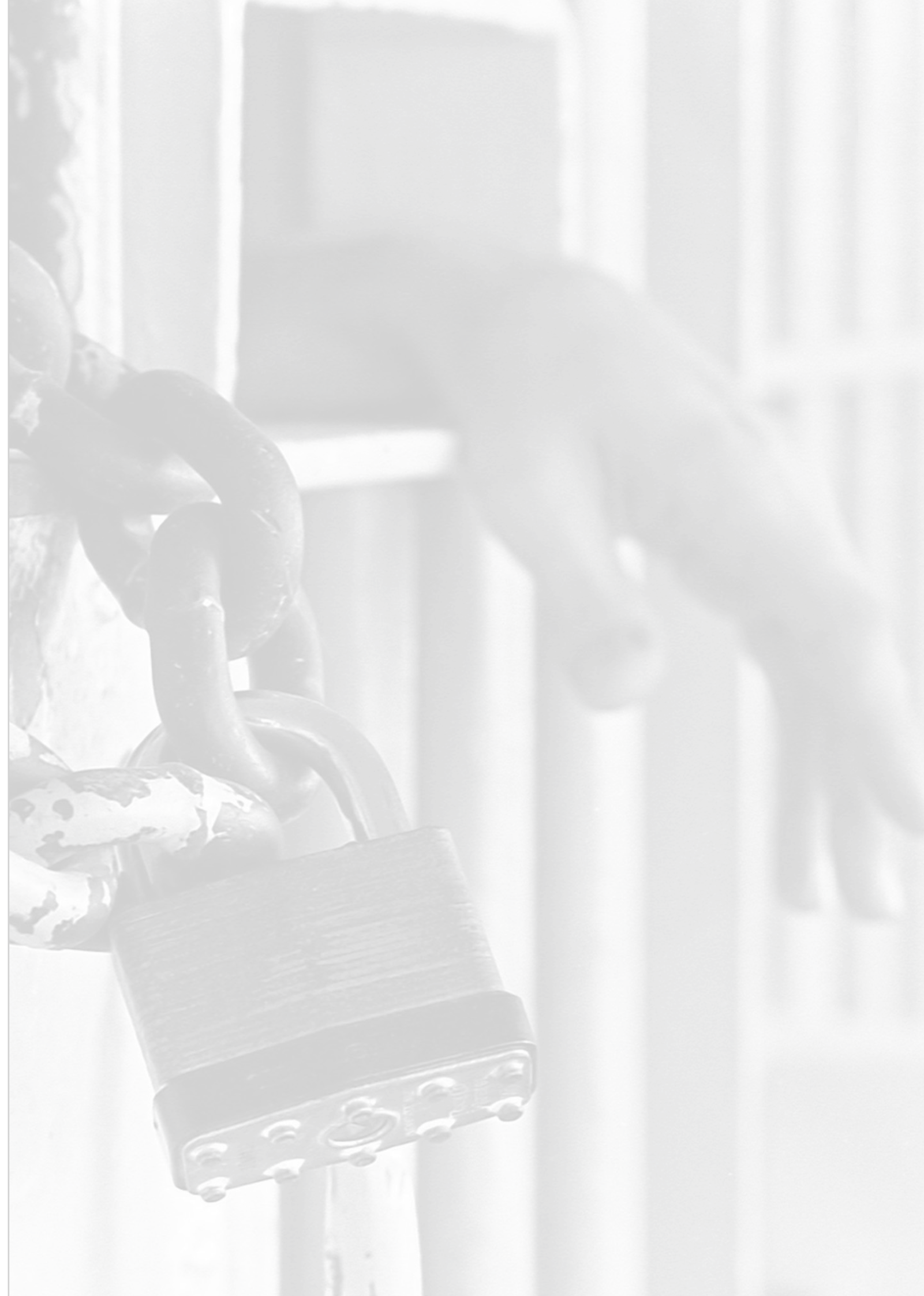
4.3.3 Palestinian Refugee Bodies

Since 1948, Lebanon has been host to large numbers of Palestinian refugees. Some 450,000 are currently registered, with approximately 53 percent of them living in the 12 officially recognized camps across Lebanon. The camps are generally underdeveloped, isolated and ill maintained.

In the Cairo agreement of 1969, the Palestinian Liberation Organization (PLO) gained official recognition and control over the camps, facilitating Palestinian armed factions' ability to strike Israel from the camps in the south. Although the agreement was revoked in 1987, it is still implicitly accepted by the Lebanese Government that the refugee camps are off limits for the Lebanese armed and security forces. The Syrian era after the civil war saw a decrease in the influence and authority of the PLO and a rise in the activities of armed radical groups in the camps such as Hamas and Juned al-Sham. Furthermore, since the start of the Syrian crisis, many militants have found refuge in the camps. As well as threatening the security and stability of the camps, some Islamist groups in the camps may possibly recruit and deploy foreign fighters to Syria and Iraq.

Today, the governance and security of the camps is threatened because of the multitude of factions seeking to gain influence and power. Popular and security committees are in charge of the refugee camps in Lebanon. Under the supervision of a PLO ambassador, these committees are comprised of appointed representatives from the different factions in the camps. There are also higher committees such as the Armed Struggle Committee that coordinate political activities between the different camps. Additionally an armed joint Palestinian force has been tasked with the security of the 12 camps. The camps are autonomous politically, socially, economically and judicially. However, there have been cases of Lebanese armed and security forces deployment within the camps. Most notably, in 2007, the LAF fought a 15 week war with the militant organization of Fatah al-Islam in the Naher al-Bared camp. After successfully removing the group, the LAF maintained its presence in the camp and on its peripheries, creating an entry permit requirement for the inhabitants. Additionally, the ISF mobilized officers in the camp to build a US-funded police station in order to put in place community policing. Lebanese forces have also intervened in Ain al-Hilweh. Provision of services to Palestinian camps has been made more challenging owing to recent budget cuts to UNWRA.

From a legal stand point, the Palestinian refugee camps are considered by the Lebanese Government to be "spaces of exception" where the rule of law is effectively suspended. Any political activity is consequently banned and the Palestinian factions are not permitted by the Lebanese Government to form internal administrations or municipal authorities. Members of the Palestinian security committees fear arresting offenders since they can be sued or arrested themselves for overstepping jurisdiction.



THE UN UPRS OF 2010 AND 2015 REFLECTED ON A NUMBER OF HUMAN RIGHTS CONCERNS THAT THE COUNTRY NEEDS TO ADDRESS. CIVIL SOCIETY IN LEBANON MADE A SUBSTANTIAL CONTRIBUTION TO THE 2015 UPR PROCESS, WITH 38 SUBMISSIONS IN TOTAL. LEBANON'S NATIONAL REPORT DETAILED PROGRESS IN IMPLEMENTING THE 69 OF THE 123 RECOMMENDATIONS MADE BY THE UPR. THERE HAVE HOWEVER BEEN SIGNIFICANT DELAYS IN IMPLEMENTATION, WHICH THE LEBANESE GOVERNMENT HAS ASCRIBED TO "DIFFICULT CIRCUMSTANCES INVOLVING OPPRESSIVE INTERNAL, REGIONAL AND INTERNATIONAL MILITARY, SECURITY, ECONOMIC AND SOCIAL FACTORS."

This section covers the constitutional and legislative framework that corresponds to fundamental human rights and freedoms along with analysis of Lebanon's status in key international conventions that form the human rights regime. This section also presents analysis on major human rights issues that were presented in the UPRs and need to be reformed in order to improve the human rights situation in the country. The areas covered are torture and other cruel, inhuman or degrading treatment or punishment, rights during pre-trial detention, residence and immigration status, human trafficking, SGBV, women's rights, child protection, promoting respect for diversity and countering violent extremism. This section concludes with the human rights institutional response and related transparency, accountability and oversight mechanisms.

5.1 Constitutional and Legislative Framework

5.1.1 Constitution

The Lebanese Constitution guarantees a range of fundamental rights and freedoms. Its preamble, which was introduced in 1990, notes that Lebanon is "a founding and active member" of the UN and "abides by its covenants and the Universal Declaration of Human Rights" and that the "Government shall embody these principles in all fields and areas without exception." The preamble goes on to state that Lebanon is "based on respect for civil liberties, especially the freedom of opinion and belief, and respect for social justice and equality of rights and duties among all citizens without discrimination." The preamble also refers to the principle of separation of powers and guarantees enjoyment of the rule of law. Chapter Two of the Constitution details a range of rights and duties. It is entitled "The Lebanese: Their Rights and Duties" but some provisions specify "Lebanese" while others appear have more general application (i.e. they would appear to include foreign residents including refugees). Guarantees include:

- . Equality before the law for Lebanese. (Art. 7)
- . Individual liberty, including that "no one may be arrested, imprisoned or kept in custody except according to the provisions of the law." (Art. 8)
- . Freedom of conscience. (Art 9)
- . Right to hold public office for Lebanese. (Art 12)
- . Freedom of expression, the press, assembly and association "within the limits of the law." (Art 13)
- . Inviolability of place of residence; entry is only permissible "in the circumstances and manners prescribed by law."
- . Ownership rights; appropriation only permissible for "reasons of public utility, in the cases established by law and after fair compensation has been paid."

5.1.2 International Conventions

International conventions are automatically incorporated into Lebanese law upon ratification. Lebanese courts have applied international law on numerous occasions, for example Article 3 of the Convention against Torture has been applied to stop deportation. Lebanon is a state party to most of the key human rights treaties, including :

- . Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)
- . Optional Protocol of the Convention against Torture
- . International Covenant on Civil and Political Rights
- . Convention for the Protection of All Persons from Enforced Disappearance
- . Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (with several reservations)
- . International Convention on the Elimination of All Forms of Racial Discrimination
- . International Covenant on Economic, Social and Cultural Rights

5. HUMAN RIGHTS

- . Convention on the Rights of the Child (CRC)
- . Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- . Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography
- . Convention on the Rights of Persons with Disabilities

Of particular note given the Syrian crisis is that Lebanon is not a state party to the 1951 Convention Relating to the Status of Refugees. Syrian ‘refugees’ in Lebanon are therefore considered to be ‘displaced persons’ by the Government, irrespective of whether they have been registered with UNHCR.

Lebanon has not yet signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to the abolition of the death penalty nor the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The CrPC is largely compliant with international standards on investigation and detention but key rights, including the right to have a lawyer present during initial police interrogation and the right to a medical check upon request, are not being implemented or enforced by the Judiciary (through either judicial decisions or through judicial supervision of police investigations). While the law gives a right to silence this is not permitted in practice either.

5.2 Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

5.2.1 International Law

ICCPR Art. 7 prohibits torture or to cruel, inhuman or degrading treatment or punishment. This is expanded upon in the CAT and its Optional Protocol (OP-CAT), to which Lebanon is also a state party. Torture is also prohibited as peremptory norm in international law, meaning that no state can derogate from its obligations by way of treaty. Furthermore, torture is banned under international humanitarian law through the application of Common Article 3 of the Geneva Conventions.

5.2.2 Domestic Law

Lebanon has only partially implemented the requirements of the CAT and OP-CAT. A particular weakness in implementation is the fact that Lebanon has not met its OP-CAT requirement to establish a committee to prevent torture, despite agreeing to do so during the 2010 UPR process. Furthermore, while Lebanese law technically invalidates testimony of suspects or witnesses where torture is used, it does not cover all of the offences listed in the CAT, Lebanese legislation lacks a definition of ‘torture’ and specific sanctioning systems for perpetrators, and confessional evidence given in circumstances of significant torture risk is accepted by some courts.

5.2.3 Challenges and Problems

“It is in the period immediately following deprivation of liberty that the risk of intimidation and physical ill-treatment is the greatest.”

