

UNIVERSITY OF SOUTHERN DENMARK / DANISH INSTITUTE FOR HUMAN RIGHTS

European Master's Degree in Human Rights and Democratisation
A.Y. 2018/2019

Human Rights Defenders with no Human Rights?

Analysis of the protection and situation of Human Rights Defenders in
the Middle East: The Case of Lebanon

Lebanon: Safe Haven for Human Rights Defenders in the Middle East?

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ABSTRACT

Human Rights Defenders in the Middle East often face dangerous conditions throughout their work. Many have been subjected to human rights violations. As a result, most Human Rights Defenders operate far from the region. In order to understand the circumstances faced by Human Rights Defenders in the Middle East, this thesis analyses the factors contributing to the situation of Human Rights Defenders in the Middle East and the framework in which they operate. Given the complexity and diversity of the situation, the thesis mainly only covers Lebanon.

Prior to the examination and analysis of the situation of Human Rights defenders in Lebanon, a thorough analysis of the term “Human Rights Defenders”, and its scope, is conducted in this thesis. The declaration on human rights defenders was the starting point for the protection of human rights defenders around the world. Similarly, the thesis relies on the declaration on human rights defenders as its starting point to address the issues at stake. This thesis also outlines the existing protection mechanisms available for human rights defenders operating in the Middle East and presents a historical analysis of Lebanon with regards to its human rights work, including a comprehensive mapping of different stakeholders and their activities.

This thesis mainly analyzes three different factors contributing to the situation of human rights defenders; legal framework, state policies and practices, non-state actors and societal cultures and practices. The examination of these factors identifies the challenges faced by human rights defenders in Lebanon, which is consequently used to outline best practices for the protection of human rights defenders in Lebanon.

This thesis hopes to help researchers and activists better understand the situation for human rights defenders in Lebanon and propose effective avenues of protection for human rights defenders suitable for the context of Lebanon. It aims to raise awareness and combat the consequences of being a human rights defender in the Middle East. The main purpose of this research is to help researchers and activists gain a more holistic, nuanced understanding of the topic at hand.

DEDICATION

This thesis is dedicated to all Human Rights Defenders in the Middle East who suffered a great deal of challenges in order to promote and protect human rights. For those who had their rights violated for their work on human rights, this thesis is dedicated to raise awareness and educate all relevant stakeholders on the topic of human rights defenders.

ACKNOWLEDGMENTS

Foremost, I am grateful for having the opportunity to be supervised by Dr. Marie Juul Peterson. Her support, advice and knowledge positively contributed to my thesis; I have received her continuous guidance during my work. I would also like to take the opportunity to thank Dr. Eva Maria Lassen for her support and encouragement throughout my stay at the Danish Institute for Human Rights.

My sincere gratitude goes to the Global Campus of Human Rights team who has been my main source of knowledge and inspiration in this thesis.

Last but not the least, I would like to thank my family and friends who were there for me whenever I needed them; Mary Broumana, Joseph Broumana, Stephanie Broumana, Sally Broumana, Sara Broumana and Karim Maatouk.

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CHAPTER 1: INTRODUCTION

1.1 STATE OF THE RESEARCH ON HUMAN RIGHTS DEFENDERS

The application of human rights in the Middle East has always been criticized by human rights experts. In comparison to other regions, the Middle East is far behind on its implementation and fulfillment of international human rights standard. Arab states seem to be reluctant to step up on improving their human rights record. This phenomenon has caused the need for individuals and organizations to assume the duties and responsibilities to protecting and to promoting human rights in the region; human rights defenders. Human rights defenders work to promote and protect human rights and democracy in many states in the Middle East. The relationship between democracy and human rights is known to be important in the sense that there cannot be democracy without human rights and there cannot be human rights without democracy. Democracy is vital for the implementation of human rights. Similarly, there cannot be democracy and human rights without human rights defenders and vice versa. The failure of states to secure democracy and human rights have contributed to the essential role of human rights defenders. The presence of human rights defenders has become now more important than ever as human rights violations are occurring on a daily basis in the Middle East and in other parts of the world. Indeed, human rights defenders have not only gained the attention states but also civil society and other international organizations. The establishment of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, often referred to as the declaration on the protection of human rights defenders, reflects this increased attention and awareness of the importance of their roles. While human rights defenders are positively contributing to human rights issues in the region, their host environments – states – are becoming more hostile towards them.

While international human rights standards have been set for the protection of human rights defenders, there is a lack of implementation in Arab states regarding the protection of human rights defenders. In fact, 2018 witnessed an increasing number of documented violations of the rights of human rights defenders. “HRDs in Middle East and North Africa (MENA) continued to face systematic persecution, reprisals and threats as most governments in the region showed little tolerance for human rights activism

and permitted little independent space for civil society”.¹ This trend is noticeable in contexts where states are not fulfilling their duties and responsibilities towards human rights. In those contexts, human rights defenders are carrying these responsibilities to ensure the promotion and protection of human rights. However, their work is being threatened by states who have the ultimate responsibility for the fulfilment and protection of human rights. This disturbing situation of human rights defenders must be analysed in order to ensure better protection. That is, it is imperative to discuss the various challenges that human rights defenders face in such contexts.

While Saudi Arabia, United Arab Emirates, Bahrain and Egypt are known to have some of the worst environment for human rights defenders in the region, other countries such as Lebanon are often overlooked and thought to be a safe haven. Lebanon is commonly known to be the hub for human rights defenders in the Middle East given its relatively “safer” environment compared to other countries in the region. However, the reality is very much different than one would expect. Through the analytical framework of this thesis, a thorough assessment of the conditions and protection of human rights defenders portrays the reality that is being faced by those who work to promote and to protect human rights in Lebanon.

Certainly, a lot of research has been conducted on the protection and situation of civil society as it remains the focus of many human rights scholars. However, not enough research involves “human rights defenders” – which is a much more complicated concept than that of civil society. This is not surprising as the term “human rights defenders” has only began to attract attention in recent years. Moreover, research pertaining to human rights defenders are often discussed in only legal contexts. While this is important, other factors must be taken into consideration. The study of the legal framework, in which human rights defenders are operating in, is crucial in the sense that it provides an understanding of the means that are being used to target human rights defenders. However, this thesis will go beyond the legal discourse and examines the other factors that impacts the situation of human rights defenders. That is, the thesis will also look at state policies and practices, and non-state actors and broader societal factors. These factors are to be examined and analysed in the context of Lebanon. The availability of international human rights standards has contributed to setting the standards in relation to the condition and protection

¹ Front Line Defenders, “*Front Line Defenders Global Analysis 2018*”, (Dublin: Front Line Defenders, 2019), accessed May 1, 2019, <https://www.frontlinedefenders.org/en/resource-publication/global-analysis-2018>

of human rights defenders. However, instead of abiding by these standards, several tactics are being used to harass, intimidate, detain and prosecute human rights defenders in many countries in the Middle East. Therefore, this thesis will also identify other possible avenues for increased protection of human rights defenders.

1.2 CENTRAL RESEARCH QUESTIONS

The choice of this topic stems from the fact that there is not enough academic research related to the notion of human rights defenders in the Middle East; available research only tackles the issue through generalized perspectives and legal approach. In addition to contributing to the ongoing human rights discussion of “human rights defenders”, this thesis goes further to examine several factors contributing to the situation of human rights defenders in a specific context, Lebanon, and incorporates different methods on improving the situation of human rights and implementing protection mechanisms suitable for their context.

This thesis will address the following research questions: How, and what, are the various factors contributing to the situation and protection of human rights defenders in the context of Lebanon? What are the resulting implications on human rights defenders and what should realistically be done to protect them? A comprehensive understanding of the situation of human rights defenders in Lebanon allows for the identification of the best protection mechanisms and to propose remedies for the situation and conditions of human rights defenders in Lebanon, and possibly other states in the Middle East.

1.3 METHODOLOGICAL APPROACH

The thesis will be based on multiple disciplines, which include human rights, political science, international relations, religion and law. Therefore, it will encompass an inter-disciplinary approach to the issue of human rights defenders. The thesis will mainly be conducted through desk research using primary and secondary sources such as; legal documents, government communications, international declarations and conventions, the constitution, media reports, legal cases of human rights defenders and other relevant sources. Due to the time limitation, it will not be possible to conduct field research where it would have been beneficial to conduct interviews with human rights defenders in Lebanon and to include personal accounts that best portray their situation on the ground.

1.4 OUTLINE OF THE RESEARCH

This research chapter is divided into seven chapters. The second chapter of the thesis “dissects” the term “human rights defenders”, determining its origins and how it came about. It focuses on the identification and understanding of human rights defenders (More specifically, what is a human rights defender?) as well as the key elements of protection of human rights defenders (What does protection of human rights defenders entail?). In doing so, a brief assessment of international and regional protection mechanisms is also to be included in this chapter. The third chapter of this thesis introduces the analytical framework which presents the main roadmap to the approach in addressing the research questions. The fourth chapter examines human rights defenders in the context of Lebanon while the fifth chapter analyzes the challenges and obstacles for the protection of human rights defenders in Lebanon. The sixth chapter will introduce avenues for increased protection of human rights defenders in Lebanon.

CHAPTER 2: INTRODUCING THE KEY CONCEPTS

The purpose of this chapter is to introduce, discuss and define the key concepts in the thesis – specifically human rights defenders and protection of human rights defenders. The understanding of these terms will mainly be based on the declaration on human rights defenders.

2.1 DECLARATION ON HUMAN RIGHTS DEFENDERS

This thesis takes its starting point from the “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” (hereinafter “the declaration”), commonly known as the Declaration on Human Rights defenders. In the 1980s, there were increasing concerns about threats faced by human rights defenders.² Non-Governmental Organizations (NGOs), concerned about these developments, called for the international community (United Nations) to act in addressing the gap in the protection of human rights defenders. Consequently, the UN Commission on Human Rights (now the Human Rights Council) began to call for governments to protect those who protect and promote human rights, emphasizing the need for the protection of human rights defenders in order to ensure effective implementation and realization of human rights.³ In 1985, the Commission established a working group to draft a declaration on the protection of human rights defenders. After about 14 years of negotiations, the declaration was adopted as Resolution A/RES/53/144 by the UN General Assembly in 1999.⁴ The declaration set a precedent in recognizing the existence of human rights defenders and the need to protect them. The working group, tasked to draft the declaration, consisted of more than fifty members which included member states of the UN Commission on Human Rights (now replaced with United Nations Human Rights Council) and several international NGOs.⁵

² Janika Spannagel, “*Declaration on Human Rights Defenders (1998)*”, (Germany: Arbeitskreis Menschenrechte, 2017), accessed February 25, 2019, <https://www.geschichte-menschenrechte.de/en/hauptnavigation/schluesstexte/declaration-on-human-rights-defenders-1998/?type=98765>

³ Ibid.

⁴ UN General Assembly, “*Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms : resolution / adopted by the General Assembly, 8 March 1999, A/RES/53/144*”, [Geneva: UN General Assembly, 1999) accessed February 25, 2019, <https://www.refworld.org/docid/3b00f54c14.html>

⁵ Janika Spannagel, “*Declaration on Human Rights Defenders (1998)*”, (Germany: Arbeitskreis Menschenrechte, 2017), accessed February 25, 2019, <https://www.geschichte-menschenrechte.de/en/hauptnavigation/schluesstexte/declaration-on-human-rights-defenders-1998/?type=98765>

It was not an easy task for countries with opposing views to agree on this declaration. At the time of the drafting of the declaration, there were tensions between the east and the west as a result of the cold war period. Thus, those involved in the working group are known to have different agendas.⁶ Countries that were in favor of protective measures for human rights defenders acknowledged that states fell short in implementing human rights standards and that human rights defenders must be able to promote and protect human rights while being protected.⁷ On the other hand, opposing states stressed on the idea of sovereignty and non-interference in which they stressed that states are solely responsible to promote and protect human rights.⁸ The USSR also mentioned that there were enough declarations, treaties and conventions guaranteeing rights for human rights defenders.⁹ Nevertheless, the Rapporteur for the Sub-Commission, Erica-Irene Daes insisted on the need for a declaration despite the availability of other instruments stressing that it will positively contribute to the protection of human rights defenders and push state obligation to ensure this.¹⁰ Other countries such as China, Cuba, and Syria were keen on setting limitations to the declaration and referring to the role of national law.¹¹ States were divided regarding the purpose of the declaration; States that were pushing for the protection of human rights defenders and states that were using the declaration to promote their interests and sovereignty. Fortunately, states were able to overcome the stalemate after pressures from the commission on the need to adopt the declaration on the 50th anniversary of the Universal Declaration on Human Rights.¹² The declaration was finally produced in 1998 after consensus and compromises between states.¹³

“The declaration involved a combination of individual/collection rights and individual/state duties”.¹⁴

The declaration is a resolution and as such, is not legally binding. However, its provisions include rights that have already been established under other treaties that are legally binding. According to OHCHR,

⁶ Julien Attuil, *“The International Protection of Human Rights Defenders”*, (Venice: Global Campus of Human Rights, 2001), p. 22

⁷ Austria, France, Norway, Canada, and the UK

⁸ USSR, Belarus, German Democratic Republic, China, Cuba, Syria

⁹ Julien Attuil, *“The International Protection of Human Rights Defenders”*, (Venice: Global Campus of Human Rights, 2001), p. 22.