The UN Committee against Torture concluded in 2013-14 that torture is practiced systematically in Lebanon. According to the Committee, torture is routinely used by the State for investigations, to secure confessions, and in some cases as punishment. Arrest and initial detention were considered by the Committee to be the most high risk activities, accounting for almost all of the reported cases of torture and ill-treatment. Torture risk is exacerbated by detainees having no right to access a lawyer immediately after arrest or to have a lawyer present during interrogations; and possibly lacking the opportunity to freely access a doctor.

According to human rights organizations, Syrian refugees in custody face significant risk of torture. An assessment by the Lebanese NGO, LIFE for instance detailed allegations of torture conducted by Lebanese armed and security forces and pro-regime militias against Syrian refugees. These incidents took place during arrest, detention and interrogation. During the armed conflict in Saida in summer 2013, Syrian refugees and workers were allegedly tortured by the LAF, Hezbollah and allied militias to confess their involvement in the conflict.

Many Syrian refugees also suffered from human rights abuses in Syria. ABA ROLI conducted an extensive survey of refugees’ experiences in Syria prior to moving to Lebanon. The survey results supported allegations made by other human rights organizations of pervasive violations of human rights and IHL by the Syrian Government Forces and their allies (including Hezbollah). Some of the abuses, which include military targeting of civilians, may amount to crimes against humanity. These violations included arbitrary arrest and detention, torture and cruel treatment, willful or arbitrary killings, beatings and threats of violence, home raids, sexual harassment and looting. Reported rates of torture were particularly high, with more than 1 in 9 of the randomly selected respondents claiming that a member of their household had been tortured. Torture methods included extreme measures such as electric shocks, severe beatings, removal of fingernails, amputation of limbs or fingers, and burnings. Abuses by anti-Government forces were also reported.

According to the Committee Against Torture, impunity has resulted in Lebanon from factors including lack of an independent and effective torture complaints mechanism and the failure of courts to order investigations where ‘evidence’ is alleged to have been obtained through torture.

Conditions in most detention facilities “could be described as cruel, inhuman and degrading and even amounting to torture in some cases.” The GS detention centre in Beirut had much worse conditions than prisons despite holding persons who had only breached administrative regulations or were being detained post-sentence pending deportation.

The Lebanese Government’s response to the UPR detailed efforts since 2010 to improve compliance. These include:

- . Drafting a bill to amend article 401 of the Criminal Code to align it with the definition of torture in the CAT
- . Adoption of the ISF Code of Conduct and training of ISF personnel in the Code
- . Establishment of an anti-torture committee in the ISF that “conducts regular unannounced visits to all detention centres run by the ISF”
- . “Vigorous steps” to prosecute perpetrators of torture
- . GS issued instructions concerning CAT compliance and set up a committee to inspect detention facilities

According to the UN Committee against Torture, Lebanese authorities seemed to deliberately disregard “the fundamental legal safeguards for persons deprived of their liberty... and that “shortcomings in the practical implementation of the right to a lawyer from the outset of detention and the lack of independent medical examinations contribute to the impunity of perpetrators.” The National Action Plan for Human Rights has documented and analyzed the human rights problems faced by those in custody, and has provided a range of sound suggestions for legislative reform and improved policies and procedures. The Plan however lacks an implementation plan and does not prioritize. Nonetheless, it is an invaluable, Lebanese ‘owned’ document that serves as guidance for future UNDP interventions.

The UN Committee against Torture’s recommendations for Lebanon cover the key areas of required reform and they include:

- . Legislative reform.
- . Strengthen safeguards in the CrPC, including right to a lawyer at time of arrest and during interrogation; be brought before judge without delay; and examined by an independent doctor.
- . Consideration of a state-sponsored legal aid system.
- . Establish right to challenge lawfulness of detention before a court.
- . A National Human Rights Institution (NHRI) be established in accordance with the Paris Principles.
- . Ensure evidence obtained through torture is not used.
- . Ensure confessions made without presence of a lawyer and not confirmed before a judge are inadmissible.
- . Ensure recording of interrogations and identification of all present.
- . Investigate all allegations of torture and ill treatment.

Full implementation of the National Action Plan for Human Rights and UPR recommendations, along with the establishment of an independent NHRI would result in significantly reduced torture risk in Lebanon. As a shorter term and probably more politically acceptable measure, the role of human rights bodies within the ISF and other agencies and the oversight role of Prosecutors and Judges should be supported by civil society and donors.

5.3 Rights during Pre-Trial Detention

5.3.1 International Law

The ICCPR guarantees the right to liberty and security in article 9, while article 10 protects the rights of persons deprived of their liberties. International standards require that detained persons should be provided with access to a lawyer as soon as possible after the deprivation of liberty. This is generally considered to be not more than 48 hours but the UN Special Rapporteur on Torture has taken the view that this period is too long, and recommends a period of not more than 24 hours.

5.3.2 Domestic Law

The Criminal Code makes unlawful deprivation of liberty an offence and the CrPC details when criminal justice agencies may arrest, detain or imprison people. The CrPC allows for those arrested for crimes to be detained by ISF or other security forces with judicial police status while they are subject to the initial investigation and interrogation, and thereafter if directed by the prosecutor or investigative judge. In reality however this initial investigation phase is run by the ISF or other judicial police despite being supposed to be supervised by the prosecutor or investigation judge. Long periods of detention have been noted by judges inspecting detention centres; in one case a man had been detained without having being tried for over five years.

The CrPC states that pre-trial detention lasts for 48 hours however the Prosecution may approve a further 48 hours upon application by the ISF, LAF, GS or GDSS. The CrPC also gives arrested / detained persons to the right to consult a lawyer during pre-trial detention. However, according to lawyers this is interpreted by judges as allowing the lawyer to be in the police station during the suspect's interrogation but not in the interrogation room itself. A charged person does however have a clear right to a lawyer when facing a judge.

5.3.3 Challenges and Problems

ABA ROLI produced a comprehensive study on detention procedures in Lebanon in 2012, which detailed deficiencies at each stage of detention as well as with regard to the right to challenge pre-trial detention. In addition to identifying the concerns detailed above ABA ROLI noted the following:

- . The presumption of innocence is not followed in practice despite be guaranteed in Lebanese law.
- . Delays in being brought before a judge: the maximum 96 hour period before being brought before a judge is often exceeded, and even after this period some detainees are kept in extra-legal detention at court holding cells until the judge hears their case.
- . Foreigners generally suffer discriminatory treatment during pre-trial detention, being kept indefinitely until their case comes to trial. Foreigners are also detained for periods after their sentence and before deportation can be arranged.

There are generally around 1,000 pre-trial detainees held in detention centres outside the prison system but numbers fluctuate considerably. The approximate breakdown as of early November 2015 was:

- . Judicial Police: 400 (including around 200 held by the ISF Drugs and Vice unit)
- . Military Courte: 70
- . Ministry of Defenceee: 110
- . Military Policeee: 60
- . Gendarmeriee: 250
- . General Securitye: 250

The criminal justice system has faced in recent years a high proportion of pre-trial detainees to convicted prisoners. The ratio is currently around 60:40. In 2012 the proportion of pre-trial detainees to prisoners in the prison system went down to 50:50. According to a judge interviewed by the Assessment team, the reason for this drop was two-fold.

- . First, with the automated prison management system being put in place judges were able to do regular checks on pre-trial detainees. The MoJ's prisons department sends the Minister of Justice every two months a list of those pre-trial detainees who hadn't been able to have their case heard by a trial judge. The Minister sends these to the JIC which follows up with judges.

- . Second, the MoJ and MoIM found that there was not enough transport resources (drivers and vehicles) to take prisoners from prisons and detention centres to the courts. In response to a request for assistance, the international community provided resources including vehicles.

The judge commented that since 2012 however numbers of pre-trial detainees had risen as a direct result of the arrival of large numbers of Syrian refugees. Large numbers of these generally highly deprived people and the deterioration of the security situation contributed to an increase in crime, and therefore increased the proportion of pre-trial detainees to prisoners in the prison system to 60:40. The current reasons for high numbers of pre-trial detainees include:

- . The prison-court transport problem is not entirely solved.
- . No alternative sentences for adults.
- . Some judicial delay and some overuse of arrest by authorities (e.g. to put pressure on individuals).
- . While the CrPC mentions alternatives to arrest and detention (e.g. taking away passport, presenting to police regularly), these are not used in practice owing to a lack of judicial staff to oversee such matters.

Access to a lawyer as soon as possible after arrest and detention, and particularly during the initial police interrogation, is a key right of an accused person that can afford them significant protection from torture or other mistreatment, or abuse of process. It is a common (mis)conception even among lawyers in Lebanon that the accused has no right to a lawyer in the period of their initial detention and interrogation by the ISF or other security forces.

Confessions before the ISF or other security forces are admissible in court, even though the suspect is not allowed to access a lawyer at this stage. Investigators and prosecutors don't count weekends as being part of the initial 48 hour detention period. The law is silent on this matter.

According to a criminal defence lawyer interviewed by the Assessment team, Lebanese investigators and prosecutors disregard the accused's right to silence and not to be coerced, and the legal provision stating that such coercion invalidates testimony. The CrPC makes a judicial police officer breaching these rights liable for punishment under the Criminal Code for unlawful detention.

Prosecutorial supervision of pre-trial detention is weak, despite the investigators being required by law to report to and work under the supervision of prosecutors. Typically, the ISF telephones the prosecutor, who can then authorize detention. There is a low threshold of 'suspicion' and a prosecutor's decision in this regard cannot be appealed. Likewise the presumption lies with detention of suspects rather than with their release.

In some cases a charged person is brought before the court but kept for multiple days in court holding facilities, ostensibly because of the busy schedule of the judges. Reasons for detention are not recorded, which makes appealing such decisions difficult.

Some serious crimes, including terrorism, have no set limit to the amount of time a suspect can be held in pre-trial detention. According to a judge interviewed, one detainee had been on pre-trial detention for some five years. This offends against the right not to be subject to arbitrary detention. The National Human Rights Action Plan recommends a time limit be set and this would require legislative amendment. Judges also sometimes interpret indefinite detention for other crimes as being mandatory despite the law mandating that with some exceptions (e.g. recidivism) detainees charged with misdemeanours should not be held in pre-trial detention for more than three months and detainees charged with felonies cannot be held for more than one year.

Detainees/ accused face lengthy periods in pre-trial detention, usually in very poor conditions and with little practical opportunity to access bail or other alternatives to detention. Detention facilities and prisons do not meet minimum standards, with the GS detention facility at Adlieh in Beirut offering particularly poor conditions for its detainees. Overly lengthy detention is not only unjust, but it contributes significantly to prison overcrowding as some 60% of Lebanon's prison population are pre-trial detainees. This is likely to require some law reform regarding the bail decision-making process.

There are a number of interventions in the field of investigations and detention that would decrease torture risk. Allowing – or even requiring – lawyers to be present during the initial interrogation by judicial police would significantly reduce torture risk, as would allowing those in custody to seek immediate medical attention from an independent doctor. Law-

yers and judges advised that legislative change was necessary to make clear that arrested / detained persons have the right to consult a lawyer and for the lawyer to be present during the police interrogation. The law at present is loosely worded and is being interpreted that a lawyer may be present if the prosecutor leads the initial interrogation but not if the ISF (or other security agency) does so.

The judiciary should ensure compliance with CrPC and other relevant laws, and key relevant actors such as the bar associations and human rights NGOs should continue to advocate for this. If, as it seems, no legislative change is required, the MoIM and MoJ should agree a set of policies and procedures to govern these rights, including that lawyers are aware of their rights and duties (e.g. not to improperly interfere with the conduct of the interrogation).

Human rights risk posed to those in custody would also be reduced if prosecutors were given more capacity and incentives to oversee detention. This clearly would require more staff, ensuring records are kept - particularly of prosecutors' authorizations of detention (the National Action Plan for Human Rights suggests use of fax machines). Again at least some of these reforms could be undertaken by the MoJ and MoIM agreeing policy and procedures that enforce inspections and spot checking by prosecutors. This could include performance management of prosecutors (including punishment and reward).

5.4 Residence and Immigration Status

5.4.1 International Law

Lebanon is not a state party to the 1951 Convention Relating to the Status of Refugees.

5.4.2 Domestic Law

Lebanon has recently placed significant restrictions upon Syrian refugees' ability to legally enter and reside in Lebanon, through a "Policy on Syrian Displacement." Prior to these reforms Syrians were automatically entitled to a six month residence permit with the option of renewal. Under this policy the GS introduced in December 2014 new criteria for entry into Lebanon, requiring Syrians to:

- . Have a Lebanese sponsor;
- . Own real estate in Lebanon; or
- . Be entering for the purpose of tourism (requiring a hotel reservation and possession of USD 1,000 in cash).

In January 2015 further entry categories were added. These new criteria would appear to discriminate against Syrians in comparison to other foreigners, and the requirement of possession of USD1,000 discriminates against poor Syrians in comparison to wealthier ones.

The new criteria issued in 2014-15 do not permit Syrians to enter Lebanon legally as "displaced persons" except for "exceptional cases ... to be later determined in coordination with the Ministry of Social Affairs." This may further incentivize Syrian refugees to enter through unofficial crossing points and thereby to be subject to arrest and prosecution.

5.4.3 Challenges and Problems

Major challenges identified by a human rights researcher interviewed were:

- . The cost and difficulty in obtaining documentation and a sponsor for legal residence
- . Harassment of Syrians (especially those in informal settlements) by Lebanese, and corresponding inability of Syrians to complain, seems to be increasing
- . Frequent use of checkpoints incentivizes Syrians to stay 'under the radar' and not travel from their homes, preventing, for example, registration with UNHCR or accessing health and education services.

Lebanon has also introduced policies that may violate the international legal principle of non-refoulement. While Lebanon does not currently physically deport Syrians into the hands of the Syrian Government, critics argue that the Lebanese Government does seek to coerce Syrian refugees to leave. This coercion may include use of prolonged detention as well as refusal to grant residence permits. Prolonged detention has been criticized by Lebanese courts as well as by the UN Working Group on Arbitrary Detention as a violation of Lebanon's constitution and laws in addition to breaching international law. Refusal to grant residence leads to a deportation order, which if breached is a criminal offence; that is "the refugees' exercise of their right to protection from refoulement becomes a criminal offence." This in turn deprives

refugees of key rights and limits their access to justice markedly. They cannot, for instance, enroll in public schools, open a bank account, obtain lawful employment, and register marriages and births (potentially leading to the statelessness of children). Refugees without legal residence also have their freedom of movement impeded, limiting their ability to access services (including safety, security and justice services): "as such, they are not only rendered outlaws, but (are) outside the protection of the law."

5.5 Human Trafficking

5.5.1 International Law

In 2005, Lebanon signed and ratified the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, that supplements the convention. Lebanon however has not ratified the International Convention on the Rights of all Migrant Workers and Members of their Families.

5.5.2 Domestic Law

The Lebanese parliament passed an anti-trafficking law in 2011 (Law No. 164).

5.5.3 Challenges and Problems

According to the US State Department, Lebanon "is a source and destination country for women and children subjected to forced labor and sex trafficking and a transit point for Eastern European women and children subjected to sex trafficking in other Middle Eastern countries."

In the 2011 Trafficking in Persons (TIP) Report issued by the US Department of State, Lebanon was downgraded to Tier 3 - its lowest ranking – but from 2012 onwards it has remained in a slightly improved position on the Tier 2 Watch List. The 2015 report considered Syrian refugee men, women and children to be vulnerable to sex trafficking and forced labour. There were reported increases in Syrian children being forced to beg on the streets, and women and girls – "sometimes in the guise of early marriage" – being brought to Lebanon to be forced or coerced into prostitution. While not fully in compliance with minimum standards for the elimination of human trafficking, the Lebanese Government was considered by the State Department to be making efforts to do so, for example by investigating and prosecuting offences. These law enforcement efforts were however considered to be uneven. Disturbingly, "authorities continued to arrest and detain trafficking victims among vulnerable groups for crimes committed as a direct result of being subjected to trafficking." Lebanon only made limited progress in identifying and protecting victims; it does not, for instance, directly provide protection to victims but continued to rely on a safe house provided by an NGO. Lebanon has not yet formally adopted its national anti-trafficking plan.

In its response to the UPR, the Lebanese Government claimed a number of initiatives since 2010 to combat human trafficking and to protect its victims, including:

- . Enacting Law No. 164, which also provides for assistance to and protection of victims and witnesses.
- . Drafting a decree organizing the work of organizations protecting and assisting victims.
- . Agreeing with Caritas measures for the protection of victims.
- . Publishing a booklet on human trafficking indicators produced by the Beirut Bar Association.
- . Engaging with Caritas over setting up a safe house for victims.
- . Developing SOPs for identification and referral of victims.
- . Attendance by Ministry of Labour staff on training courses on human trafficking

Sexual Exploitation

Before the Government started implementing Law No. 164 in 2013, Lebanon did not officially track this problem. However, the ISF and GS did previously work on human trafficking cases when applying laws dealing with prostitution. The 1931 Code on Preserving Public Health from Prostitution (which is still valid) allowed police to issue licences for prostitution, limited to the Zaytouneh area of Beirut. This area was destroyed in the civil war and therefore from around 1975 until the late 1980s, the ISF applied Penal Code provisions on 'secret prostitution,' effectively banning prostitution. By

the late 1980s/ early 1990s women from Eastern Europe started to travel to work in Lebanon as ‘dancers’ and prostitutes. The GS, being responsible for visas, began to issue these women with ‘artistes’ visas’, applying an earlier decree, and this practice continues.

In the late 2000s the ISF started conducting TIP investigations and a number of pimps and nightclub owners have been arrested and prosecuted. According to the to the head of the ISF’s Vice Squad the number of cases of human trafficking had reached a new record in 2014 and would increase during that year: “Before the start of the Syrian uprising the number of trafficking victims in Lebanon was modest. In 2010, the ISF recorded eight victims, but after the anti-trafficking law was implemented in 2013, the number rose to a record 27, with 24 traffickers convicted. In 2014, the ISF documented 12 victims, including women and children, all of whom were Syrian, with 14 alleged traffickers arrested and several still awaiting trial.”

The 2011 law had some unintended consequences because it did not articulate the ‘indicators’ of possible TIP that investigators and prosecutors should use in order to treat the case as one of possible TIP (and therefore treat a person who may have originally been a suspect, e.g. a prostitute or runaway domestic servant, as a potential victim). In order to address this deficiency the Beirut Bar Association’s Institute for Human Rights engaged with the ISF, MoJ and other stakeholders to produce a “Practical Guide on Human Trafficking” and an indicators guide. Some ISF personnel, especially investigators in the Anti-Human Trafficking and Moral Protection Department were trained in the use of the guidelines and indicators; but as they are not enshrined in law, these tools have not yet been used by prosecutors. The ISF Anti-Human Trafficking and Moral Protection Department has the lead role within the ISF on TIP cases. As human trafficking is a felony under the 2011 law, rules about detection, investigation and prosecution of TIP cases are covered by the provisions of the CrPC. Therefore in TIP cases that are in flagrante delicto, the police station that detects the alleged offence begins the preliminary investigation. Once a case is suspected to be human trafficking the police station should contact the prosecutor who should (but is not obliged to) refer the case to the Department. In cases that are not in flagrante delicto, the Department should lead the investigation from its inception. However, owing to a lack of policies and procedures agreed between the ISF and MoJ, TIP cases are not always directed to the specialist ISF unit. Nor are there policies and procedures covering the social protection aspect of dealing with suspected cases of TIP (linking the ISF, MoJ, MoSA, shelters and social workers). TIP policies and procedures were developed in cooperation with the International Centre for Migration Policy Development after the enactment of the 2011 law but were never approved and therefore are not used.

ISF Anti-Human Trafficking and Moral Protection Department staff have generally received TIP training, but such training has focused on sexual exploitation and abuse rather other types of TIP such as forced labour. In September 2015, KAFA, in cooperation with the ISF Academy piloted a training course on “The Role of the ISF in Combatting Human Trafficking, Especially Sexual Exploitation.” A group of 15 senior officers underwent the pilot training and some of these will be selected to be trainers for a full roll-out of the curriculum.

There is a paucity of shelter accommodation for victims of TIP. Only one shelter, run by Caritas, has been approved by the Government and it only receives foreign victims. Other shelters cover SGBV and domestic violence so may not allow victims of other types of TIP (e.g. forced labour, begging, and organ ‘donation’) access. Moreover, there are no procedures for the ISF, upon identifying a potential Lebanese victim of TIP, to refer victims to shelters; investigators have to try to find shelter space informally through NGO contacts or, in some cases, keep the victim for a short period of time in cells for their own security.

Foreign Workers

Under a recent administrative circular, foreign workers needed to give certain guarantees in order to get their approval to work, including that they agree to pay for flights if deported. Notaries didn’t initially challenge these undertakings as being anti-human rights but an NGO put pressure on the public notaries’ council and the circular requiring the undertakings was cancelled.

In 2014 most foreign domestic workers arrested were interrogated and deported before the file reached a judge. On occasions when the case did reach the judge, s/he would hear the case without hearing the domestic worker.

It is difficult for workers or refugees to take legal action against their sponsors. Once Lebanon imposed both a deportation system and a sponsorship system, there was limited access to justice. This now includes Syrians. A sponsor may give a waiver to allow an employee to get another job but in cases of complaints against employers, employers will often ask for the case against them to be dropped before they will sign the waiver.

Child Trafficking

In Lebanon, children, particularly those who are poor, face a significant threat of human trafficking. In Lebanon, the most common type of child trafficking is forced labour. Children that are victims of trafficking are exposed to high level psychological and physical harm and are often forced into gangs and juvenile delinquency. According to World Vision there are between 3,000 and 8,000 children working as beggars or sellers on the streets of Lebanon. There are also cases of forced prostitution of children, including under the guise of early marriage.

A number of donors have been supporting, or will soon support, victims, CSOs and the Government with regard to TIP, including:

- . The International Organization for Migration (IOM) has conducted joint training for the ISF and GS on TIP and plans to do more. The IOM trained prosecutors separately.
- . The US International Visitor Leadership program arranged visits of ISF Anti-Human Trafficking officers to the US but has since ceased this owing to the US concerns about alleged human rights abuses conducted by this unit.
- . Local CSOs/ NGOs working with the Government on TIP capacity development include:
- . The Beirut Bar Association produced TIP guidelines with US funding and a set of TIP indicators with UK funding.
- . KAFA, Abaad, Caritas and Justice without Frontiers have mainly focused on women’s access to justice and sexual violence in armed conflict; and on implementation of UNSCR 1325 on women, peace and security.

5.6 Sexual and Gender Based Violence

5.6.1 International Law

Lebanon is a State party to the 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) but has made reservations including to Article 16, which addresses equality between men and women in marriage and family life. While CEDAW does not explicitly mention violence against women and girls, including SGBV, General Recommendations 12 and 19 make clear that CEDAW does indeed cover violence against women.

5.6.2 Domestic Law

There have been two major recent efforts at law reform to tackle SGBV. First, in 2011 the Lebanese Parliament annulled article 562 of the Penal Code, which had provided a full defence or grounds for mitigation of the sentence (depending on circumstances), binding on judges, to crimes including murder if the intention of the assailant was to protect family honour. This defence / mitigation required three points of proof: an element of surprise; the woman being caught in the act; and the immediate commission of the crime.