¹⁰ Ibid, p. 23.

¹¹ Ibid, p. 24.

¹² Ibid.

¹³ Ibid, p. 25.

¹⁴ Ibid.

the provisions of the declaration are not meant to establish new rights but to contextualize those rights for human rights defenders.¹⁵ The preamble, one of the most important parts of any declaration, presents the discourse of the document. This declaration intended to assert the importance of the work of human rights defenders in promoting and protecting human rights while acknowledging the responsibilities of state towards the protection of “human rights defenders”.

Article 2, 9, 12, 14 and 15 of the declaration emphasizes state responsibility towards the protection of human rights defenders and the realization of all rights.¹⁶ From this interpretation, the declaration outlines what the states should do in terms of protecting human rights defenders. During negotiations, in 1986, Erica-Irene Daes proposed that the declaration should only focus on rights and violations, not duties or restriction for human rights defenders.¹⁷ However, she was met with objections from states, such as China, that insisted on including also duties and responsibilities of human rights defenders.¹⁸ China, Cuba and Syria stressed on the need to incorporate obligations of human rights defenders.¹⁹ As evident from the official title of the declaration, they succeeded in doing this (“Declaration on the Right and Responsibility of Individuals”) and articles 10, 11 and 18.

Article 1, of the declaration, affirms the broad conceptualization of human rights defenders as “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”.²⁰ Inherently, this article does not exclude any group from promoting and protecting human rights. Article 1 and 5 of the declaration are associated with the right to freedom of association. Article 5 is also associated with the right to freedom of assembly. Article 5 and Article 6 have to do with the right to freedom of expression and the right to information and to communicate. The right to defend human rights

¹⁵ UN Office of the High Commissioner for Human Rights, “SRHRD”, (Geneva: OHCHR, 2019), accessed February 25, 2019, <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

¹⁶ Ibid.

¹⁷ Janika Spannagel, “Declaration on Human Rights Defenders (1998)”, (Germany: Arbeitskreis Menschenrechte, 2017), accessed February 25, 2019, <https://www.geschichte-menschenrechte.de/en/hauptnavigation/schluesstexte/declaration-on-human-rights-defenders-1998/?type=98765>

¹⁸ Ibid.

¹⁹ Julien Attuill, “The International Protection of Human Rights Defenders”, (Venice: Global Campus of Human Rights, 2001), p. 23

²⁰ UN General Assembly, “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms : resolution / adopted by the General Assembly, 8 March 1999, A/RES/53/144”, [Geneva: UN General Assembly, 1999) accessed February 25, 2019, <https://www.refworld.org/docid/3b00f54c14.html>

can be found in Article 1, 7, 8, 10, 11, 12, 13, and 18. Article 12 emphasizes the right to life while Article 9 stresses on the article of a fair trial. Article 13 of the declaration stresses the need for human rights defenders to have the right to access to resources. As seen from the provisions of this declaration, all of these rights have already been set out and protected in the so-called nine core international treaties.²¹ The distinction here is that these provisions are put in relation to human rights defenders.

The declaration on human rights defenders was a breakthrough in the field, not least because it provided a text that linked already established and recognized rights to human rights defenders. Moreover, it was a huge positive achievement for human rights defenders who wanted to be recognized and protected, challenging conventional ideas about states being the only actors able to take on the duty to promote and protect human rights.²² However, there were - and still are - concerns with regard to the declaration's effectiveness in protecting human rights defenders on the ground. Many have noted that the declaration did not require much sacrifice from states, insofar as it is a non-binding and somehow vague resolution.

The conclusive assessment would be that the UN's declaration positively contributed to the protection of human rights defenders. As a result of this initiative, there became a greater recognition of the importance of the work. Nevertheless, human rights defenders around the world remain in danger. According to Article 19, millions of individual human rights defenders, journalists, and civil society organizations were forced to leave the Middle East due to exceptional danger and instability that has been plaguing the region for the past decade.²³

This section highlighted and assessed the history, content, and importance of the declaration on human rights defenders. This section serves as a starting point for the next sections of this chapter of the thesis.

²¹ International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, International Convention for the Protection of All Persons from Enforced Disappearance, Convention on the Rights of Persons with Disabilities.

²² Janika Spannagel, "*Declaration on Human Rights Defenders (1998)*", (Germany: Arbeitskreis Menschenrechte, 2017), accessed February 25, 2019, <https://www.geschichte-menschenrechte.de/en/hauptnavigation/schluesselfelder/declaration-on-human-rights-defenders-1998/?type=98765>

²³ Article 19, "*Middle East and North Africa*", (London: Article 19, 2019), accessed April 25, 2019, <https://www.article19.org/regional-office/middle-east-north-africa/>

2.2 ANALYZING AND DEFINING THE TERM “HUMAN RIGHTS DEFENDERS”

The term “Human Rights Defenders” began to be commonly used after the adoption of the declaration in 1998.²⁴ Prior to the declaration, terms such as “activists”, “professional”, “worker” or “monitor” were most widely used instead.²⁵ Ironically, nowhere in the declaration can the term “Human Rights Defenders” be found. The official name of the declaration is “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms”. It was reported that, in 1986 during the negotiations, the rapporteur of the Sub-Commission, Erica-Irene Daes, advised the working group to officially name the declaration, “Declaration on the Protection of Human Rights defenders”.²⁶ However, her recommendation was not incorporated. The use of the term “Human Rights Defenders” was not considered to be favorable among many states, such as the Soviet Union.²⁷ This is due to the fact that the working group was initiated after several soviet dissidents reported oppression as a result of their activism.²⁸ Therefore, it is no surprise that the Soviet Union would have reservations on the usage of the term “Human Rights Defenders” in the title of the declaration. This also demonstrates the role that linguistics play in the field of human rights. The avoidance of the term in the naming of the declaration, and the replacement for a more complex title, could be perceived as a political attempt to prevent the declaration from gaining momentum.²⁹ Indeed, the declaration only gained popularity when referred to as “declaration on human rights defenders”. To this day, Russia is said to avoid using the term due to the broadness and the need for a more “restrictive” term.³⁰ The restriction on the usage of the term “Human Rights Defenders” could also be said to have been the outcome of the inability of the states to define the term.³¹ While there are no concrete reasons for the avoidance of using the term, its recent popular use is due to its relevancy and usefulness.³² The term gained popularity during and after the fall of the Soviet Union. In that context,

²⁴ Office of the United Nations High Commissioner for Human Right, “*Fact Sheet No. 29*”, (Geneva: OHCHR, 2004), accessed February 25, 2019, <https://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>

²⁵ Ibid.

²⁶ Janika Spannagel, “*Declaration on Human Rights Defenders (1998)*”, (Germany: Arbeitskreis Menschenrechte, 2017), accessed February 25, 2019, <https://www.geschichte-menschenrechte.de/en/hauptnavigation/schluesstexte/declaration-on-human-rights-defenders-1998/?type=98765>

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

west countries were actively engaged in promoting such term to refer to dissidents within the Soviet Union. Moreover, there is an ongoing debate on the usage of the term mainly due to the conflict between those who are proponents of a restrictive definition and those of a broader definition. Despite the skepticism regarding the usage of term, it gained even more momentum over the recent years. This could be due to the fact that its usage helped identify non-traditional human rights defenders and highlight the recognition and status of defenders in the human rights discourse.³³

When encountering the term, many would assume that it only refers to individuals who have dedicated their career to promote and protect human rights. The Declaration itself does not offer an explicit definition.³⁴ It is understood that there were no attempts from the working group to provide a definition given that consensus within the working group would have been unlikely and time-wasting.³⁵ It is also worth to mention that a previous attempt, in the 80s, to draft a declaration on the protection of journalists failed after attempts to define the term “journalist”.³⁶ In recent years, the UN Office of the High Commissioner for Human Rights (OHCHR) attempted to clarify the term by stating that the Declaration refers to “individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals”.³⁷ Therefore, human rights defender is “a term used to describe people who, individually or with others, act to promote or protect human rights”.³⁸ As such, the term may refer to individuals, associations, organizations, and many other entities – a broad conceptualizing of human rights defenders.

In addition to a lack of clear definition, the declaration did not provide an exhaustive set of activities pertaining to human rights defenders. On the contrary, it only provided a set of activities related to

³³ Karen Bennett and all, “*Critical Perspectives on the Security and Protection of Human Rights Defenders*”, (UK: The International Journal of Human Rights, 2015), p. 883-895.

³⁴ UN General Assembly, “*Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms : resolution / adopted by the General Assembly, 8 March 1999, A/RES/53/144*”, [Geneva: UN General Assembly, 1999) accessed February 25, 2019, <https://www.refworld.org/docid/3b00f54c14.html>

³⁵ Julien Attuil, “*The International Protection of Human Rights Defenders*”, (Venice: Global Campus of Human Rights, 2001), p. 6.

³⁶ Ibid.

³⁷ UN Office of the High Commissioner for Human Rights, “*SRHRD*”, (Geneva: OHCHR, 2019), accessed February 25, 2019, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>

³⁸ UN Office of the High Commissioner for Human Rights, “*Human Rights Defenders: Protecting the Right to Defend Human Rights, Fact Sheet No. 29.*”, (Geneva: OHCHR, 2004), , accessed February 25, 2019, <https://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>

promoting and protecting collective rights.³⁹ The incorporation of these set of activities listed in the preamble of the declaration were led by efforts by non-western countries. On the other hand, it is worth to mention that Article 7 of the declaration states that “everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance”.⁴⁰ Thus, the declaration paves the way for the consideration of human rights defenders who work to promote and protect other rights than those listed in the declaration and other covenants (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights...etc.).⁴¹ However, this leads to questions such as “Who decides on what rights are considered human rights?” and “What type of human rights activities does this declaration protect?”. To address such questions, the OHCHR published its Fact Sheet No. 29 in 2004 which outlines some of the activities that identify individuals, groups, and associations as human rights defenders. These activities range from defending human rights through professional activities to defending human rights in a non-professional context as well as three ‘minimum standards’ required to be identified as a human rights defender.⁴² The three standards are: acceptance of the universality of human rights, argument related to human rights, and peaceful action.⁴³ Critics have pointed out that the standards are vague and difficult to operationalize. With regards to the acceptance of universality of human rights and peaceful action, for instance, it would be very difficult and challenging to prove this. As noted by Karen Bennett: “To what extent does a defender need to demonstrate that

³⁹ Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources.

UN General Assembly, “*Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms : resolution / adopted by the General Assembly, 8 March 1999, A/RES/53/144*”, [Geneva: UN General Assembly, 1999) accessed February 25, 2019, <https://www.refworld.org/docid/3b00f54c14.html>

⁴⁰ UN General Assembly, “*Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms : resolution / adopted by the General Assembly, 8 March 1999, A/RES/53/144*”, (Geneva: UN General Assembly, 1999), accessed February 25, 2019, <https://www.refworld.org/docid/3b00f54c14.html>

⁴¹ Julien Attuil, “*The International Protection of Human Rights Defenders*”, (Venice: Global Campus of Human Rights, 2001), p. 9.

⁴² UN Office of the High Commissioner for Human Rights, “*Human Rights Defenders: Protecting the Right to Defend Human Rights, Fact Sheet No. 29*”, (Geneva: OHCHR, 2004), , accessed February 25, 2019, <https://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>

⁴³ Ibid.

his/her actions are ‘non-violent’? To what extent should a defender be expected to demonstrate knowledge of and respect for the universality of human rights? What criteria and process should be adopted to determine this?”⁴⁴

One of the major achievements of the UN Declaration for human rights defenders is that it encouraged the formulation of other regional instruments. In 2004, the European Union (EU) also formulated a set of guidelines on human rights defenders. These guidelines, updated in 2008, are to guide the operational procedures to work with human rights defenders in third countries through EU embassies.⁴⁵ The guidelines dedicate a section for the definition of human rights defenders. While this is based on the UN declaration for human rights defenders, the guidelines go further in providing a more specified “conceptualization” of the term with specific activities of what characterizes human rights defenders from others.

“Human rights defenders are those individuals, groups and organs of society that promote and protect universally recognized human rights and fundamental freedoms. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights. Human rights defenders also promote and protect the rights of members of groups such as indigenous communities. The definition does not include those individuals or groups who commit or propagate violence”.⁴⁶

This definition specifies the rights protected and promoted by human rights defenders. These guidelines, inspired by the declaration, go a step beyond in so far as the definition of human rights defenders encompasses a much more specific identification and criteria. The guidelines also provide a comprehensive and specific framework that outlines the activities of human rights defenders, something which is not offered in UN documents. Nevertheless, both “definitions” are considered to be broad. Upon examining the UN and EU’s definitions of human rights defenders, it is realized that there is no universal

⁴⁴ Karen Bennett and all, “*Critical Perspectives on the Security and Protection of Human Rights Defenders*”, (UK: The International Journal of Human Rights, 2015), p. 883-895.

⁴⁵ European External Action Service, “*ENSURING PROTECTION-EUROPEAN UNION GUIDELINES ON HUMAN RIGHTS DEFENDERS*”, (Brussels: EEAS, 2008), accessed February 25, 2019, https://eeas.europa.eu/sites/eeas/files/eu_guidelines_hrd_en.pdf

⁴⁶ Ibid.

agreed definition of human rights defenders but only a universal “conceptualization” of human rights defenders.

The use of the term “Human Rights Defender” presents several challenges. Some argue that the term itself is problematic because it can put human rights defenders at risk by “politicizing” their work in the sense that there is a certain connotation to it.⁴⁷ The term also presents a continuous struggle between the need for a broad definition and the need for a restrictive definition.⁴⁸ While the broadness of such term may be perceived as a positive attribute, it also has negative implications on human rights defenders around the world. The broadness of the term allows for the possibility for individuals, groups and associations, promoting and protecting human rights, to be protected under the umbrella of “human rights defenders”. However, the lack of restrictiveness may also allow for individuals and associations to present themselves as human rights defenders while promoting rights that are not necessarily related to human rights. The term can be used for personal interests; political, religious, and commercial interests. In fact, there has been cases where the term was being used by those who violate human rights, which implies an abuse of the term.⁴⁹ The lack of a specific definition of human rights defenders makes it difficult to establish effective protective mechanisms. This has led scholars like Eguren and Patel to argue “for the development of a critical and ethical framework that focuses on analyzing ‘what a defender does or does not do in context’, making it a relational definition rather than one of identity per se”.⁵⁰ This allows for the declaration to be more effective in identifying and protecting human rights defenders. On the other hand, having a specific definition of human rights defenders may give states the opportunity to exclude, at their own discretion, certain actors that should in fact be protected under the umbrella of the declaration.

The continuous usage of the term “human rights defenders” is extremely crucial as it allows human rights defenders to be recognized on a global scale as well as provides the adequate resources needed for their

⁴⁷ Janika Spannagel, “*Declaration on Human Rights Defenders (1998)*”, (Germany: Arbeitskreis Menschenrechte, 2017), accessed February 25, 2019, <https://www.geschichte-menschenrechte.de/en/hauptnavigation/schluesstexte/declaration-on-human-rights-defenders-1998/?type=98765>

⁴⁸ Ibid.

⁴⁹ Karen Bennett and all, “*Critical Perspectives on the Security and Protection of Human Rights Defenders*”, (UK: The International Journal of Human Rights, 2015), p. 883-895.

⁵⁰ Janika Spannagel, “*Declaration on Human Rights Defenders (1998)*”, (Germany: Arbeitskreis Menschenrechte, 2017), accessed February 25, 2019, <https://www.geschichte-menschenrechte.de/en/hauptnavigation/schluesstexte/declaration-on-human-rights-defenders-1998/?type=98765>

work.⁵¹ To complement the continuous prevalence of the broad conceptualization of human rights defenders in the human rights discourse, a broad definition will be employed for the case of Lebanon.

There are some important aspects of the term that has not been addressed by the UN and the EU. There are debates dealing with “quantity” and “quality” of human rights activities that identify human rights defenders which have been overlooked.⁵² Julien Attiul presents a compelling argument regarding the identification of human rights defenders based on their activities, in which he weighs on the “quantity” and “quality” of a human rights activity.⁵³ In his argument, Attiul states that an individual engaging in only one human rights activity does not imply that the individual is a human rights defender.⁵⁴ In order to be considered a human rights defender, the activity must be repetitive and/or significant.⁵⁵ On another note, the “danger criterion” has also not been addressed.⁵⁶ It is common to identify human rights defenders based on the danger criterion; To be a human rights defender, you must have suffered, or likely to suffer, from human rights violations.⁵⁷ In fact, the World Organisation Against Torture (OMCT) classifies a human rights defender as “any person who risks or who is victim of reprisals, harassment or violations because of his or her commitment, be it individually or in association with others, in favor of the promotion and the implementation of the rights recognized in the Universal Declaration of Human Rights and guaranteed by various international instruments.”⁵⁸

The definition of human rights defenders, in this thesis, will be based on elements extracted from the UN and EU’s description of human rights defenders and other important considerations. Human rights defenders, in this thesis, are all those people, groups, or organizations contributing to the promotion and protection of human rights regardless of the nature (sectarian, political, or any other attribute/entity) of the defender. In order to be considered a human rights defender, one must be promoting and protecting any sort of human rights through peaceful means. That is, no acts of violence can be committed. In

⁵¹ Karen Bennett and all, “*Critical Perspectives on the Security and Protection of Human Rights Defenders*”, (UK: The International Journal of Human Rights, 2015), p. 883-895.

⁵² Julien Attiul, “*The International Protection of Human Rights Defenders*”, (Venice: Global Campus of Human Rights, 2001), p. 8.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid, p. 9.

⁵⁷ Ibid.

⁵⁸ The Observatory for the Protection of Human Rights Defenders, “*Human Rights Defenders*”, (World Organisation Against Torture: Geneva, 1997), accessed June 6, 2019, <http://www.omct.org/human-rights-defenders/observatory/>

accordance with the universality criterion, one may not be labelled as a human rights defender if there is any demonstrated act of denial or rejection of any human rights. It should also be understood that human rights defenders should not engage in activities that go against human rights. In other words, the assumption is that there is an acceptance of universality of human rights unless proven otherwise. This definition is useful in the context of Lebanon because it opens up for the possibility to include non-traditional human rights defenders, such as political and religious organizations, who might be actively promoting and protecting certain human rights but overlooking – or perhaps even fundamentally disagreeing with – other rights. In the context of Lebanon, which will be explained later in this section, full adherence to the universality of human rights would not work well as a criterion for defining human rights defenders as it would exclude most people who are working to promote and protect human rights thus restricting the broad “conceptualization” of the term.

In this perspective, the term encompasses all activists, civil societies, and organizations working to promote and protect any human right in Lebanon, including civil society organizations, humanitarian aid organization, human rights organizations, political organizations, national human rights institution, educational institutions, religious organizations, private businesses organizations, politicians, journalists and any other entities or individuals who are involved in promoting and protecting human rights. They must be engaged, in a significant human rights activity (or repetitive). Moreover, the “danger criterion” will not be considered in this definition. The only grounds for exclusion, into the category of being human rights defenders, are if actors are engaged in activities that involve violating and denying any other human rights, or if actors are involved in non-peaceful, or violent action. If an organization or individual advocates for certain human rights issues but refrains or abstains from advocating for other issues, they can still be considered as human rights defenders unless they engage in activities that explicitly advocates against human rights.

2.3 PROTECTION OF HUMAN RIGHTS DEFENDERS

Human rights defenders are on the front line promoting and protecting human rights. Fighting for human rights makes them vulnerable to human rights violations from state and non-state actors. Many have experienced threats, harassment, arbitrary detentions, arrests, violence, death, unfair trials, unlawful

surveillance, and repression due to their human rights activities.⁵⁹ Therefore, the protection of human rights defenders is essential in order to allow them to perform these activities in an effective and safe manner. The declaration on the protection for human rights defenders outlines the protective framework needed to protect human rights defenders.

The key elements of protection of human rights defenders are the rights that human rights defenders are entitled to in order to promote and protect human rights in a protective environment. It is important to point out those rights relevant to protecting human rights defenders in Lebanon in order to be able to analyze the different factors that will be discussed in this thesis.⁶⁰

- The Right to Freedom of Association
- The Right to Freedom of Assembly
- The Right to Freedom of Thought
- The Right to Freedom of Expression, Communication and the Right to Information
- The Right to Freedom of Movement
- The Right to Receive Funding
- Rights Related to Defense of Human Rights
- The Right to Respect for Privacy
- Prohibition of Torture and Ill-Treatment
- The Right to Freedom and Security: Disappearances
- The Right to Freedom and Security: Detention
- The Right to Life
- The Right to a Fair Trial
- The Right to Remedy and Reparation

Upon discussing protection, it is worth to mention that states are the primarily responsible actors to promote and protect rights for human rights defenders. Consequently, states have an obligation to guarantee all the above rights for human rights defenders; providing and implementing a legal framework which secures these rights. Protection does not only entail provision of these rights but also their implementation.

⁵⁹ Julien Attuil, *“The International Protection of Human Rights Defenders”*, (Venice: Global Campus of Human Rights, 2001), p. 5.

⁶⁰ International Service for Human Rights, *“Compilation of International and Regional Instruments for the Protection of Human Rights Defenders”*, (Geneva: International Service for Human Rights, 2002), p. 3-4.

The declaration was successful in the sense that it specified what is needed to protect human rights defenders. Protection of human rights defenders entails freedom of association, freedom of assembly, freedom of thought, freedom of expressions, freedom of communications, right to information, freedom of movement and right to receive funding. These encompass the rights in which human rights defenders need to operate. Protection for human rights defenders implies protection while performing their human rights work. Protection also implies the availability of a framework to prevent, combat, and redress human rights violations experienced by human rights defenders; promote and protect rights related to defense of human rights, respect privacy of human rights defenders, prohibition of torture and ill-treatment, right to freedom and security (disappearances and detention), right to life, right to a fair trial, right to remedy and reparation.

Therefore, effective protection involves the requirement of states to promote and protect human rights, and rights related to human rights defenders, and the establishment of an environment where human rights defenders are protected from violence and an environment where perpetrators of violence – state or non-state actors - are held accountable.

2.4 MAPPING AND ASSESSING AVAILABLE PROTECTION MECHANISMS

The adoption of the declaration inspired further set of initiatives designed to strengthen the role of human rights defenders and to take additional steps to ensure implementation of the declaration and protection of human rights defenders.⁶¹ This section will provide a brief overview of only some of the available international and regional inter-governmental protection mechanisms relevant for human rights defenders in Lebanon. It is by no means a comprehensive mapping and assessment of all inter-governmental instruments that are able to protect human rights defenders. Local instruments will be discussed in the next chapters of this thesis.