Second, Parliament passed the Law on Protection of Women and Family Members from Domestic Violence in 2014. The law is gender neutral and key provisions of the law relate to forced begging, prostitution, homicide, adultery, and the use of force or threats to obtain sex. The crimes of assault and making threats are already proscribed under the Penal Code but have not been explicitly incorporated as a crime under the domestic violence law. While the law is a significant improvement it suffers from several flaws, including failing to criminalize marital rape or corporal punishment.

A number of provisions in the Penal Code discriminate against women. Articles 487-489 punish a woman who commits adultery with a prison sentence from three months to two years. She may be found guilty if the act takes place inside or outside her home. A man committing adultery, however, has to be caught in the act in his own home or be known by others to be conducting an illicit affair in order to be convicted and sentenced to prison for one month to a year. A woman is required to have the testimony of witnesses to prove her innocence, whereas a man can be proven innocent based on lack of material evidence, such as incriminating letters or documents.

Forced sex is inadequately defined in Lebanese law. The definition of rape explicitly excludes forced sex in marriage, and the rape of a virgin by means of deception is potentially subject only to a fine. If a rapist marries his victim following the crime, the law exonerates him.”

5.6.3 Challenges and Problems

“Around the world, gender-based violence ... reflects and reinforces inequalities between men and women. It is entrenched by power relations and control, cultures of silence and denial, political and cultural apathy, and affects men and women throughout their lives.”

SGBV is recognized as being a major problem in Lebanon. KAFA, a prominent Lebanese women’s rights NGO, receives more than 2,600 reports of domestic violence each year. Some 66 honour crimes were reported to KAFA between 1999 and 2007 in addition to 25 killings of women being reported between 2010 and 2013. KAFA has noted a significant increase in reported cases of SGBV, attributing this largely to better reporting and better cooperation with the ISF, which includes the ISF now referring cases to KAFA.

The proportion of women reporting violence and abuse is very low and appears not to portray the reality of the situation. An Institute of Women’s Studies in the Arab World (IWSAW) survey of 62 adult women revealed that women tolerate various forms of violence before reporting it for a period of time varying from several hours to 24 years, with a median of around five years. However, women whose children were less than five years old seemed to endure the violence for longer periods than other women. This would seem to imply that a woman SGBV survivor’s maternal role is a major determining factor in a decision whether or not to delay reporting abuse. Education and employment factors did not seem to be relevant to reporting time. There are likely to be other drivers of under-reporting, such as fear or shame of reporting or having no trust that the authorities can respond to a survivor’s needs.

Women often report the abuse to their families, police, NGOs and friends. According to the IWSAW study, 11 out of 20 women said they reported their case to the ISF. In addition, institutions in first contact with survivors (hospitals, police stations, schools, courts, etc.) had referred some of these women to the NGOs offering programs to assist abused women, constituting about 42 percent of total referrals. This high proportion indicates that the staff members of these institutions are relatively aware of the existence of these NGOs and their programs. It is also an indication of the women’s confidence in these institutions, since they followed their advice, and resorted to assistance outside the family sphere. SGBV is perceived by Lebanese women and men to be a serious problem. In a recent survey, 42% of respondents in rural areas and 29% of respondents in urban areas saw sexual violence as a serious problem. As might be expected, women generally saw sexual violence as more of a problem than men did. Some 9% of women reported having been survivors of SGBV or related crimes compared to 3% of men.

In Lebanon, women and girl refugees are disproportionately affected by violence and abuse. According to UNHCR data:

- . Nine out of ten reported cases of violence and abuse are women/girl survivors.
- . One out of four reported SGBV cases is from a child survivor.
- . One out of four reported cases is a sexual violence case (mostly rape).

Women and child refugees are considered among the most vulnerable groups in the country. The difficulty of their obtaining legal paperwork further contributes to women and children’s vulnerability.

Syrian refugee women and girls also suffered from high rates of SGBV in Syria prior to leaving for Lebanon. Refugees reported first-person and same-household cases of sexual harassment during home raids by Syrian and allied forces. Respondents to an ABA ROLI survey “overwhelmingly reported having fled Syria due to fear of rape, whether by Syrian Government Forces, Anti-Regime Armed Groups, or other actors (the latter linked to lawlessness in areas respondents fled from).” The ABA ROLI report added that some women survivors of sexual attacks faced violence at home and that sometimes marriages were “arranged” to restore the survivor’s honour.

In response to the need to tackle SGBV victimization of Syrian women and girls, the UN convened an SGBV task force in 2013. The SGBV Task Force aims to support a comprehensive and coordinated approach to tackling SGBV, including prevention, care and support, and efforts to hold perpetrators accountable. The SGBV Task Force seeks to enhance predictable and effective prevention and response, and contributes to a shared vision and integrated strategies among humanitarian stakeholders to better address SGBV through a survivor-centered and rights-based approach.

Since 2013, the SGBV Task Force in Lebanon has supported the roll-out of the Gender-Based Violence Information Management System to effectively and safely collect, analyze and share data reported by survivors. As part of standardization efforts, the SGBV Task Force in Lebanon has developed tools that are available for all partners, including:

- . Standard Operating Procedures
- . Case Management Standards
- . Standard training modules on safe identification and referral
- . Checklist on static and mobile safe spaces and service provision
- . Checklist for training and coaching of health facilities on Clinical Management of Rape”

The members of the SGBV Task Force undertake a broad range of interventions in SGBV. KAFA, for instance, has recently supported (with UNFPA funding) the ISF Academy in developing an SGBV curriculum that covers international treaties, background on SGBV and the new domestic violence law. It now wants to establish a call centre whereby women can call ISF HQ and then ISF HQ will follow up with the relevant police station.

5.7 Women’s Rights

A mixture of modernity and archaic values characterize women’s identity in Lebanon. Lebanon has always faced a cultural challenge concerning women’s role in society, particularly given the presence of 18 different confessional groups in the country. Lebanon is generally regarded as a patriarchal society: Suad Joseph, founder of the Association for Middle East Women’s Studies, has described the Lebanese state as a collection of “fragmented communities” glued together by patriarchy.

According to article 7 of the Lebanese Constitution, “All men and women are equal before the law to enjoy civil and political rights equally and be equally bound by public obligations and duties without any distinction.” Lebanon ratified CEDAW in 1996 but has made reservations to Article 9 (2) regarding nationality; and to Article 16 (1c, 1d, 1f, 1g) regarding marriage and family law. Several NGOs are working in partnership with the international community in order to lift Lebanon’s reservations, including through such initiatives as the ‘CEDAW lifting reservation campaign’ funded by the EU and managed by KAFA in 2011.

The current situation of women in Lebanon is different, being marked by a very modern system in some areas and a more archaic one remaining in others. Geographic location is a major indicator of modern ‘mentality’ regarding the status of women. The capital Beirut as well as Mount Lebanon have the highest literacy rates and economic participation for women. Employment rates for women differ markedly depending on location: some 63.9% of employed women are in Beirut or Mt Lebanon whereas 10.6% are in North Lebanon, 6.7% are in Bekaa, and 13.3% are in South Lebanon and Nabatieh. The further one gets away from the capital, the more the rates drop: village life often retains highly patriarchal traditions. The availability of large numbers of universities and schools mainly in the capital also contributes to these differences in literacy and economic participation rates.

Lebanese law discriminates against women in terms of granting nationality to their children; a Lebanese woman can’t grant her nationality to her children. Labour and social security laws also discriminate against women. Women do not benefit equally from social security benefits and family compensation even though the same amount of money is deducted from her paycheck as men.

There has been progressive improvement in the status of women in Lebanon since women were granted the right to vote in 1953. A number of women’s NGOs were subsequently established in Lebanon and women came to play a greater role in public and political life (e.g. about half of judges are women). There have been significant improvements in education and economic participation rates; for instance women’s illiteracy dropped from 27% in 1990 to 17.8% in 2003. Gender differences are still evident in different professional categories. Female workers are mostly commonly in the service worker, office employee and unskilled labour categories whereas men are more represented in management, transportation and as skilled workers. Women in Lebanon own thirty percent of medium and small enterprises but a study by BLC Bank found out that only 3% of loans are granted to women.

The National Commission for Lebanese Women (NCLW) is the official national mechanism responsible for realizing women’s advancement and gender equality in Lebanon, including prevention and combating of SGBV. The First Lady heads the commission, and its main objectives are to achieve equality between men and women in all civil legislation; ensure the

application of human rights through enforcing the Lebanese Constitution and the international conventions; ensure the access of women to reliable, secure, and sustainable levels of livelihood; and empower women on all levels especially in decision making processes.

International organizations are active in supporting women’s rights in Lebanon. Their support for local NGOs in particular often compensates for a lack of service provision by the Lebanese Government. Donors support local NGOs like KAFA and the Lebanese Council to Resist Violence against Women (LECORVAW) are among the most prominent NGOs working on SGBV. KAFA was created in 2005 to fight violence against women and child sexual abuse as well as trafficking and exploitation of women. Among its many activities, the organization offers socio-legal counseling and has created a hotline for assistance. It played a major role in campaigning against honour crimes before Parliament changed the law. LECORVAW was established in 1997 to deal with the disturbing rate of violence against women. Its main activities are offering counseling and pro bono legal assistance.

In 2003, the UN Economic and Social Commission for Western Asia (ESCWA) created a Centre for Women to promote social, political and economic support to women. This Centre plays a major role in raising public awareness and organizing workshops. UNDP, UNFPA, the ILO, UNESCO, UNRWA and the World Bank also support women’s empowerment and encourage the effective implementation of CEDAW by Lebanon. Lebanon also receives significant bilateral assistance on women’s development and empowerment.

5.8 Child Protection

As in any society – particularly in fragile and conflict affected states - youth in Lebanon are highly vulnerable and require special protective measures under the law. Lebanon has made significant legislative and policy improvements in youth affairs over the years, and its treatment of juvenile prisoners for instance is far better than that of adults. Socio-economic imbalances in Lebanon have been accentuated since the start of the Syrian crisis, with additional demands on state and non-state services and increased competition for jobs and resources limiting the ability to protect children. These factors also drive increased juvenile crime, particularly given that children committing crimes often reflect an impulsive tendency rather than pre-meditation.

In Lebanon, the law allows individual sects to set different legal ages of marriage. This makes the courts unable to protect minors against forced marriage. The practice of arranged child marriages has been on the rise since the start of the Syrian crisis. Participants in a focus group conducted by the Child Protection in Emergencies Working Group suggested that the most common age for displaced Syrian girls to get married is between 12 and 15 (and between 19 and 25 for boys). In 2014, a draft law entitled “Organization of the Marriage of Male and Female Minors” was submitted to Parliament but has not yet been passed. This law does not set a standardized legal age of marriage but is instead merely a tool for organizing and regulating the marriage of minors.

Physical abuse of children is common in Lebanon. A 2012 study by KAFA shows that 54% of Lebanese children have experienced at least one incident of physical abuse. A separate study found the 24% of Lebanese children have experienced at least one incident of sexual abuse. Law No. 422 offers a vague definition of child abuse which leaves it up for interpretation and the Lebanese Penal Code still permits use of a certain degree of physical violence to discipline children. Additionally, as noted above, marital rape is still not considered as rape under Lebanese law which makes victims of forced marriage unable to get legal redress against sexual abuse. A senior judge reported that there were many protection cases involving Syrian refugees, including underfeeding of children, but these were often difficult for authorities to follow up owing to many refugees having no fixed address.

5.9 Promoting Respect for Diversity and Preventing Violent Extremism

5.9.1 International Law

Lebanon has international obligations to fight terrorism and there is a broad consensus around the need to prevent and combat extremism and terrorism by UN-listed terrorist organizations.

5.9.2 Domestic Law

Lebanon does not have specific anti-terrorism legislation and its Anti-Money Laundering / Countering the Financing of Terrorism (AML/ CFT) regime is weak. Many terrorism offences would however be captured under the Criminal Code.

5.9.3 Challenges and Problems

Lebanon has no national plan for CT or Preventing Violent Extremism (PVE). Such a plan would need Council of Ministers approval. Lebanon has some 250 “foreign terrorist fighters” (FTF) in custody within a total population of adults either facing or convicted of terrorism offences. Most of the terrorism detainees / suspects were captured during military operations against militants in Tripoli and Saida. Some 900 foreign fighters from Lebanon have joined the IS but support for the IS appears to be low. Table 6 below, compiled by the UN Office of the Special Coordinator for Lebanon (UNSCOL), and provides background facts and figures about radicalization in Lebanon:

Table 6: Lebanon and Radicalization

An estimate of 900 foreign fighters joined the IS from Lebanon (20,000 foreign IS fighters in total), putting Lebanon on the 7th place among 80 countries. (International Centre for the Study of Radicalization and Political Violence, Jan. 2015)
About 1% of Lebanon’s Sunni population has a positive opinion of the IS – that means there are probably a few thousand IS sympathizers in Lebanon. (Washington Institute for Near East Policy, Oct. 2014)
About 32% of male Syrian youth in Lebanon (age between 19 and 24) reported to know people who have returned to Syria to join the fighting because of a) economic conditions, b) the inability to find work, c) tension within the family, d) pressure from the host community. (UNICEF Lebanon, Dec. 2014)
About 92% of the Lebanese public is worried about Islamic extremism – Lebanese Christians (95%), Shia Muslims (95%) and Sunni Muslims (86%) all share high levels of concern. (Pew Research Centre, July 2014)
77% of Lebanese youth are concerned and “not confident” about the Government’s ability to deal with the rise of the IS. (ASDA Arab Youth Survey, April 2015)
Anti-al Qaeda sentiment is strongest in Lebanon among all Middle East countries – this is shared by Christians and Muslims alike. (Pew Research Centre, July 2014)
74% of all Lebanese indicated that they feel Lebanon was less safe than 3 years ago – high threat perception among Sunnis, heightened sense of persecution since the 2005 Hariri assassination and rise of Hezbollah’s military strength. (International Alert, 2015)

The Lebanese Government lacks a coherent strategy to promote respect for diversity and to address root causes and social matters that might lead to radicalization and violent extremism. As noted above, there is no formal program of de- or counter-radicalization in Lebanon’s prisons. In August 2015 a UN expert interviewed detained and imprisoned Lebanese foreign terrorist fighters (FTF) in order to contribute to a major study of the FTF phenomenon. The results of this study will provide important data to understand this phenomenon. Key initial findings included:

- . Keeping inmates in prison without a fair trial is radicalizing and was the main common driver identified. Inmates had huge feelings of ‘unfairness’ (including over apparent disparities in sentencing).
- . Prison staff were not trained in PVE, including spotting signs and dealing with radicalization.
- . In prisons there were abundant opportunities for radicalization to take place; drivers included a lack of family programs, crime, human rights abuses, overcrowding and corruption, which in turn also make prison management

- difficult. There was a need to keep vulnerable prisoners busy, disciplined and rule-abiding.
- . There was a need for a strong rehabilitation and reintegration program.
- . The UN expert made the following comment about potential PVE programming in Lebanon:
- . There was a need to tackle economic and political drivers of radicalization (e.g. marginalization, lack of trust between communities and the State)
- . Target those State institutions that most matter to trust/ justice/ fairness.
- . Look to helping families of terrorists and radicalized persons, through education, family visits, etc.

The MoIM is exploring developing a PVE program within the Sunni community, engaging with the Future Movement (the main party supported by Lebanon's Sunni communities) and the Dar al-Fatwa, the Sunni religious authority. Dar al-Fatwa is partnering with an international NGO to provide psychosocial and religious counselling to prisoners and detainees in order to deradicalize them or prevent further radicalization. Dar al-Fatwa clergy have begun holding Friday prayers for Sunni prisoners and detainees at Roumieh prison.

5.10 Human Rights Institutional Response

Lebanon's major reforms have been the National Action Plan for Human Rights and a draft law on the establishment of an independent national human rights institution (NHRI). The Plan was launched in December 2012 by the Parliamentary Human Rights Committee. The Plan has been referred to the plenary of the Chamber of Deputies but has not yet been approved by Parliament. It is highly ambitious, covering in significant detail 21 sectoral themes including: independence of the judiciary; the principles of investigation and detention; torture and inhumane treatment; forced disappearance; and prisons and detention facilities. As of 2015 little progress has been made on implementation of the Plan. One prominent human rights lawyer attributed this to the Plan lacking guidance on priorities and there being no timeframe or plan for implementation.

The draft NHRI law has also been submitted to the plenary of the Chamber of Deputies but has not yet been passed as a law. According to the Lebanese Government, the NHRI will have the following functions:

- . Monitoring human rights and IHL in Lebanon and preparing special or periodic reports;
- . Independent participation in preparation of Lebanese Government human rights reporting;
- . Receiving complaints about human rights violations "and involvement in addressing them";
- . Promoting a human rights culture and developing and implementing human rights education programs; and
- . Protection of rights of detainees and others deprived of their liberty, particularly with regard to torture prevention.

The Beirut Bar Association has an active Human Rights Institute (HRI), which in 2014, by way of example, conducted activities relating to: training in human rights for lawyers, ISF and LAF; training for lawyers on registration of Lebanese undocumented under personal status laws; production of a human trafficking practical guide; and women's access to justice. The BBA's HRI does not have monitoring or reporting role.

Lebanon's response to the UPR also detailed efforts to develop a 'human rights culture' through education and awareness-raising. These include:

- . A subject entitled "Fundamental norms in judicial proceedings and human rights" added to the IJS curriculum.
- . Attendance by officials at conferences and workshops on human rights.
- . Coordination with civil society, e.g. in drafting laws and organizing training courses for judges and lawyers.
- . One-week long IHL courses organized by the Lebanese Army for university students.
- . Citizenship and religious diversity curriculum developed for schools.
- . A National Charter for Education on Living Together in Lebanon developed.

The EU will support an OHCHR project to follow up on Lebanon's UPR commitments, with a budget of EUR 1.5 million over 27 months. One-third of the budget will be spent on grants for NGOs with the remainder being used for capacity building of Lebanese institutions. A further EU project, implemented by the Lebanese NGO Restart, is working on OP-CAT compliant National Preventive Measures (NPM).



RECOMMENDATIONS FOR UNDP PROGRAMMING ON SECURITY AND JUSTICE FOR 2016-18 HAVE BEEN BASED ON THE FINDINGS OF THE ABOVE COMPREHENSIVE SECURITY AND JUSTICE ASSESSMENT

The findings of the assessment identified a number of interventions that will need to involve both security and justice actors (i.e. a sector-wide approach) as well as corresponding support to civil society. The programmatic recommendations are separated into community security and access to justice components because the main government counterparts are Ministry of Interior and Ministry of Justice / Judiciary respectively, but we recommend integration – as far as is possible – of these elements between UNDP Lebanon's Crisis Prevention and Recovery (CPR) portfolio (which leads on security) and Governance portfolio (which leads on justice). These recommendations were validated by civil society representatives during a round table on 17 December 2015 and during earlier discussions with the MoIM and the ISF. UNDP Lebanon, UNDP New York, the UNDP regional hub (Jordan) and the UN Country Team in Lebanon also commented on the recommendations. These recommendations have informed development of a UNDP Project Document.

6.1 Focus Area 1: Improved Community Security for Syrian Refugees and Host Communities

Output 1 would develop the capabilities of Lebanese central and local Government authorities to provide safety and security services to communities and individuals in a responsive, effective, efficient, fair, accountable and human rights-compliant manner. It would focus on Syrian refugees and host communities as well as communities in other areas prone to violent conflict such as Tripoli, Akkar and Aarsal. It would build upon the 2015 work of UNDP's Community Security and Access to Justice Project (implemented in conjunction with UNHCR), which focused on development and nation-wide rollout of standard operating procedures (SOP) and a code of conduct for municipal police, and supporting the MoIM's establishment of central and district security cells. This component would also include work on community policing in regional and rural areas and development of key capacity, performance and accountability mechanisms for the ISF to improve their delivery of policing services to Syrian refugee and host communities.

Indicative work streams are:

6.1.1: Improved Municipal Police response to community safety and security needs

This work stream, which will be funded by UNHCR, would further support municipal police capacity, performance and accountability through a nation-wide process of training, equipping, and public awareness raising, which will commence in four model municipal police stations. It would also provide training and mentoring on three key protection issues: SGBV, child protection, and Syrian refugee residence issues. Training would be undertaken by the ISF Academy, which would be supported by the project to develop an updated municipal police training curriculum, including the SOPs, code of conduct and the three key protection issues. Indicative activities are:

- . Providing financial and logistical support, and technical assistance to the ISF Academy in order to roll-out nationally an extensive program of basic training for municipal police, which includes training on municipal by-law enforcement, Municipality Law, traffic enforcement, criminal law (including arrest and use of force), human rights, refugee sensitization, community policing, SGBV, first aid and firefighting, as well as 'soft skills' such as communication and conflict resolution skills.
- . Developing four model municipal (or union) police stations.
- . Providing all qualified (i.e. vetted, trained and formally appointed) municipal police in model locations with uniforms and basic equipment, including torches, first aid kits and crime scene first responder kits.
- . Conducting a nationwide assessment of the office premises and office equipment needs of model municipal police forces, and provide these forces with financial support on a priority needs basis to build / refurbish and equip premises.
- . Developing and piloting (through the pilot training courses delivered by the ISF Academy to the model municipal police stations) specific curricula on key protection issues. This will be followed by mentoring and coaching model municipal police stations on implementation and coordination with other protection actors. Topics will include:
 - . A SGBV curriculum for the municipal police, including regarding case management and referral pathways. This will be linked in with other SGBV activities being conducted by NGOs and Government.

6. PROVISIONAL RECOMMENDATIONS FOR UNDP SECURITY AND JUSTICE PROGRAMMING, 2016-19

- . A child protection curriculum for the municipal police, including regarding case management and referral pathways.
- . A residency curriculum for the municipal police, followed up by dissemination of information on residency renewal procedures, etc. in municipal police stations.

6.1.2: Improved measurement and analysis of community tensions

This work stream would develop the capacity of the Lebanese Government to collect, collate and analyze information on tensions between and among Syrian refugee and Lebanese host communities in support of humanitarian coordination and planning by the Government, international organizations and CSOs. This will be undertaken through continuing support to the MoIM security cells at central and district level, building upon the establishment, training and rollout of these cells under earlier UNDP and UNHCR programming. Indicative activities are:

- . Improving the analytical and reporting capability of central security cell through training, coaching and mentoring, ensuring that human rights principles and standards are upheld.
- . Developing the security cells' capability to provide technical advice on conflict and security issues to the Government and the humanitarian community.