United Nations Special Rapporteur on Human Rights Defenders

Non-governmental organization and states called for the need of a mechanism to implement the declaration. As a response, in 2000, the United Nations Commission on Human Rights appointed a

⁶¹ Janika Spannagel, “*Declaration on Human Rights Defenders (1998)*”, (Germany: Arbeitskreis Menschenrechte, 2017), accessed February 25, 2019, <https://www.geschichte-menschenrechte.de/en/hauptnavigation/schluesstexte/declaration-on-human-rights-defenders-1998/?type=98765>

Special Representative for Human Rights Defenders (now known as Special Rapporteur on Human Rights Defenders).⁶² The main mandate of this representative would be to report on the conditions and situation of human rights defenders around the world and urge states to implement and respect the declaration.⁶³ The Rapporteur has been successful in issuing statements and reports on the conditions of human rights defenders worldwide. While the Rapporteur has been able to go on several visits worldwide, he was only able to conduct one visit in the Middle East (Israel and Occupied Palestinian Territories) in 2006.⁶⁴ This presents a clear gap in the Special Rapporteur's mandate as the Middle East are one of the highly volatile regions for human rights defenders. The Special Rapporteur has requested visits to Saudi Arabia, Bahrain and Kuwait.⁶⁵ However, the Special Rapporteur is required to have an official invitation from the countries in order to conduct a visit, which poses a challenge to the mandate of the Rapporteur and a gap in this protection mechanism.

European Union

The European Union (EU)'s guidelines have a dedicated section for the definition of human rights defenders which was discussed in the previous chapter. The guidelines also provide a comprehensive and specific framework that outline the activities of human rights defenders. The main protection framework, and most important section, of the guidelines is the operational guidelines in which they outline the set of actions needed to promote and protect human rights defenders in third countries.⁶⁶ These actions include monitoring, reporting, and assessment where periodic reports, on situations of human rights defenders will be published incorporating recommendations.⁶⁷ Moreover, there is an emphasis on EU missions' roles where they are responsible to protection and support human rights defenders through policy implementation. In addition to these activities, promotion of human rights defenders, support, for

⁶² UN Special Rapporteur on the situation of human rights defenders, "*Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*", (Geneva: OHCHR, 2011), accessed February 25, 2019, <https://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>

⁶³ Ibid.

⁶⁴ United Nations Office of the High Commissioner, "*Country visits*", (Geneva: OHCHR, 2019), accessed April 30, 2019, <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/CountryVisits.aspx>

⁶⁵ Ibid.

⁶⁶ European External Action Service, "*ENSURING PROTECTION-EUROPEAN UNION GUIDELINES ON HUMAN RIGHTS DEFENDERS*", (Brussels: EEAS, 2008), accessed February 25, 2019, https://eeas.europa.eu/sites/eeas/files/eu_guidelines_hrd_en.pdf

⁶⁷ Ibid.

UN mechanisms, and practical support for human rights defenders are also mentioned in the guidelines.⁶⁸ It is understood that a major part of the guidelines involves working with human rights defenders and states in an effort to promote and protect human rights defenders.

These guidelines make up for the gap that was perceived in the declaration. EU guidelines provide a clear action plan and operational procedures in order to protect and promote human rights defenders. However, Karen Bennett states that “the guidelines' recommendations are not systematically implemented by all European member states and implementation in EU mission countries around the world is patchy and inconsistent”.⁶⁹ Moreover, as with the declaration, these guidelines are not legally binding to member states. Nevertheless, the guidelines are dedicated for the protection and promotion of human rights defenders.

The European Union, as a regional system, has been involved in other initiatives aimed at protecting human rights defenders. Apart from establishing guidelines, the EU established a mechanism which emphasizes the practical aspect of protecting and promoting human rights defenders. Given the risk and challenges that human rights defenders face, the EU developed a protection mechanism which can be accessed at ProtectDefenders.Eu.⁷⁰ It is a project being implemented by consortium of 12 NGOs to protect and support defenders worldwide. This mechanism serves to support human rights defenders through various means (urgent, medium-term and long-term support).⁷¹ Moreover, a relocation component has been integrated in this mechanism in order to assist human rights defenders who are facing high security risks.⁷² It can be perceived as a similar mechanism to the UN Special Rapporteur on Human Rights Defenders.

Arab League

While the EU and the UN have been actively involved in initiatives to support human rights defenders, other regional Middle Eastern organizations such as the Arab League (of which Lebanon is a full member) do not have a specific mechanism/instrument for human rights defenders. Nevertheless, the

⁶⁸ Ibid.

⁶⁹ Karen Bennett and all, “*Critical Perspectives on the Security and Protection of Human Rights Defenders*”, (UK: The International Journal of Human Rights, 2015), p. 883-895.

⁷⁰ Protect Defendes.Eu, “*About us*”, (EU), accessed February 25. 2019, <https://www.protectdefenders.eu/en/about.html>

⁷¹ Ibid.

⁷² Ibid.

Arab League has adopted the Arab Charter on Human Rights in 2004.⁷³ While the charter does not explicitly mention human rights defenders, there are few provisions which can be applied to the protection of human rights defenders. More specifically, Article 24 emphasizes the right to freedom of associations and the right to form associations which are very much related to the protection of human rights defenders.⁷⁴ On the other hand, the charter provides leeway for states when dealing with human rights issues. For example, Article 30 of the charter deals with the right to freedom of thought, belief and religion.⁷⁵ However, this right is also restricted in the charter in which the right “may be subject only to such limitations as are prescribed by law”.⁷⁶ As with this article, other rights exercised by human rights defenders are subjected to similar restrictions. Article 32 (1) of the charter emphasizes the right to information, freedom of opinion and freedom of expression.⁷⁷ On the other hand, Article 32 (2) states that “such rights and freedoms are exercised in the framework of society’s fundamental principles and shall only be subjected to restrictions necessary for the respect of the rights or reputation of others and for the protection of national security or of public order, health or morals”.⁷⁸ The concern here is that how will the public “society’s fundamental principles” be assessed and decided? Who decides on what would be against public order, health, or morals? These questions are bound to come up when discussing the protection of human rights defenders. The general consensus is that this charter is not efficient in protecting human rights defenders. Some would go to the extreme to say that it could do more harm than good. The charter is problematic in the sense that it is contradictory in itself and it is not in full accordance with international human rights law.

Organization of Islamic Cooperation

Similarly, the Organization of Islamic Cooperation (OIC) to which Lebanon is a member does not have a specific instrument for human rights defenders. The OIC have adopted the Cairo Declaration on Human Rights in Islam and the Charter of the Organization of the Islamic Conference. However, these charters do not mention the term “Human Rights Defenders”. The OIC urges member states to “uphold and

⁷³ The International Center for Not-for-Profit Law, “*Civic Freedom Monitor: League of Arab States*”, (Washington, D.C.: ICNL, 2018), accessed February 25, 2019, <http://www.icnl.org/research/monitor/las.html>

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

promote good governance, democracy, human rights and fundamental freedoms, and the rule of law” at the national and international levels.⁷⁹ The Independent Permanent Commission on Human Rights is charter-based body in which it is responsible to promote human rights in line with “Islamic” values. This inherently challenges the concept of universality of human rights.⁸⁰ Moreover, nowhere in any of OIC’s documents, there exists the right to freedom of association which is problematic for human rights defenders.⁸¹ Therefore, the OIC does not offer a mechanism for the protection of human rights defenders.

This section outlined and assessed some of the international and regional mechanisms related to human rights defenders in the Middle East. Protection mapping is relevant to the thesis as it identifies the international and regional human rights standards for our context. Moreover, it outlines some of the existing protection mechanisms available for human rights defenders in the Middle East.

⁷⁹ The International Center for Not-for-Profit Law, “*Civic Freedom Monitor: Organization of Islamic Cooperation*”, (Washington, D.C.: ICNL, 2018), accessed February 25, 2019, <http://www.icnl.org/research/monitor/oic.html>

⁸⁰ Ibid.

⁸¹ Ibid.

CHAPTER 3: PRESENTATION OF ANALYTICAL FRAMEWORK

Lebanon is commonly perceived to be one of the few countries in the region with least violations against human rights defenders. A world report on the situation of human rights defenders published in late 2018, by the United Nations Special Rapporteur on the Situation of Human Rights Defenders, failed to include Lebanon.⁸² There seems to be a tendency to overlook the situation of human rights defenders in Lebanon. However, human rights defenders have faced and still face, various challenges in Lebanon. Several human rights defenders in Lebanon have been intimidated, prosecuted, detained, and imprisoned by state and non-state actors for practicing the rights enshrined in international and regional mechanisms.

This section presents the analytical framework of the thesis. In assessing the condition and protection of human rights defenders in Lebanon, this thesis looks at different factors to fully understand the various obstacles that human rights defenders face in Lebanon. Most often, the assessment of the condition and protection of human rights defenders is only conducted through a legal analysis, complemented by the assessment of international human rights law and local laws. However, this thesis will take a different approach in the sense that it will include other factors contributing to the situation and protection of human rights defenders in Lebanon. The factors that will be discussed in relation to the lack of protection of human rights defenders include; holistic legal framework, state policies and practices, broader societal cultures, perceptions and non-state actors. These factors have been chosen to allow for a comprehensive understanding of the situation of human rights defenders in Lebanon, identifying the challenges and proposing some of the best protection mechanisms for human rights defenders in Lebanon. Lebanon is known for its complex structure in which politics, practices, religion and culture have major impact on most of the issues in the country. In the same sense, these factors play a major role in the lack of protection of human rights defenders. An analysis of their situation will be conducted using these various factors which are contributing to their conditions; explaining the reasons behind human rights defenders facing challenges in Lebanon.

⁸² Michel Forst, “*World Report on the Situation of Human Rights Defenders*”, (London: Business & Human Rights Resource Centre, 2018), accessed March 4, 2019, <https://www.business-humanrights.org/sites/default/files/documents/UNSR%20HRDs-%20World%20report%202018.pdf>

The objective of the thesis to provide an analysis of how these factors influence the conditions of human rights defenders in Lebanon. The choice to look at these factors - legal framework, state policies and practices, broader societal cultures, perceptions and non-state actors – was not random. In the next section of this chapter, there are descriptions of the different factors and arguments addressing the following questions; why it is important to look at these factors? How can these factors theoretically influence the situation of human rights defenders?

Legal framework as a factor

Law plays a big role in protection (or lack of protection) of human rights defenders, protection is primarily the responsibility of states. The legal framework in which human rights defenders are operating in Lebanon will be analyzed through an examination of international human rights laws (declarations, treaties, conventions...etc.) and national laws (constitution, Lebanese criminal code...etc.). This will incorporate a comprehensive legal analysis in which international, regional, national and local laws are utilized to have a holistic understanding of the situation of human rights defenders in Lebanon. The analysis of the legal framework will be mainly based on the key elements (rights) for protection outlined in the previous chapter. The assessment of the legal framework is crucial as it aims to identify the legal challenges and gaps in which human rights defenders face. Moreover, it allows for an assessment on whether the legal framework is compliant to international human rights standards.

State policies and practices as factors

It is not only important to look at the legal framework but also look at how the legal framework is being utilized by state actors. It might be that the legal framework offers protection for human rights defenders, but state policies and practices fail to implement protective measures – consequently, negatively influencing the situation of human rights defenders. Many mistaken the legal framework to be similar to state policies and practices. Thus, it is crucial to be able to identify and highlight the difference between the legal framework and state policies and practices when determining factors influencing situation of human rights defenders. Therefore, this factor will be analyzed to determine whether state policies and practices are contributing to violations of the rights of human rights defenders. In discussing this factor, a presentation of cases will identify the policies and practices being used to target (or protect) human rights defenders.

Broader societal cultures, perceptions and non-state actors as factors

Most – if not all - available research regarding the situation and protection of human rights defenders overlook broader societal factors. In Arab states, these factors play a crucial role in influencing situation of human rights defenders. The discussion of public opinion on human rights is crucial in the context of discussing human rights defenders. In his book, *Taking Roots*, James Ron argues that human rights perceptions in the public can impact the effectiveness and protection local human rights organizations – in our case - human rights defenders.⁸³ The lack of public trust and support for human rights defenders impedes their capacity to carry out their human rights work and may allow state actors to disregard their work and possibly –to continue its practices in repressing human rights defenders.⁸⁴ On the other hand, some argue that public opinion on human rights and human rights defenders is irrelevant and should not be taken into consideration by any scholar.⁸⁵ However, in the Middle East, public opinions can be used as a powerful tool to create change; the Arab Spring is one example. Certainly, if public opinions are not receptive to human rights issues then the human rights situations in these countries will remain the same regardless of activities taken by human rights defenders. The Middle East is a region where culture, religion, values dominate societies. These factors must be taken into consideration when assessing the condition of human rights and human rights defenders in these countries. Human rights defenders who overlook these factors, and “impose” set of values that contradict the norms in societies, are most likely to fail in promoting and protecting human rights defenders.

The role of religion and religious actors will also be taken into consideration in this thesis. Religion and human rights could be seen as either both “allies” and/or “rivals”.⁸⁶ During a research conducted, by James Ron, in the global south to identify the relationship between human rights organizations and other entities – religion was found to be the most significant factor.⁸⁷ Human rights defenders, in the research, mentioned that religion was the most determining factor in their human rights work.⁸⁸ Moreover, the

⁸³ James Ron, *“Taking Roots: Human Rights & Public Opinion in the Global South”* (New York: Oxford University Press, 2017), p. 6.

⁸⁴ Ibid.

⁸⁵ Ibid, p. 7.

⁸⁶ James Ron, *“Taking Roots: Human Rights & Public Opinion in the Global South”* (New York: Oxford University Press, 2017), p. 114.

⁸⁷ Ibid.

⁸⁸ Ibid.

research confirmed that “faith was so central to peoples’ lives” in the global south.⁸⁹ Religious entities are very much engaged in communities across the global south. In the context of Lebanon, religion is more powerful than human rights. In countries in the global south, the public puts more trust in religious entities than human rights entities.⁹⁰ The two disciplines often conflict with each other where each discipline has their own set of values and ideas.⁹¹ The issue of the universality of human rights has always been a constant point for concern for religion. Many religious entities point out that most international human rights standards are “western” human rights which cannot be incorporated in other contexts where religion is dominant and where those westernized human rights values clash with religious values⁹². In assessing these factors, religion will be discussed in the context of human rights defenders in Lebanon. One can indeed state that it is common for faith to be manipulated to attack human rights and human rights defenders.

Broader societal factors are substantial components when talking about the situation and protection of human rights defenders; social, cultural, and religious components are key factors in the human rights discourse in the Middle East.

Importance of considering the context

The above factors have been identified for the context of Lebanon. However, these factors may not be relevant for other countries in the Middle East. For example, the legal framework in Saudi Arabia is very much different than the legal framework in Lebanon. Unlike Lebanon, Saudi Arabia is not party to several core treaties related to human rights defenders.⁹³ It is worth noting that Saudi Arabia abstained from voting on ratifying the Universal Declaration of Human Rights in 1948, asserting that a ratification would contradict state adherence to Sharia Law. A legal analysis may not be useful in the case of Saudi Arabia as the legal system in Saudi Arabia is based on the Sharia Law. There are no official and written penal code and constitution, other than those mentioned in the Qor’an, to guide the judicial system in Saudi Arabia. Broader societal factors may be the only dominant factor in Saudi Arabia. Saudi Arabia, a Sunni

⁸⁹ Ibid.

⁹⁰ Ibid, p. 115.

⁹¹ Ibid, p. 114.

⁹² Ibid, p. 135-136.

⁹³ CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, CEDAW - Convention on the Elimination of All Forms of Discrimination against Women, CERD - International Convention on the Elimination of All Forms of Racial Discrimination.

Muslim dominant country, is known for its conservative community and practice. Its oppressive treatment of the Shia Muslim minority in the Kingdom has been often highlighted. Saudi Arabia's crackdown on Shia human rights defenders have demonstrated the gravity of religious discrimination within the Kingdom. Religion, in fact, is being used as one of the basis for targeting peaceful human rights defenders. The Shia minority in Saudi Arabia have long faced ongoing discrimination; they have limited rights in expressing their religious beliefs, accessing justice, working, and receiving services from the government.⁹⁴ Following the Arab Spring, it was no surprising that the Shia community in Saudi Arabia would use this to call for their rights to be granted. Several protests were organized to protest the anti-Shia discrimination. Many Shia human rights defenders who were involved in these protests were arrested by authorities.⁹⁵ Many remain in custody and undergoing unfair trials.⁹⁶ In fact, some of those who participated in the protests were recently executed.⁹⁷ Shia human rights defenders are constantly being arrested, detained, and harassed. Saudi Arabia's crackdown on these individuals is part of their continuous oppression for minorities in the country, in which religion is being used as a "deadly" tool to pursue *religious* human rights defenders. Therefore, Lebanon's religious environment also could not be comparable to that of Saudi Arabia. In Lebanon, there are no oppression of a certain minority as main sects enjoy equal shares of power in the country. Nevertheless, in both countries, religion is a factor that influences the situation of human rights defenders.

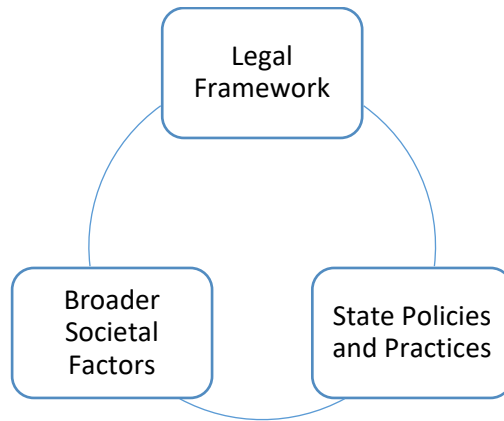
All in all, this paper will analyse the three factors that play a role in contributing to the condition and protection of human rights defenders in the context of Lebanon.

⁹⁴ Amnesty International, "*Saudi Arabia 2017/2018*", (London: Amnesty International, 2018), accessed April 29, 2019, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Amnesty International, "*Saudi Arabia: 37 put to death in shocking execution spree*", (Beirut: Amnesty International, 2019), accessed April 29, 2019, <https://www.amnesty.org/en/latest/news/2019/04/saudi-arabia-37-put-to-death-in-shocking-execution-spreec/>



CHAPTER 4: HUMAN RIGHTS DEFENDERS IN LEBANON: AN INTRODUCTION

4.1 BRIEF INTRODUCTION TO LEBANON

According to Freedom house in 2019, an independent watchdog which monitors and analyzes democracy and freedom in several countries, Lebanon scored 45/100 (0-least free, 100-most free).⁹⁸ Thus, classifying Lebanon as “partly free”.⁹⁹

Lebanon, situated in the Middle East, is home to approximately 6 million Lebanese people. Previously ruled by the Ottoman Empire and the French state, Lebanon gained its independence in 1943. While its constitution was adopted in 1926, it has been amended in 1990. Lebanon is known to be a parliamentary democracy.¹⁰⁰ It is one of the few Arab countries in the Middle East to become a democracy. However, it continues to face tremendous political challenges. After the civil war, Lebanon faced the Syrian occupation which ended in 2005 and caused a division in the political arena where different Lebanese political emerged; pro-Syrian government political parties and anti-Syrian government political parties. With the ongoing Syrian crisis, this political turmoil still exists. There are approximately a million Syrian refugees in Lebanon. The conflict in Syria and refugee crisis has impacted the political and economic sphere in Lebanon – contributing to the political chaos and dire economic conditions.

Previously ruled by the French, the Lebanese legal system is inspired by the French legal system where it is a “civil law country and possesses its own codes”.¹⁰¹ The system encompasses different laws (Civil Law, Islamic, Ottoman Legal Principles, and Laws of Lebanese Legislations) and the Judiciary is formed to be independent and subjected to only the judicial organization law.¹⁰²

“The legal system is governed by a series of specialized codes of law. These include the Code of Obligations and Contracts of 1932, which is the primary source for civil law; the Code of Civil

⁹⁸ Freedom House, “*Freedom in the world 2019*”, (Washington D.C.: Freedom House, 2019), accessed June 9, 2019, <https://freedomhouse.org/report/freedom-world/2019/lebanon>

⁹⁹ Ibid.

¹⁰⁰ “A parliamentary democracy is a system of government in which citizens elect representatives to a legislative parliament to make the necessary laws and decisions for the country. This parliament directly represents the people”. Alycia Rock, “*WHAT IS A PARLIAMENTARY DEMOCRACY?*”, (Seattle, The Borgen Project, 2017), accessed June 9, 2019, <https://borgenproject.org/parliamentary-democracy/>

¹⁰¹ Firas El Samad, “*The Lebanese Legal System and Research*”, (New York: Hauser Global Law School Program, 2008), accessed June 9, 2019, <https://www.nyulawglobal.org/globalex/Lebanon.html>

¹⁰² Mattar Law Firm, “*Lebanon Legal System*”, (Beirut: Mattar Law Firm, 2019), accessed June 9, 2019, <http://mattarlaw.com/lawyers-articles/lebanon-legal/>

Procedure, contained in Decree Law No. 90 of 1983; the Code of Commerce of 1942; the Penal Code, originally formulated in Decree Law No. 340 of 1943; and the Code of Criminal Procedure.”¹⁰³

In Lebanon, it is quite impossible to separate religion, law and politics. Lebanon is a confessional state. Religious entities are deeply intertwined with the state. Lebanon’s political structure is based on a confessional system which was applied in 1943 after Lebanon gained its independence. The confessional system was established by a National Pact, 1943, in which political powers were agreed to be divided among politicians from different sects in Lebanon. An agreement was reached between Muslims and Christians to allocate different political powers according to sects. In that agreement, it was agreed that the President should be Maronite Catholic, the Prime Minister should be Sunni Muslim, and the Speaker of the Parliament should be a Shia Muslim. This set of agreement was extended to other branches of powers in Lebanon in which the Greek Orthodox and Druze sects were also given political “shares”. At the time, Christianity was the only sect that benefited most of this agreement. The highest authority in the state (presidency) and the commander in chief of the army were allocated to the Maronite Christian sect. Moreover, Christians had the majority in the parliament. This was said to reflect that the Christian community who was a majority in Lebanon at the time of the agreement. However, acceptance of that political framework decreased when the demographics of Lebanon began to change. Muslims in Lebanon felt that they were underrepresented in the agreement, that was made in 1943, as the community increased in its population. Sectarian tensions began to loom in Lebanon and a civil war erupted in 1975, lasting for 15 years. While there were different reasons for the cause of the civil war, sectarian tensions were one of the main driving forces. In 1989, the Taif Agreement contributed to ending the civil war. While the national pact was reinforced by this agreement, some changes were introduced, and the constitution was amended. Christians and Muslims became equally represented in the parliament and the authority of the president was reduced. While this contributed to decrease the sectarian tensions, this agreement along with the national pact remain the foundations of sectarianism in Lebanon.

Religion is a sensitive topic in Lebanon. After all, it was one of the main causes for the bloodiest civil war. The last official statistics regarding demographics of religion in Lebanon was taken in 1932. No other official statistics have taken place due to sensitivities surrounding the issues. There different

¹⁰³ Ibid.

religious communities that co-exist in Lebanon; Muslim Shia, Muslim Sunni, Maronite Catholic, Greek Orthodox, Greek Catholic, Druze, and other communities. Lebanon recognizes 18 different religious sects. While Lebanon is a secular country, family laws are controlled by religious authorities.

It is true that religious leaders in Lebanon advocate for co-existence. Nevertheless, their role is contributing to the already existing sectarianism in Lebanon.¹⁰⁴

“Religious leaders help perpetuate a sectarian system that inhibits social integration and has suppressed the representation of diversity rather than improved it. Their monopoly over religious affairs maintains divisions between citizens and confines them to communally bound lives.”¹⁰⁵

On the other hand, some religious leaders play a major role in preventing any escalation of sectarian divisions.¹⁰⁶ Regardless of their role, they are not necessarily popular in the Lebanese community as they are seen to be coming “from elites and emerge from institutional apparatuses”.¹⁰⁷ The Lebanese people tend to see religion as part of their identity regardless how they practice their faith. It becomes like one’s nationality in which one feels obliged to be represented by it. Indeed, it is difficult – in Lebanon - to distant one’s self from his/her family religion.

“Lebanon is moving more and more into a confederation of sects, rather than one people. This is a curse on the country. We are not — you see, if you ask somebody now, 'Who is that?', he will tell you, 'He is a Maronite or a Shiite,' and so on, and this is really too sad,”¹⁰⁸

Perceptions of Lebanon as being liberal may be true in other fields but not in religion. It can be said that the Lebanese society still leads towards conservatism as they are bound by the political, religious, legal, and social framework in the country. Sectarian tensions, beliefs and ideas – which are utilized by mainly politicians - are the driving force of leading society towards conservatism.