6.1.3: Enhanced relations and partnerships between municipal police and the community

Municipal police engage closely with communities and are therefore well-placed to incorporate elements of community policing into their work. Use of this approach to policing, if properly contextualized, can build community trust. The ISF have piloted community policing in recent years thereby providing valuable lessons. This work stream, which will be funded by UNHCR, will develop community policing in host communities outside Beirut, building upon US and UK-funded community policing pilots (especially the Ras Beirut model ISF station). The project will leverage existing UNDP and UNHCR engagement with communities throughout Lebanon in order to develop a number of collaborative initiatives between the model municipal police stations and local communities. Indicative activities are:

- . Contracting an NGO to conduct community awareness sessions covering the municipal police's role and authority and to promote municipal police-community relationships. The awareness campaign would take place in the respective localities of the four model municipal police stations.
- . Piloting community policing in the localities of the four model municipal police stations, including through capacity building of CSOs, particularly those representing vulnerable groups such as refugees, women and youth. Prior to this the project would commission the development of a research paper and action plan on community policing approaches that suit the context of municipal policing in Syrian refugees and Lebanese host communities. The pilot may include developing:
 - . municipal police-community liaison modalities
 - . joint problem solving
 - . joint development of local planning for municipal police
 - . crime and violence observatories
 - . lay visitors to municipal police stations
- . Producing a research paper and action plan on the development of community policing approaches that suit the context of municipal policing in Lebanese host communities.

6.1.4 Improved Municipal Police response to community safety and security needs

This work stream would support improved effectiveness, efficiency and accountability of ISF policing services to Syrian refugee and host communities, and other vulnerable communities by improving key capabilities related to project and information management, leadership and human resource management; and oversight, accountability and compliance with human rights. This would in turn improve the ISF's ability to deliver safety and security services to communities and individuals, particularly in host communities, and thereby enhance trust in the police.

Indicative activities are:

- . Providing technical assistance to the Introduction of Enterprise Management System and enhanced project management: In 2016 the ISF will hire a consulting firm to design an automated Enterprise Management System (EMS). In late 2016, the development and introduction of the EMS will commence. This is a major and complicated project which will require expert oversight by the ISF's project board and administrative staff. We therefore

propose training and equipping, and providing ongoing mentoring and coaching, to the board and administrative staff so the project is rolled out effectively and efficiency and the ISF gets maximum benefit from its consultants. We suggest that a pilot Project Management Course be piloted with the board and its staff, in partnership with the ISF Academy. The course would include instruction in:

- . Project Cycle Management
- . Results-Based Management
- . Change Management
- . Enterprise Risk Management

- . Technical assistance to statistics, records and data management: The EMS will allow for better use of ISF statistics and records, including on criminal records, crime and victimization trends, criminal intelligence, asset management, and human resource management/ personnel (e.g. selection and recruitment, promotion, transfer, retirement and performance management). Training by UNDP on statistics, records and data management for ISF administration and personnel staff would enhance the levels of knowledge in the organization and thereby promote proactive policing (i.e. intelligence-led policing) and facilitate better performance management, with individuals needing to meet agreed objectives, which are measurable.

- . Supporting improved ISF Leadership training: UNDP proposes supporting the ISF Academy and the Training Directorate to improve delivery of police-specific leadership training, particularly at middle and senior-management levels. This activity would commence at the middle-management level (i.e. lieutenants, captains, majors), with focal areas of training to include: police command and control (including of major incidents), deployments for duty, accountability as leaders, responsiveness to the community and dialogue with the community, professionalism and integrity, oversight mechanisms, mentoring subordinates, budgeting and resource management, performance appraisal, and the Code of Conduct. Once the middle-management leadership course is developed and trainer trained, UNDP proposes supporting development of a senior leaders' course using a similar methodology. Key components would include:

- . A workshop on middle-management leadership training involving discussion of international and regional best practices and discussion of the Lebanese context.
- . A training needs analysis conducted jointly by UN police experts and the ISF Academy and Training Directorate
- . Delivery of pilot courses, possibly delivered by senior UN police through the UN Standing Police Capacity
- . Curriculum development of police leadership courses, possibly commencing with a middle-level police leadership course.
- . Training of trainers to enable ISF Academy instructors to develop police leadership courses.

- . Supporting the ISF's internal affairs capability through training, coaching and mentoring bodies involved in ISF internal investigations (i.e. Inspectorate, Information Branch, Personnel Bureau and Investigation Department), including with regard to anti-corruption and human rights compliance. This may include:
 - . An initial workshop to identify capacity development needs among ISF bodies conducting internal investigations of serious offences.
 - . An exchange visit with an advanced European police Internal Affairs department and / or a regional police force.
 - . Training needs analysis conducted by UN experts and ISF Academy staff.
 - . Delivery of a pilot training course for internal affairs investigators followed by curriculum development (in partnership with the ISF Academy and Training Directorate) and training of trainers.
 - . Technical advice and ongoing coaching and mentoring on internal affairs case management.

- . Supporting the development of the ISF's anti-torture committee, including:

- . An initial workshop to provide basic torture prevention training to committee members and to identify capacity development needs.
- . An exchange visit with an advanced European police inspectorate and / or a regional police force.
- . Support to development of SOPs governing the structure, mandate and role of the committee.

- . Support to development of an action plan for the committee's 2016-19 activities.
- . Support to the committee's outreach activities in the ISF, prisons and in the community (e.g. awareness materials, community forums, etc.)
- . Developing community policing for the Gendarmerie, particularly in areas which are vulnerable to tensions between Syrian displaced persons and host communities. This may include:
 - . Commissioning a research paper and action plan on the expansion to the ISF Gendarmerie of successful, sustainable and cost-effective interventions from among those piloted in the Ras Beirut model ISF station and other community policing initiatives.
 - . Pilot community policing in one or more Gendarmerie stations, including:
 - . Training for station officers and enlisted personnel in community policing.
 - . Capacity building of CSOs, particularly those representing vulnerable groups including Syrian displaced persons, women and youth.
 - . Modest office refurbishment of pilot ISF stations
 - . Coaching and mentoring of ISF-community liaison structures and of joint problem solving and planning activities.
 - . Developing civil society's local oversight function, possibly including through crime and violence observatories or lay visits to ISF stations and detention facilities

6.1.5. Increased Respect for Diversity and Social Cohesion in Communities

UNDP proposes supporting the Lebanese Government and civil society efforts to increase respect for diversity and social cohesion, including through elements of Preventing Violent Extremism (PVE). Indicative activities are:

- . Supporting the regional hub in holding a regional expert conference on PVE and UNSCOL in convening a regional UN PVE lessons learning conference.
- . Supporting human rights compliance of strategic planning and coordination on PVE for MoIM and key security and justice entities.

6.2 Focus Area 2:

Improved Access to Justice and Human Rights for Syrian Refugee and Host Communities

6.2.1 Planning, administrative and financial capacities of the Judiciary, Prosecution and Ministry of Justice developed

This work stream would support improved delivery of justice services by the MoJ, Judiciary and Prosecution to Syrian refugees and host communities, and other vulnerable communities by improving key capabilities related to court administration, strategy and planning, institutionalization of court automation, accountability and SGBV. It may include:

- . Supporting improved court management, and financial and administrative independence of the Judiciary, including through training and capacity building of the newly-established consultative committees on court administration at Appeal Court level.
- . Providing technical assistance to the Judiciary, Prosecution and MoJ on action planning, project management, risk management, budgeting, development of policies and procedures, and M&E. This would support the Judiciary to effectively and efficiently roll out its 5-year reform plan. It would also include support on key challenges to the Judiciary such as low numbers of Prosecutors and examination of laws, policies and procedures that hamper people's rights (e.g. to a fair trial, to liberty).
- . Supporting institutionalization of court automation through training, mentoring and coaching of specialist IT and administrative staff.
- . Supporting transparency, accountability and oversight of the court through technical assistance to judicial disciplinary and monitoring systems and to civil society advocacy on judicial corruption.
- . Developing, in partnership with the Institute for Judicial Studies, a specific SGBV curriculum, which will include training on case management, for Lebanese judges and prosecutors institutionalized at the IJS (basic training) and

within the Supreme Judicial Council and Prosecutor General's Office (in-service training).

- . Supporting court user and public awareness through improved public communications and establishment of information desks at courts.

6.2.2 Reduced delay in Criminal Court Cases

This Output would support MoJ and Judiciary efforts to reduce delay in criminal court cases. Indicative activities include:

- . Commissioning a legal study and organizing a diagnostic workshop on delays in criminal court cases.
- . Building on the EU-funded UNDP court automation project through training, mentoring and coaching of specialist IT and administrative staff, judges, and prosecutors in case management software.
- . Designing and implement a speedy trials pilot, with subsequent scaling up.
- . Engaging with the Prosecution on various techniques that proved results in reduction of delays such as plea bargaining.

6.2.3 Integrity and Independence of the Judiciary increased

Output 2.3 would support increased integrity and independence of the Judiciary. Indicative activities include:

- . Commissioning studies on judicial services' effectiveness and efficiency (including cost).
- . Commissioning a baseline public survey on perceptions of judicial services with a further survey being conducted in year 3.
- . Organizing workshops and focus groups on independence of the Judiciary.
- . Supporting transparency, accountability and oversight of the Judiciary through technical assistance to judicial disciplinary and monitoring systems and to civil society advocacy on judicial integrity.
- . Supporting a strengthened role of the Judicial Inspection Committee to monitor the performance and integrity of judges and prosecutors.
- . Supporting improved public information and communication skills in the Judiciary.

6.2.4 Access to Justice increased, and Human rights promoted

This work stream would improve access to justice and human rights, particularly in Syrian refugee and host communities, through legal aid, improved public awareness of key legal rights and duties. It would also seek the increased ability of citizens and residents, particularly in host communities, to effectively and safely assert their fundamental human rights. This Output would complement wider UN efforts (e.g. Human Rights Up Front and OHCHR support to implementation of UPR and Treaty Body recommendations) to promote human rights compliance in Lebanon by supporting the effective implementation of the National Action Plan for Human Rights and the UPR. Access to justice activities may include:

- . Supporting delivery of legal aid services to Syrian refugees and host communities through grants and capacity building of the Beirut Bar Association, Tripoli Bar Association and NGOs.
- . Working with the Government, CSOs, Parliament and media to explore options for the progressive establishment of a Government-funded legal aid system.
- . Supporting improved public awareness, particularly in host communities and among prisoners and detainees, of key legal rights and duties and how they may assert these through the legal system. This will include training of CSOs, public education and establishment of more transparent procedures by justice actors (e.g. court costs publicized, court help desks re-established), conducting regular public perception surveys.
- . Facilitating communication and accountability mechanisms in which the CSOs can play a role to enhance the human rights protection role of the public prosecutors.

Indicative human rights activities are:

- . In partnership with UNDP's Parliament Project, supporting the Parliamentary Human Rights Committee action planning and implementation of National Action Plan for Human Rights, including through linkages to the MoJ.
- . Supporting human rights advocacy, awareness and training capacity of civil society on torture risk and other key human rights violations by the criminal justice system, including lengthy pre-trial detention, lack of access to lawyers during initial detention and interrogation, prison and detention centre overcrowding, and curfews of Syrian refugees.