¹⁰⁴ Alexander D. M. Henley, “*Religious Authority and Sectarianism in Lebanon*”, (Washington D.C.: Carnegie, 2016), accessed April 26, 2019, <https://carnegieendowment.org/2016/12/16/religious-authority-and-sectarianism-in-lebanon-pub-66487>

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Mohammed Kabbani, “*Lebanon Moves To Downplay Religious Affiliation*”, (Istanbul: National Public Radio, 2009), accessed April 26, 2019, <https://www.npr.org/people/2100740/peter-kenyon>

“For too long, people in Lebanon have suffered the consequences of political deadlock, legislative gaps and a lack of accountability, which have all contributed to ongoing human rights violations”.¹⁰⁹

The population in Lebanon has experienced, and continue to experience, continuous human rights violations. These violations have been documented by several human rights organizations. Lebanon does not have the best record in terms of its implementation of human rights. Lebanon’s most areas of concern in terms of human rights are related to; lengthy pretrial detention, ill-treatment, and torture, freedom of assembly and freedom of expression, military courts, migrant workers, women’s and girls’ rights, sexual orientation and gender identity, education and refugees.¹¹⁰

4.2 HISTORY OF HUMAN RIGHTS ACTIVISM IN LEBANON

This section gives a historical analysis of human rights work in Lebanon. It will demonstrate that human rights work, historically, has been the domain of civil society organizations. Moreover, it comprises an analysis of the political, social and cultural factors that have contributed to the emergence of human rights work in Lebanon.

In the 19th century, under the Ottoman Empire, there was an increase in associations.¹¹¹ In this context, Ottoman Law on Associations Law was published which legitimized the associations’ functions.¹¹² This law still applies to date. At that time, associations were based on religious values and predominantly acting to support disadvantaged communities through charitable work. The focus, at the time, was charity, education, and health care in order to address the economic and social challenges resulting from WW1.¹¹³ After Lebanon’s independence, in 1943, there was an increase in religious associations which dominated the civil society environment in Lebanon. The main focus of such associations was to deal with social, cultural and religious issues.¹¹⁴ However, the 1960’s witnessed a breakthrough of non-

¹⁰⁹ Lynn Maalouf, “*Lebanon: New cabinet must prioritize human rights*”, (Beirut: Amnesty International, 2019), accessed May 21, 2019, <https://www.amnesty.org/en/latest/news/2019/02/lebanon-new-cabinet-must-prioritize-human-rights/>

¹¹⁰ Human Rights Watch, “*Lebanon: Events of 2018*”, (New York: Human Rights Watch, 2019), accessed June 9, 2019, <https://www.hrw.org/world-report/2019/country-chapters/lebanon>

¹¹¹ Khaldoun Abou Assi, “*An Assessment of Lebanese Civil Society*”, (Beirut: CIVICUS, 2006), accessed March 3, 2019, http://www.civicus.org/media/CSI_Lebanon_Country_Report.pdf

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Ibid.

religious organizations operating in Lebanon. There was an increase in associations that had no religious or political affiliations, such as labor unions.¹¹⁵ This era was referred to as “Chehabism”, which was named after the president at the time (1958-1964), Fouad Chehab.¹¹⁶ This period witnessed a rise of associations focused on development.¹¹⁷ In fact, it was Fouad Chehab who inspired this move towards development. The “Chehabist” thinking was that “True social justice meant that development should reach all parts of the country – especially the most deprived areas –, and all segments of society”¹¹⁸. Unfortunately, this era did not last long due to the civil war (1975-1990). There was a sectarian strife in which there was a noticeable decrease of non-religious organizations and an increase of humanitarian aid.¹¹⁹ This can be explained by the inability and inefficiency of the government to support communities.¹²⁰ The focus was to deliver humanitarian aid.¹²¹ Civil societies were mostly engaged in relief and services¹²². After the end of the civil war, there was an overwhelming need for civil society given the dire situation on a social, economic, and political level. The need was not only for humanitarian relief but also for human rights and advocacy.¹²³ This period could be perceived as the breakthrough of civil societies in Lebanon. During that period, about 250 organizations were created on a yearly basis.¹²⁴ Civil society organizations became more engaged and active on the ground. Civil society organizations, along with the government, were focused on development issues.¹²⁵

¹¹⁵ Ibid.

¹¹⁶ Marie-Noëlle AbiYaghi, Léa Yammine, and Amreasha Jagarnathsingh, “*Civil Society in Lebanon: The Implementation Trap*”, (Beirut: Civil Society Knowledge Centre, 2018), accessed May 21, 2019, <https://civilsociety-centre.org/paper/civil-society-lebanon-implementation-trap>

¹¹⁷ Ibid.

¹¹⁸ Fouad Chehab Foundation, “*The objectives of Chehabism*”, (Beirut: Fouad Chehab Foundation, 2014), accessed May 21, 2019, <http://www.fouadchehab.org/chehabism/>

¹¹⁹ Khaldoun Abou Assi, “*An Assessment of Lebanese Civil Society*”, (Beirut: CIVICUS, 2006), accessed March 3, 2019, http://www.civicus.org/media/CSI_Lebanon_Country_Report.pdf

¹²⁰ Ibid.

¹²¹ Civil Society Facility South, “*Mapping Civil Society Organizations in Lebanon*”, (Brussels: European External Action Service, 2015), accessed March 3, 2019, https://eeas.europa.eu/archives/delegations/lebanon/documents/news/20150416_2_en.pdf

¹²² Marie-Noëlle AbiYaghi, Léa Yammine, and Amreasha Jagarnathsingh, “*Civil Society in Lebanon: The Implementation Trap*”, (Beirut: Civil Society Knowledge Centre, 2018), accessed May 21, 2019, <https://civilsociety-centre.org/paper/civil-society-lebanon-implementation-trap>

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Civil Society Facility South, “*Mapping Civil Society Organizations in Lebanon*”, (Brussels: European External Action Service, 2015), accessed March 3, 2019, https://eeas.europa.eu/archives/delegations/lebanon/documents/news/20150416_2_en.pdf

It is worth to consider the changes that were occurring on an international level in terms of human rights. may have impacted Lebanese civil society organizations in relation to their work in promoting human rights. Through these activities, civil society organizations were able to influence government practices in the field of human rights.¹²⁶ After 2005, the withdrawal of the Syrian presence in Lebanon, there was increase in engagement of civil societies. Civil society organizations strengthened their ability to influence policies.¹²⁷ A study, in 2015, states that “more than 21% of existing civil society organizations existed prior to 1995 and revealed that many groups that are active now registered after 2005”.¹²⁸ This shows the evolution of the situation of civil society in Lebanon during that period. Up until today, civil society engagement has radically increased as many changes have influenced the country.

Many Lebanese citizens have lost confidence in the government. The political, economic, and social situation of the country gave the opportunity for the rise of civil society organizations in Lebanon, hoping that the situation would change. Civil society organizations have very much contributed to Lebanon’s progress on human rights. Jon Bennet states that there 5 classical types of CSOs that have existed in Lebanon.¹²⁹ These are charitable welfare organizations, local NGOs, larger national NGOs, and international NGOs.¹³⁰ While this historical analysis focused on civil society as organizations and associations, it is very likely that other types of human rights defenders have had to pass similar stages. In the next section, there will be a comprehensive mapping and identification of contemporary human rights defenders in Lebanon.

4.3 HUMAN RIGHTS DEFENDERS IN LEBANON: RECENT YEARS

Lebanon’s political and social environment is fragile, and government has historically been semi-dysfunctional, unable to provide basic needs for the Lebanese people, let alone to secure basic human rights for its citizens. While the government is mainly responsible to promote and protect human rights, the failure of state actors has prompted human rights defenders to act. This section will identify and describe the most common types of Human Rights Defenders in Lebanon today, and briefly cover some

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Jon, Bennet, “*Lebanon: The Lebanese NGO Forum and the Reconstruction of Civil Society, 1989-93*”, (London: Earthscan Publications, Inc., 1996), p. 118-144.

¹³⁰ Ibid.

of the activities they engage in. While a huge portion of human rights defenders are comprised in civil society organizations, Lebanon also includes other common types of human rights defenders such as inter-governmental organizations, national human rights institution, activists (individuals) and journalists who are engaged in promoting and protecting human rights. They work to promote and protect various issues such as women's rights, children's rights, LGBTIQ rights, migrants and refugees' rights, environmental rights, political rights, civil rights, economic rights, social rights and cultural rights. They apply various methods to protect and promote human rights.

Civil Society Organizations as Human Rights Defenders

Lebanon is ranked the second highest country, within the Arab League, with regard to the number of NGOs.¹³¹ This can be explained by the fact that Lebanon has the most permitting laws for civil society in comparison to the rest of the Arab region.¹³² According to statistics obtained in 2018, there are at least 8500 civil society organizations, including at least 200 international organizations working in Lebanon.¹³³ Indeed, this huge number reflects the need for such organizations to assist in the protection and promotion of human rights in the country. It is important to note that these organizations, based in Lebanon, also work on regional issues.

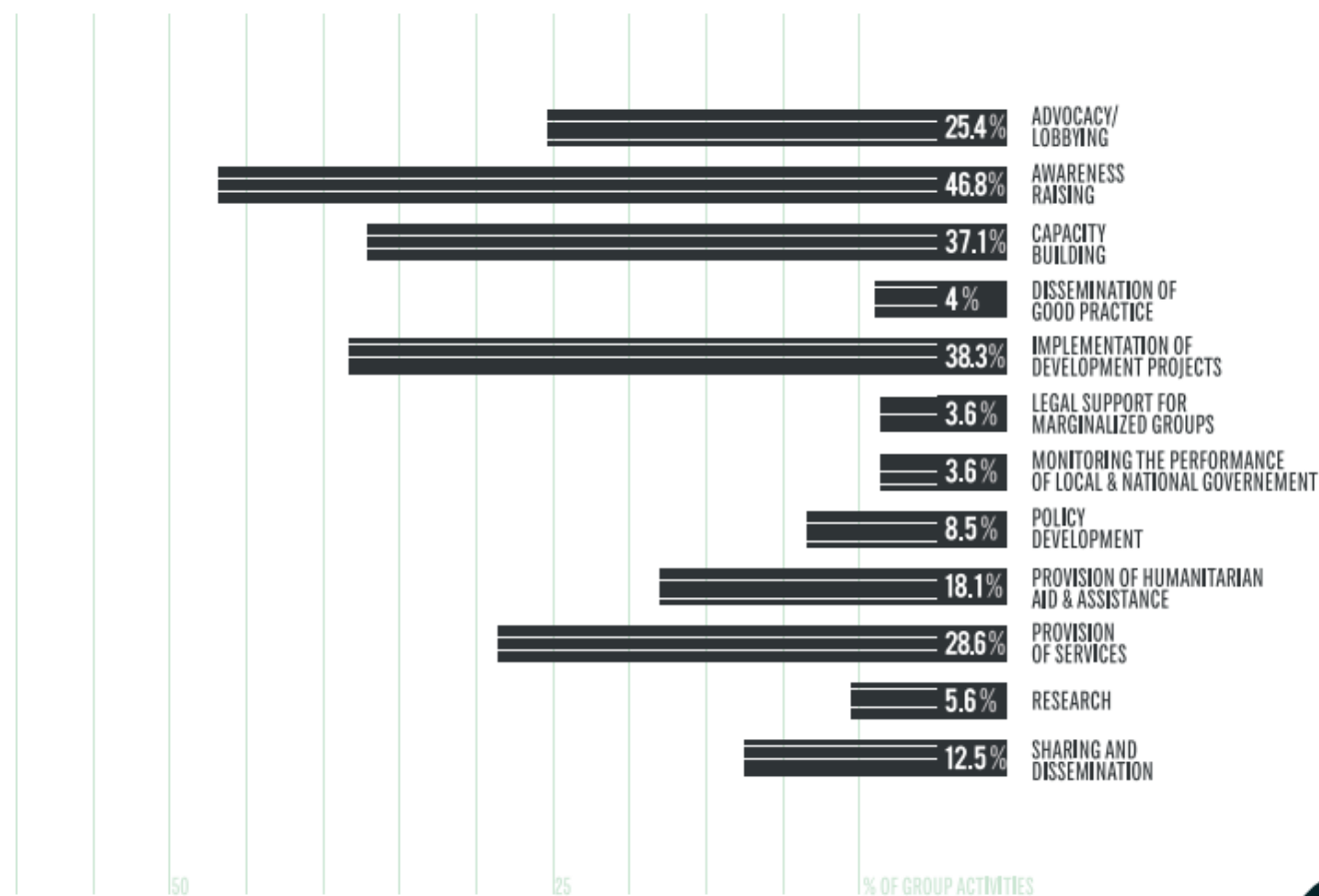
The Arab NGO Directory has a listing of 734 NGOs in Lebanon. In this sample of NGOs, most of these organizations are advocacy, development, people, education, health and relief organizations. According to reported published in 2015, a random sample of civil society organizations were asked about the activities that they engage in. According to the figure below, the majority mentioned awareness raising, implementation of development projects, capacity building, advocacy, provision of services and humanitarian assistance. While only few organizations are engaged in policy development, monitoring, and research, other human rights defenders such as activists are engaged in such activities which is not reflected in the table below. Moreover, this study was conducted in 2015. A lot of changes have happened in Lebanon and the region since then. It is safe to say that human rights defenders in Lebanon, now, engage in all of the activities mentioned in the table below.

¹³¹ Arab NGO Directory, “*Countries*”, (Beirut: Arab NGO Directory, 2019), accessed March 3, 2019, <https://arab.org/countries/lebanon/>

¹³² The International Center for Not-for-Profit Law, *Civic Freedom Monitor: League of Arab States*, (Washington, D.C.: ICNL, 2018), accessed February 25, 2019, <http://www.icnl.org/research/monitor/las.html>

¹³³ Ibid.

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ABAAD, a Lebanese civil society organization founded in 2011, serves as a resource centre for gender equality. ABAAD's work includes promoting and protecting women's rights in the region. Its activities include, but not limited to, advocacy/lobbying, awareness raising, capacity building, policy development, and humanitarian assistance. On that note, in 2016, ABAAD launched a successful campaign to abolish Article 522 of the Lebanese penal code which states that "In the event a legal marriage is concluded between the person who committed any of the crimes mentioned in this chapter [including rape, kidnapping and statutory rape], and the victim, prosecution shall be stopped and in case a decision is

¹³⁴ Civil Society Facility South, *Mapping Civil Society Organizations in Lebanon*, (Brussels: European External Action Service, 2015), accessed March 3, 2019, https://eeas.europa.eu/archives/delegations/lebanon/documents/news/20150416_2_en.pdf

rendered, the execution of such decision shall be suspended against the person who was subject to it”.¹³⁵ Thus, if a rape victim were to marry the rapist, then the rapist will be free from any charge or punishment. In this sense, ABAAD classified this law as a violation to women’s and girl’s rights. In order to repeal the law, ABAAD organized a powerful campaign which incorporated protests, awareness-raising activities, sharing information and the usage of media and social media. Through these activities, they were able to get public support on the issue. Complemented with advocacy and policy-development, ABAAD was successfully able to persuade politicians – members of the parliament- to abolish Article 522. ABAAD remains one of the main actors promoting and protecting women’s rights in Lebanon through its various programs and services.

Anti-Racism Movement, founded in Lebanon in 2010, works to promote and protect the rights of migrant workers, specifically migrant domestic workers. They often engage in advocacy and awareness raising to promote an environment that is fair for migrant workers who suffer discrimination, abuse and exploitation in Lebanon. Migrant domestic workers are excluded from the labor law in Lebanon. Throughout the recent years, Anti-Racism Movement has documented a series of violations experienced by migrant domestic workers and organized several protests in Lebanon; calling for a just and fair treatment of all migrant workers in Lebanon. Most recently, the organization arranged protests calling for the inclusion of migrant domestic workers in the labor law and for the introduction of protective laws to prevent exploitation and abuse. In response, the ministry of labor promised to improve the conditions of all migrant workers in Lebanon.

Founded in 2007 in Lebanon, Alef Act for Human rights is a local civil society organization dedicated to promoting and protecting all human rights in Lebanon. Their work includes researching and monitoring the human rights situation in Lebanon. In doing so, they research, advocate and raise-awareness on various human rights issues in the country. Like Alef, prominent international organizations such as Human Rights Watch and Amnesty International – operating in Lebanon - engage in similar activities to ensure the fulfilment, promotion and protection of human rights in Lebanon.

¹³⁵ Equality Now, “*Lebanon - The Penal Code*”, (New York: Equality Now, 2019), accessed June 10, 2019, https://www.equalitynow.org/lebanon_the_penal_code

Other types of Human Rights Defenders

Intergovernmental organizations such as the organizations of the United Nations in Lebanon - United Nations Development Programme, Economic and Social Commission for Western Asia, Office of United Nations High Commissioner for Refugees, Office of United Nations World Food Program and World Bank Group – are also considered human rights defenders in Lebanon as they undertake several programs in Lebanon to promote and to protect human rights of vulnerable communities. Their activities, similar to civil society organizations, include providing aid and assistance, advocacy, implementation of development projects and research. Most often, they do so by coordinating and partnering with local civil society organizations.

Journalists, also, are common types of human rights defenders in Lebanon. They often use their platform to promote and protect human rights in Lebanon. They are mostly engaged in advocacy, awareness raising and monitoring the performance of local and national government. Many journalists operating in Lebanon are outspoken in promoting and protecting human rights. More specifically, there are several tv shows in Lebanon that highlight human rights issues. For example, Joe Maalouf hosts a Lebanese TV show called “Hawa El 7orriyeh” (Air of Freedom) where includes several segments pertaining to human rights issues in Lebanon. In doing so, Maalouf raises awareness on human rights violations in Lebanon. Other journalists resort to using their social media platforms to advocate and to raise awareness. *Journalist* human rights defenders have the capability of reaching a greater audience given their status.

Other than journalists, individuals in Lebanon have become human rights defenders through their continuous activism, online and offline, on various human rights topics. Individuals do not need to be working with civil society organizations to be considered human rights defenders. Those working in the private or public sector, have increasingly become involved in taking part in promoting and protecting human rights through online and offline activism – becoming human rights defenders. The act of participating in protests calling for migrant rights, women rights, LGBTQI rights and writing or sharing articles/posts on social media (Facebook, twitter, etc..) related to promoting and protecting human rights are considered activities of human rights defenders. It is worth to mention that being considered as a human rights defender in Lebanon is not exclusive to Lebanese nationals. In Lebanon, there are migrant workers and Syrian/Palestinian individuals promoting and protecting the rights of themselves and others.

Secular human rights defenders have always been dominating the human rights field in Lebanon, overlooking the work of *religious* human rights defenders. However, it is crucial to highlight those human rights defenders who happen to be religious. There are different categories of religious human rights defenders; religious individuals, faith-based humanitarian organizations, and faith-based human rights organizations. *Religious* human rights defenders operate to promote and protect human rights for all vulnerable communities without distinction. While religion may be complex to work with in Lebanon, positive examples of *religious* human rights defenders shows how they embraced religious values and utilized their institutions as human rights defenders. Faith-based human rights defenders such as Secours Islamique France Lebanon and Islamic Relief Worldwide Lebanon are founded on Islamic values and the Qur'an. The principles that guide the work of such organizations are based on the Qur'an are; sincerity (ikhlas), excellence (ihsan), compassion (rahma), social justice (adl), custodianship (amana).¹³⁶ These organizations also operate under the same principles of other *secular* organizations such as other humanitarian organizations; humanity, universality, impartiality, neutrality, independence, transparency and accountability. Faith-based human rights defenders in Lebanon are mostly active in the fields of relief, education, development and advocacy. World Vision Lebanon, a Christian humanitarian organization, is founded on Christian values. It is important to mention all these organizations mentioned are founded to promote and protect human rights without distinction of origin, gender, culture, religion, or political affiliations. Such examples demonstrate that religious values could be a tool to promote and protect human rights and not an obstacle as many would assume.

There actually exists a diverse number of faith-based organization which promote and protect human rights in Lebanon. According to the Arab NGO directory, there are only 30 faith-based organizations, working on human rights issues, out of the 740 Lebanese NGOs listed.¹³⁷ While this is not an exhaustive list of faith-based organizations working on human rights in Lebanon, it demonstrates that there are only a few in this category. The general pattern of faith-based NGOs in Lebanon shows that there has been a decrease in such organizations due to the influence of secular thought.¹³⁸ However, an analysis on NGO

¹³⁶ Islamic Relief Worldwide, "*VISION, MISSION AND VALUES*", (Birmingham: Islamic Relief Worldwide, 2019), accessed April 23, 2019, <https://www.islamic-relief.org/about-us/>

¹³⁷ Arab NGO Directory, "*Countries*", (Beirut: Arab NGO Directory, 2019), accessed March 3, 2019, <https://arab.org/countries/lebanon/>

¹³⁸ Jad Chaaban and Karin Seyfert, "*Faith-Based NGOs in Multi-Confessional Society: Evidence from Lebanon*", (Doha: Arab Center for Research & Policy Studies, 2012), accessed April 23, 2019, www.jstor.org/stable/resrep12659

survey data also found that the prevalence of faith-based organizations is dependent on political unrest in the country.¹³⁹ At times of political disturbances, there seems to be an increase of faith-based organizations.¹⁴⁰

This section provided a brief mapping and identification of human rights defenders in Lebanon. It was stated that different human rights defenders exist in Lebanon; civil society organizations, inter-governmental organizations, journalists, individuals, and religious entities.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

CHAPTER 5: CHALLENGES AND OBSTACLES FOR THE PROTECTION OF HUMAN RIGHTS

DEFENDERS IN LEBANON

“Human rights defenders working in Lebanon have been subjected to detention, prosecution, harassment, threats and travel restrictions. Lebanon’s fractured political landscape and the legacy of the civil war have created a tense atmosphere in which HRDs work. Some HRDs have been charged with defaming Lebanon’s reputation, creating civil disorder, and even treason.”¹⁴¹

This chapter will present the main analysis of the thesis, in which conditions of human rights defenders in Lebanon will be assessed and analyzed in relation to the different factors discussed; analyzing the role that these factors play in shaping the situation of human rights defenders in the Lebanese context. The legal framework will be analyzed in order to demonstrate the unfavorable legal framework that human rights defenders operate in. While state policies and practices are usually perceived to be similar to the legal framework, this chapter will demonstrate the difference between theory and practice. Most of the time overlooked, the analysis of broader societal factors will also demonstrate how the perception of the general population and religion are influential factors contributing to the situation of human rights defenders.

5.1 LEGAL FRAMEWORK

This section will cover the legal framework allowing (or not allowing) human rights defenders to operate effectively in Lebanon. It will look at international legal framework as well as the Lebanese legal framework available in relation to human rights defenders.

International Human Rights Standards

Lebanon, a full member of the United Nations, has signed and/or ratified numerous international human rights treaties instruments in which rights are enshrined for human rights defenders.¹⁴² As a full member

¹⁴¹ Front Line Defenders, “#Lebanon”, (Dublin: Front Line Defenders, 2019), accessed March 4, 2019, <https://www.frontlinedefenders.org/en/location/lebanon>

¹⁴² CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, CAT-OP - Optional Protocol of the Convention against Torture, CCPR - International Covenant on Civil and Political Rights, CED - Convention for the Protection of All Persons from Enforced Disappearance (signed), CEDAW - Convention on the Elimination of All Forms of Discrimination against Women, CERD - International Convention on the Elimination of All Forms of Racial Discrimination, CESC - International Covenant on Economic, Social and Cultural Rights. Lebanon has not accepted any individual complaints procedures. With regards to the inquiry procedures, it has only accepted the procedure under the Convention against Torture.

state of the General Assembly, Lebanon has also adopted various declarations and resolutions regarding human rights defenders.¹⁴³

The international legal framework incorporates the below key elements for the protection of human rights which ultimately include:

- The Right to Freedom of Association
- The Right to Freedom of Assembly
- The Right to Freedom of Thought
- The Right to Freedom of Expression, Communication and the Right to Information
- Rights Related to Defense of Human Rights
- The Right to Receive Funding
- The Right to Respect for Privacy
- The Right to Freedom of Movement
- Prohibition of Torture and Ill-Treatment
- The Right to Freedom and Security: Disappearances
- The Right to Freedom and Security: Detention
- The Right to Life
- The Right to a Fair Trial
- The Right to Remedy and Reparation

Following Lebanon's commitments to international human rights standards, it has the duty and responsibility to ensure that these rights are provided for human rights defenders in Lebanon. These rights should be reflected in the national legal framework in order for Lebanon to be compliant with international human rights standards.