- . Together with OHCHR supporting the implementation of UPR recommendations, especially those most affecting host communities and Syrian refugees

6.2.5 Prison and detention conditions improved

In this Output UNDP proposes to support the MoJ and Judiciary, Prosecutors, MoIM, ISF and civil society to improve prison and detention conditions and to introduce rehabilitation and reintegration of prisoners, especially those from host communities. It has been included under the Justice portfolio in recognition of Government policy that prisons should be moved the MoJ but is cognizant of a need to also engage closely with the ISF and MoIM, which currently manage prisons. This work would be undertaken in partnership with UNODC and cover the central prison at Roumieh, other large prisons in Tripoli and Zahle and a network of smaller peripheral prisons. Indicative activities are:

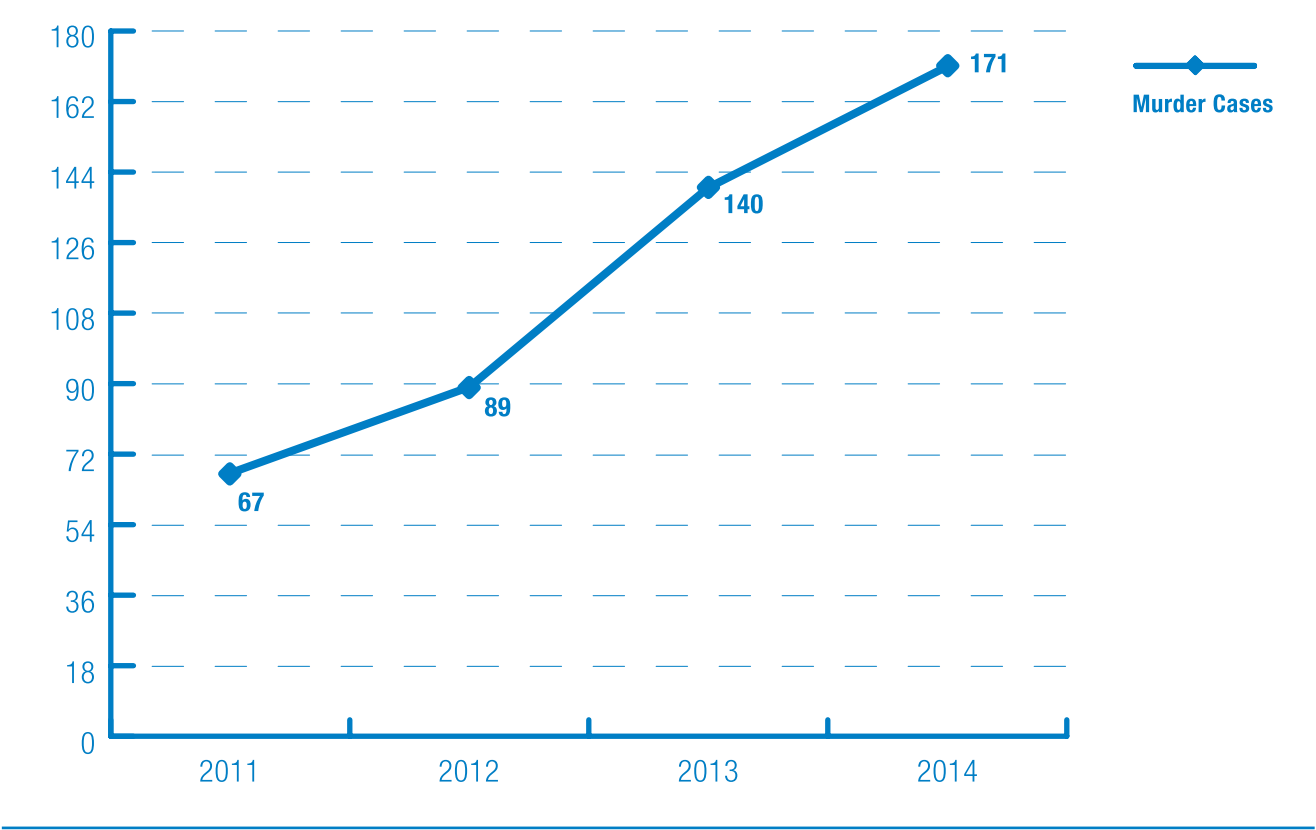
- . Funding and supervising repair to high priority prison infrastructure, focusing on water and sanitation.
 - . This has commenced with a project to repair and rehabilitate sewage infrastructure at Roumieh prison.
- . Undertaking an assessment of prison management and developing with the Government and civil society an action plan for reform.
- . Providing capacity building and training to prison and detention centre staff to improve human rights compliance and accountability, including with regard to overcrowding This might include, in partnership with the ISF Academy:
 - . Conducting a training needs analysis
 - . Delivering a pilot training course
 - . Developing curricula
 - . Training of trainers
- . Supporting development of conflict resolution and mediation services in prisons and detentions centres through training and capacity building and delivery of services by civil society organizations.
- . In partnership with UNODC, providing capacity development to the Lebanese Government (i.e. MoIM, ISF, MoJ, Judiciary, Ministry of Social Affairs, Ministry of Education and Higher Education) and civil society to introduce a comprehensive rehabilitation and reintegration service for adult prisoners, that will cover issues including employment, education, psychosocial support, housing (e.g. 'half-way' houses) and health (including drug addiction). Elements of this work may include:
 - . Supporting the development of policies and procedures and coordination modalities among government and civil society bodies,
 - . Advocacy for law reform
 - . Funding and advising pilot projects, including through grants to civil society organizations.
- . Strengthen the monitoring and reporting skills and processes of the CSOs to conduct human rights activities and appropriate monitoring of detentions and prisons
- . Support improving coordination between ISF and the prosecution to ensure that later is able to conduct prisons' visits to ensure compliance with human rights standards.



ANNEX A
ADDITIONAL CRIME STATISTICS

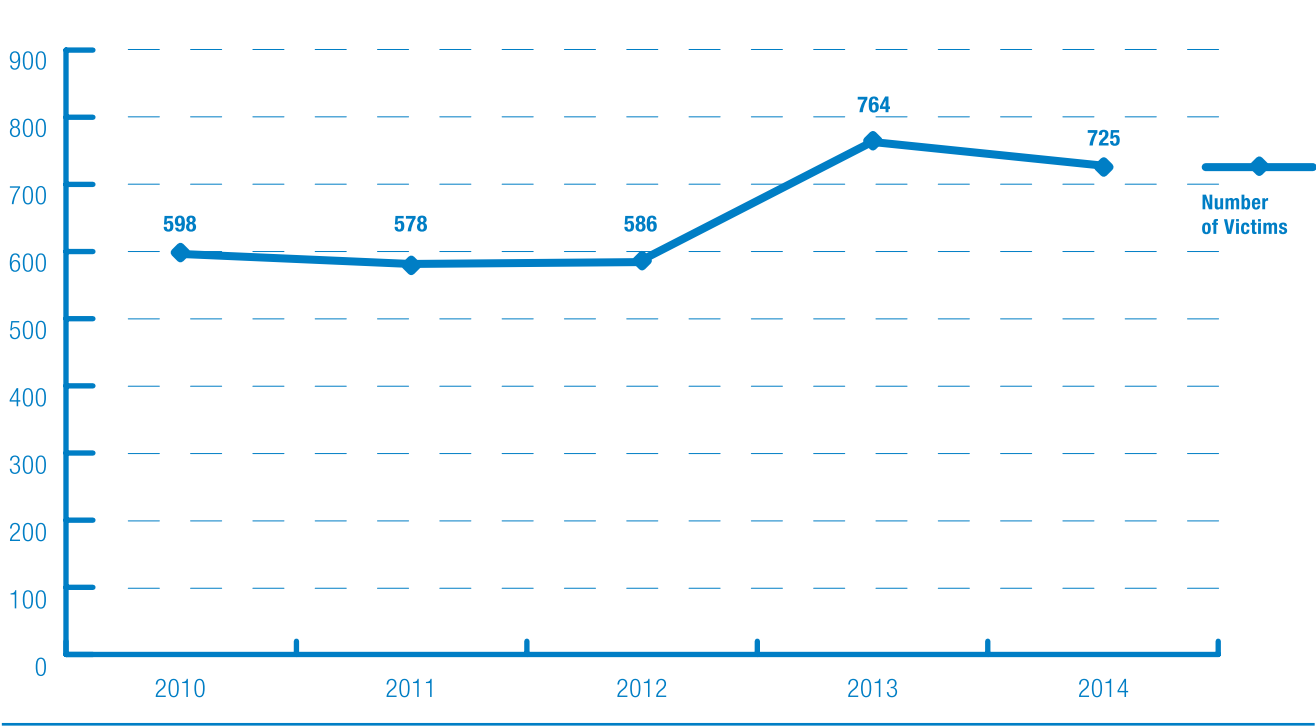
Figure 1 below shows that there has been a highly significant increase in the number of murder cases from 2011 to 2014: 2014 had over 2 ½ times as many murder cases as 2011.

Figure 1: Murder Cases: 2011 - 2014



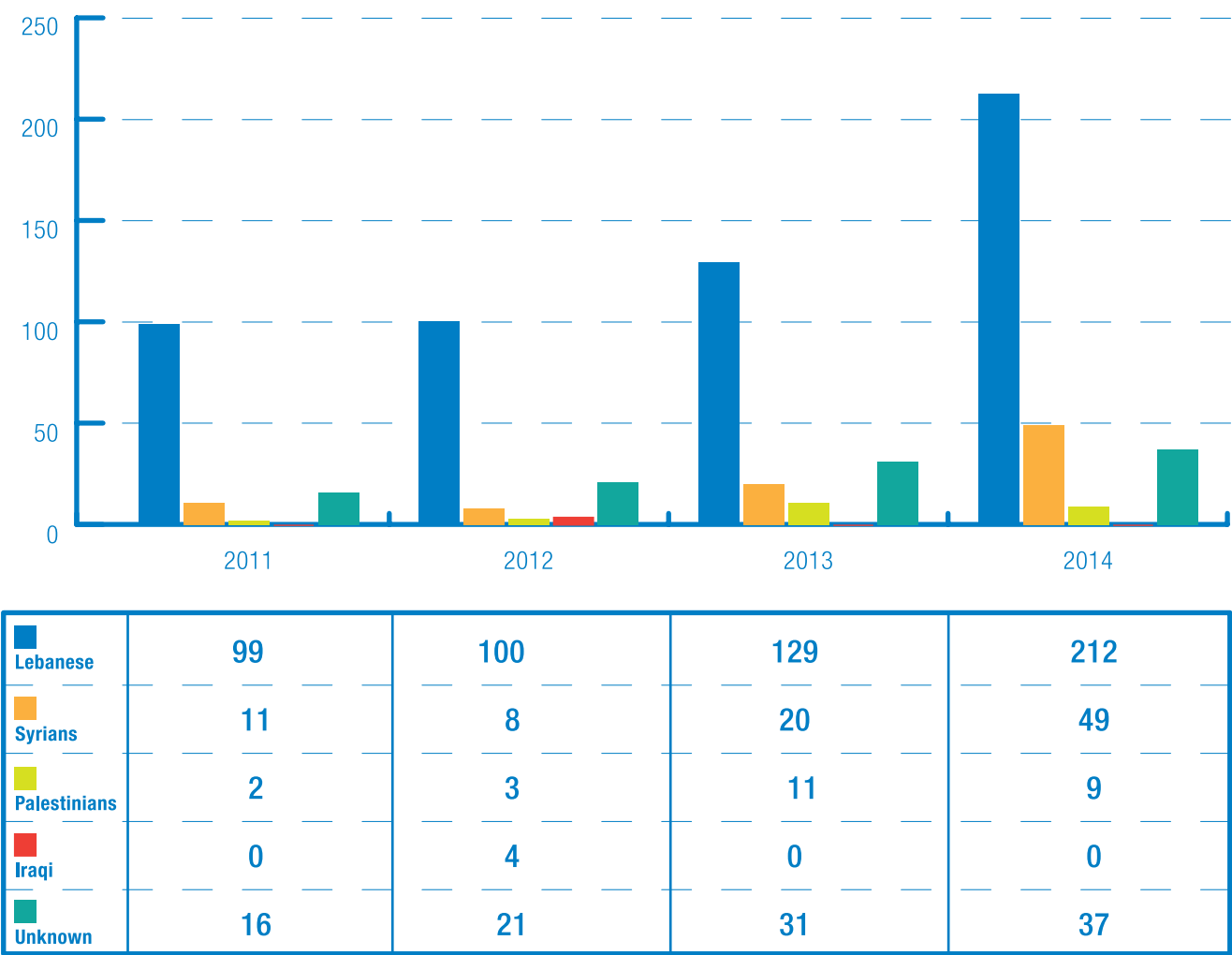
The number of murder victims (Figure 2) has seen a substantial rise from 2012 to 2013 after having been relatively steady:

Figure 2: Number of Murder Victims, 2010 - 2014



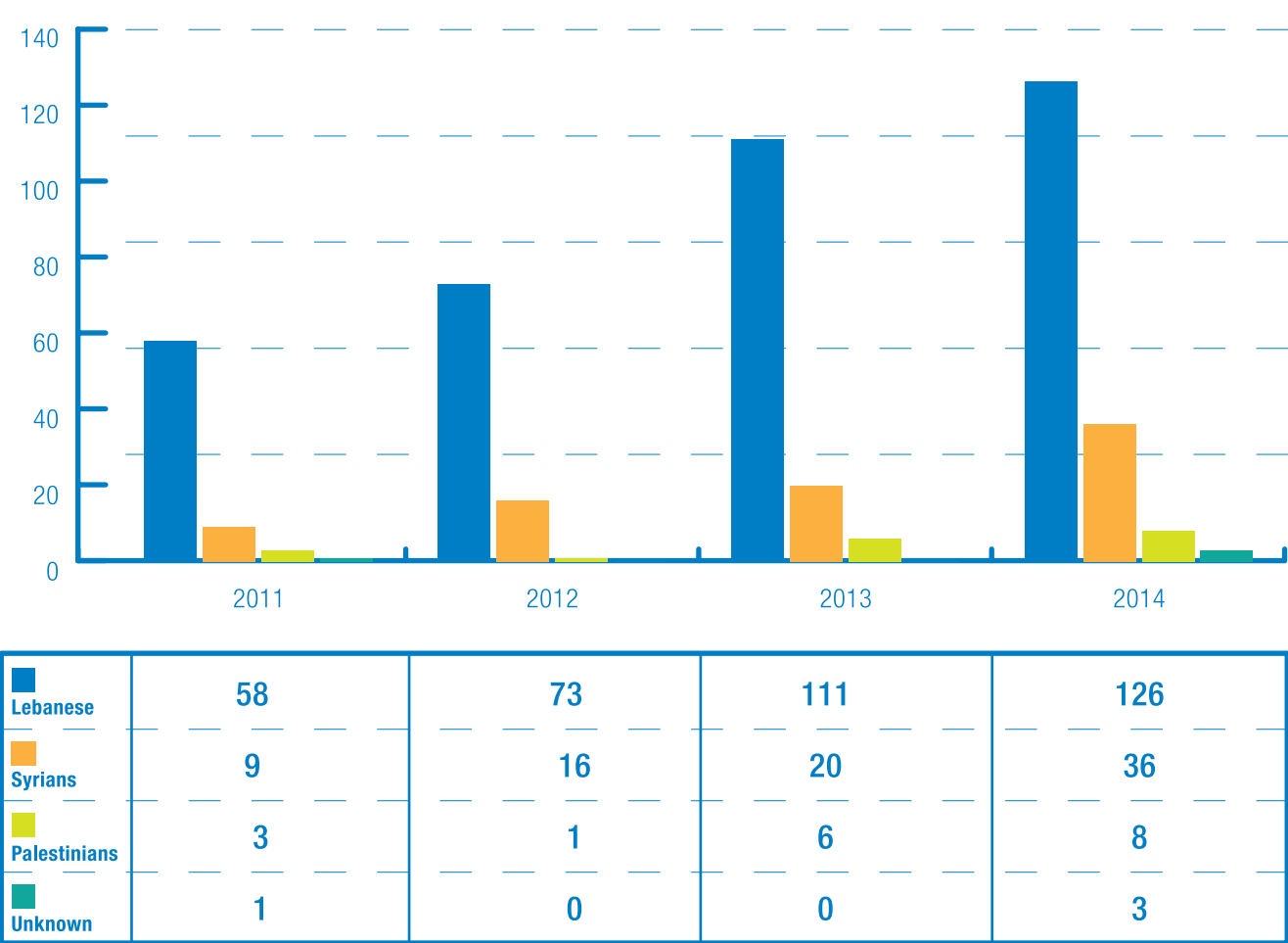
While ISF statistics on murder cases depicted below in Figure 3 below show the numbers of cases and proportion of cases where the perpetrator was Syrian has generally increased slightly since 2011, over the same period the number of Lebanese perpetrators has more than doubled. There is a need for further research to determine what is behind these increases.

Figure 3: Murder Cases by Nationality of Perpetrator



Likewise while Figure 4 shows there is a significant increase in the number of Syrian murder victims over the 2011-14 period, increases have been much higher for Lebanese.

Figure 4: Victims of murder by nationality



ANNEX B

THE LEBANESE COURTS – A SUMMARY

Ordinary courts

Civil trials are conducted by First Instance Courts at district and governorate level. Appeals are heard initially by Appeal Courts at the governorate level, with the Court of Cassation, based in Beirut, being the final court of appeal.

Criminal trials for misdemeanors are conducted by a Misdemeanor Court, with appeals to Court of Appeals for Misdemeanors and ultimately the Court of Cassation. Felonies are tried by Assize Courts, with appeals being heard by the Court of Cassation. The steps in a felony trial are examination by an Investigative Judge; examination by a Chamber of Accusation; and trial by Assize Court.¹ There is no jury system in Lebanon.

Lebanon's court system follows the country's administrative division into six governorates, each of which has one Palace of Justice, except for Mt Lebanon where there are two (Baabda and Jdeidet el Metn). Each Palace of Justice has courts of First Instance and of Appeal. There is only one Cassation Court, which is located in Beirut.²

The Investigative Judge (juge d'instruction or examining magistrate) independently investigates crimes. Each Court of Appeal has an investigations department comprising a first examining magistrate and a number of examining magistrates. Prosecutors' allegations are referred to the first examining magistrate. A preliminary investigation is required for all felonies and for those misdemeanours where such investigation is requested by the prosecutor.³ Most criminal cases are however investigated by the Judicial Police under the supervision of the Prosecutor.

State Council

The State Council (Majlis Shura al-Dawla) adjudicates matters involving or arising from administrative decisions. It was established in 1924, is headed by a president, and is comprised of ten chambers comprising around 45 judges in total.⁴ The State Council has authority to try national security cases if they are referred to it by the Council of Ministers⁵

Military courts

In addition to their responsibilities to hear discipline and criminal cases against military personnel, Military Courts have jurisdiction over national security (including terrorism) cases. The Permanent Military Tribunal in Beirut has separate chambers for misdemeanors and felonies and each bench has a military officer as president, with a civilian judge also present (as well as a further military officer in the misdemeanors court and a further three military officers in the felony court). More detail on the military justice system is at 3.7 above.

Religious courts

Lebanon's personal status laws (covering family matters and inheritance) are the responsibility of various Shari'a and ecclesiastical courts. They have jurisdiction only over their particular confessional group. The Cassation Court has adopted a restricted interpretation of its jurisdiction under the Civil Procedure Code which means that personal status courts are free from state judicial supervision.⁶

Juvenile courts

Juveniles are tried in specialized juvenile courts, with the exception of offenders that commit a crime with an adult. In that case, the minor is tried in a regular court however his sentencing is handled by a juvenile judge. This process is another cause for delays in trials and verdicts. In sentencing young offenders, judges apply sanctions listed in article 5 of Law No. 422, which in addition to imprisonment are: public blame, probation, protection, supervised freedom and providing labour to benefit the public or compensate the victim, rehabilitation, and disciplinary measures. Judges are expected to impose imprisonment as a last resort and only for offenders between the age of 15 and 18 in the case of murder, drug related crimes, theft with weapons or assault. If a minor commits one of these felonies but is under the age of 15, they are sent to UPEL for rehabilitation or a maximum sentencing of 2 years.

¹ Mansour and Daoud, p. 14

² <http://www.justice.gov.lb/CP/viewpage.aspx?id=576&language=2>

³ http://www.justice.gov.lb/CP/HTML_iFrameTree.aspx?id=141&language=2

⁴ The Arab Center for the Development of the Rule of law and Integrity "Promoting the Rule of Law and Integrity in the Arab World" Project Report on the State of the Judiciary in Lebanon , pp. 11-12

⁵ Interview, Prosecutor General, September 2015

⁶ National Action Plan for Human Rights (2013), p. 35

ANNEX C NUMBERS OF INSTITUTION OF THE ACTION AND SETTLEMENT SOF THE LEBANESE COURTS FOR 2013-2014

Rulings		Governorates							
		Beirut	Mount Lebanon	North	South	Bekaa	Nabatieh	Total	Difference
Civil court of Cassation	Institution of the action	1,001						1,001	86
	Settled	915						915	
Criminal Court of Cassation	Institution of the action	1,131						1,131	117
	Settled	1,014						1,014	
Felonies	Institution of the action	917	1,150	459	163	1,723	169	4,581	1,125
	Settled	838		419	228	678	173	3,456	
The Accusatory committee	Institution of the action	1,695	792	2,459	954	2,138	614	8,652	1,008
	Settled	1,630		2,369	866	2,062	359	7,644	
Court of appeal for Misdemeanors	Institution of the action	488	704	599	487	604	382	3,264	155
	Settled	618		460	422	641	269	3,109	
The Investigation department	Institution of the action	2,187		3,517	1,013	3,428		10,145	3,160
	Settled	2,214		1,698	947	2,126		6,985	
Civil Court of Appeal	Institution of the action	1659	668	757	278	292	93	3747	167
	Settled	1512		766	244	343	92	3580	
Primary Chamber	Institution of the action	1074	3114	3631	402	582	160	8963	1340
	Settled	1320		2829	211	520	130	7623	
Penal Single Judge	Institution of the action	2592	22489	12137	3481	4987	1223	46909	9340
	Settled	2045		7893	3431	6318	1135	37569	
Civil Single Judge	Institution of the action	720	6251	3880	1941	2849	1562	17203	229
	Settled	826		3781	1733	2550	1224	16974	

ANNEX D

PRISON POPULATION AT JUNE 2014

Adult Male Prisoners

Prison / Location	Detained	Convicted	End of Sentence	Under treatment	Total
Roumieh (Mt Lebanon)	1522	1322	0	5	2849
Kobbe (North)	755	190	53	0	998
Zahle (Bekaa)	486	249	0	0	735
Jeb Jennine (Bekaa)	72	45	0	0	117
Baalbek	65	52	0	0	117
Tebnin (South)	71	43	0	0	114
Nabatieh	65	53	0	0	118
Alay (Mt Lebanon)	62	30	0	0	92
Tyr (South)	53	52	0	0	105
Zgharta (North)	32	39	0	0	71
Jezzine (South)	44	31	0	0	75
Halba (Akkar)	75	18	0	0	93
Rachaya (Bekaa)	41	24	0	0	65
Amyoun (North)	38	17	0	0	55
Byblos (Mt Lebanon)	30	19	0	0	49
Batroun (North)	22	25	0	0	47
Douma (Norbeil)	3	16	0	0	19
Bent Jbeil (Nabatieh)	3	36	0	0	39
Tripoli Serail (North)	4	2	0	0	6
Total	3443	2263	53	5	5764

Adult Female Prisoners

Prison/Location	Detained	Convicted	End of Sentence	Total
Baabda Women's Prison (Mt Lebanon)	56	24	0	80
Kobbe Women's Prison (North)	65	12	8	85
Barbar Al-Khazen Women's Prison (Beirut)	22	13	0	35
Zahle Women's Prison (Bekaa)	31	10		41
Total	174	59	8	241

Juvenile Prisoners

Facility/ Location	Detained	Convicted	Number
Juvenile Wing, Roumieh (Mt Lebanon)	100	11	111
Female Juveniles' Rehabilitation Centre, Dahr el-Bachek (Mt Lebanon)	6	2	8
Total	106	13	119



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