Legitimate Limitations of Human Rights

Prior to analyzing the national legal framework in Lebanon, this section will briefly present the legitimate limitations of human rights. According to the international human rights framework, some rights are absolute. If a right is absolute, it cannot be restricted or limited under any circumstances. Examples of absolute rights include those rights that are related to prohibition of torture and ill-treatment (right to freedom from torture and other cruel, inhuman or degrading treatment or punishment) and slavery (right

¹⁴³ UDHR – Universal Declaration of Human Rights, Declaration on the Rights and Responsibilities of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders), Resolutions on human rights defenders.

to freedom from slavery and servitude) and the right to be recognized before the law.¹⁴⁴ Under no circumstance, can these rights be limited or restricted.

However, a bunch of other international human rights standards may be legitimately limited. There are rights that are derogable and rights that are non-derogable. In a state of emergency, a state can legitimately temporarily suspend or limit a right that is derogable. Non-derogable rights are right that cannot be suspended under any circumstances, even in state of emergencies, but they are not considered absolute rights because these rights already may certain limitations within their application.¹⁴⁵ Therefore, these rights may be absolute or non-absolute rights. For example, the right to freedom of religion is non-derogable yet not absolute as it may also be subjected to limitations – Article 18 (3) “Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others”.¹⁴⁶

Indeed, not all rights are absolute. The purpose of this section is to outline the legitimate framework in restricting rights. There are a certain set of criteria that states must abide to when limiting a specific right. That is, the limitation must be prescribed by law in that people are aware how the law limits their rights and must have a legitimate objective.¹⁴⁷ Aside from the requirement of the limitation to be reasonable, any limitation must also incorporate elements of proportionality, necessity and legality.¹⁴⁸ After reviewing the below table, it can be demonstrated why some rights may be limited on the basis of “national security”, “public order”, “public health”, “public morals”, “public safety”, or “rights and freedom of others”. Nevertheless, should states cite such terms for limiting a right - they must make sure to comply with the criteria of limitation mentioned in this section.

¹⁴⁴ Articles 7, 8, 16 from the International Covenant on Civil and Political Rights (ICCPR). UN Office of the High Commissioner for Human Rights, “*International Covenant on Civil and Political Rights*”, (Geneva: OHCHR, 1966), accessed June 11, 2019, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹⁴⁵ Attorney General’s Department, “*Permissible Limitations*”, (Australia: Attorney General’s Department, 2019), accessed June 12, 2019, <https://www.ag.gov.au/RightsAndProtections/HumanRights/Human-rights-scrutiny/PublicSectorGuidanceSheets/Pages/Permissiblelimitations.aspx>

¹⁴⁶ Articles 18 (3) from the International Covenant on Civil and Political Rights (ICCPR). UN Office of the High Commissioner for Human Rights, “*International Covenant on Civil and Political Rights*”, (Geneva: OHCHR, 1966), accessed June 11, 2019, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹⁴⁷ Attorney General’s Department, “*Permissible Limitations*”, (Australia: Attorney General’s Department, 2019), accessed June 12, 2019, <https://www.ag.gov.au/RightsAndProtections/HumanRights/Human-rights-scrutiny/PublicSectorGuidanceSheets/Pages/Permissiblelimitations.aspx>

¹⁴⁸ Ibid.

Rights which may be limited for certain prescribed purpose only

Right	Limitation in ICCPR/ICESCR article	Purpose of limitation i.e., where necessary for the protection of:
Freedom of movement	12(3) ICCPR	National security Public order Public health Public morals Rights and freedoms of others
Procedural protections relating to decision to expel a lawful alien	13 ICCPR	National security
Exclusion of press and public from criminal or civil proceedings	14(1) ICCPR	National security Public order Public morals Parties' private lives Interests of justice
Freedom to manifest one's religion or beliefs	18(3) ICCPR	Public safety Public order Public health Public morals Rights and freedoms of others
Freedom of expression	19(3) ICCPR	National security Public order Public health Public morals Rights or reputation of others
Right to peaceful assembly	21 ICCPR	National security Public safety Public order Public health Public morals Rights and freedoms of others
Freedom of association	22(2) ICCPR	National security Public safety Public order Public health Public morals Rights and freedoms of others
Right to form and join trade unions; and Right of trade unions to function freely	8(1)(a) & 8(1)(c) ICESCR	National security Public order Rights and freedoms of others

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¹⁴⁹ Ibid.

In the next section, the national legal framework will be assessed taking into consideration the international human rights standards and legitimate limitations on human rights.

National Legal Framework

Considering some of the treaties, declarations, and resolutions that Lebanon has committed to, one would think that Lebanon would be the perfect environment for human rights defenders.¹⁵⁰ In practice, however, Lebanon often does not comply with these international standards and only few have actually been incorporated into national law. In order to analyze the legal compliance of the Lebanese state, an assessment of some of the articles of the Lebanese constitution and legislations on the criminal and penal law codes that may be related to human rights defenders will be conducted- in relation to the key elements of protection identified.

Lebanon's constitution (1926) has several provisions that ensure some of the rights related to human rights defenders. Article 8, 9, 10, 13, and 14 could be assessed in relation to the rights enshrined in international treaties.¹⁵¹ Article 8 (the right to freedom and security: detention), Article 9 (the right to freedom of thought), Article 10 and 13 (the right to freedom of expression, communication and the right

¹⁵⁰ CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, CAT-OP - Optional Protocol of the Convention against Torture, CCPR - International Covenant on Civil and Political Rights, CED - Convention for the Protection of All Persons from Enforced Disappearance (signed), CEDAW - Convention on the Elimination of All Forms of Discrimination against Women, CERD - International Convention on the Elimination of All Forms of Racial Discrimination, CESCR - International Covenant on Economic, Social and Cultural Rights. Lebanon has not accepted any individual complaints procedures. With regards to the inquiry procedures, it has only accepted the procedure under the Convention against Torture.

¹⁵¹ Article 8: Individual liberty is guaranteed and protected by law. No one may be arrested, imprisoned, or kept in custody except according to the provisions of the law. No offense may be established, or penalty imposed except by law. (Refer to Lebanese Constitution)

Article 9: There shall be absolute freedom of conscience. The state in rendering homage to the God Almighty shall respect all religions and creeds and shall guarantee, under its protection the free exercise of all religious rites provided that public order is not disturbed. It shall also guarantee that the personal status and religious interests of the population, to whatever religious sect they belong, shall be respected. (Refer to Lebanese Constitution)

Article 10: Education shall be free insofar as it is not contrary to public order and morals and does not affect the dignity of any of the religions or sects. There shall be no violation of the right of religious communities to have their own schools provided they follow the general rules issued by the state regulating public instruction. (Refer to Lebanese Constitution)

Article 13: The freedom to express one's opinion orally or in writing, the freedom of the press, the freedom of assembly, and the freedom of association shall be guaranteed within the limits established by law. (Refer to Lebanese Constitution)

Article 14: The place of residence is inviolable. No one may enter it except in the circumstances and manners prescribed by law. (Refer to Lebanese Constitution)

World Intellectual Property Organisation, "*The Lebanese Constitution*", (Geneva: World Intellectual Property Organisation, 1995), accessed March 5, 2019, <https://www.wipo.int/edocs/lexdocs/laws/en/lb/lb018en.pdf>

to information, the right to freedom of association, the right to freedom of assembly), and Article 14 (the right to respect for privacy).

While the constitution guarantees some of the rights related to human rights defenders, there are some restrictions/limitations for each of these rights. The right to freedom of expression, association, and assembly, for instance, can only be exercised “within the limits established by law”.¹⁵² Similarly, the right to freedom of conscience is limited insofar as, “the free exercise of all religious rites provided that public order is not disturbed”.¹⁵³ The right to information, “provided they follow the general rules issued by the state regulating public instruction,” the right to freedom and security is subject to laws imposed by the state “No offense may be established or penalty imposed except by law,” and the right to privacy are also subject to restrictions “prescribed by law”.¹⁵⁴ Thus, there is a huge dependency for the state to implement the constitution in line with international human rights standards and legitimate limitation of human rights framework. The concerning questions are how the Lebanese state interprets and assesses the terms included in the constitution such as “laws”, “public order”, “general rules”, and “limits”? Do they conform to the legitimate limitation of human rights framework? Indeed, the constitution gives leeway for the Lebanese government to adopt the provisions of the constitution. An analysis of Lebanon’s criminal and penal codes would demonstrate the level of flexibility used and assesses whether these laws conform to the constitution, international human rights standards and legitimate limitation of human rights framework.

The Right to Freedom of Expression, Communication and the Right to Information

The Lebanese criminal code restricts the right to freedom of expression in Lebanon with Article 582 which “punishes any person who is found guilty of defamation or slander with up to three months in prison and a fine of 50,000 LL (\$33) to 400,000 LL (\$265)”.¹⁵⁵ Article 384 of the penal code “authorizes imprisonment of six months to two years for insulting the president, the flag, or the national emblem”. Article 157 of the military code of justice “criminalizes insulting the flag or army, punishable by three

¹⁵² World Intellectual Property Organisation, *The Lebanese Constitution*, (Geneva: World Intellectual Property Organisation, 1995), accessed March 5, 2019, <https://www.wipo.int/edocs/lexdocs/laws/en/lb/lb018en.pdf>

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ Alef Liban, *The situation of Human Rights in Lebanon: Annual Report*, (Beirut: Alef Liban, 2015), accessed March 6, 2019, https://alefliban.org/wp-content/uploads/2016/10/ALEF_Human-Rights-in-Lebanon_2015.pdf

months to three years in prison”.¹⁵⁶ These criminal codes, in the next section, are demonstrated to be problematic for human rights defenders.¹⁵⁷ Moreover, the fact that the state is responsible to assess the threshold of an expression to be labelled as “defamation”, “slander”, and “insult” poses threats to human rights defenders who can easily be charged with these laws that are not vague.¹⁵⁸ In providing vague terms that are not well-defined, Lebanon fails to conform to the legitimate limitation of human rights framework. In fact, Human Rights Watch mentions that these laws are “incompatible with Lebanon's international obligations to protect freedom of expression”.¹⁵⁹ Despite the illegitimate limitation of right to freedom of expression and communication, Lebanon’s parliament adopted and approved a long-awaited bill granting right to access to information in 2017.¹⁶⁰ This law is a positive step towards providing a better and safe environment for human rights defenders to access information and perform their activities effectively. However, the implementation of the law is yet to be monitored and assessed.

The right to freedom of thought

Articles 473 and 474 of the Lebanese Penal code criminalizes any individual who “disparages” the name of god or religion.¹⁶¹ While human rights defenders do not engage with activities that “disparages” the name of god or religion, any activity that may seem to be criticizing religion is subjected to these articles. That is to say, human rights defenders practicing their right to freedom of thought may be charged under such provisions violating their rights.

The right to freedom of assembly, association, movement and funding

The right to assembly is based on the Public Assemblies Law of 1911 (Ottoman Period). While the Lebanese Constitution guarantee the right to freedom of assembly, the right is provided within the limits of the law. The Ministry of Interior Decree 4082 of 2000, as well as the Lebanese Penal Code contain provisions related to the freedom of assembly.¹⁶² The Public Assemblies Law stipulates that the

¹⁵⁶ Human Rights Watch, “*Lebanon: Pattern of Prosecutions for Free Speech*”, (Beirut: Human Rights Watch, 2018), accessed March 6, 2019, <https://www.hrw.org/news/2018/01/31/lebanon-pattern-prosecutions-free-speech>

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Article 19, “*Lebanon*”, (London: Article 19, 2017), accessed April 25, 2019, <https://www.article19.org/resources/lebanon-right-of-access-to-information-law-a-major-step-despite-enforcement-challenges/>

¹⁶¹ Timour Azhari, “*Lebanon ramps up interrogations of online activists*”, (Beirut: IFEX, 2018), accessed March 7, 2019, <https://www.ifex.org/lebanon/2018/08/13/interrogations-online-activists/>

¹⁶² The International Center for Not-for-Profit Law, *Civic Freedom Monitor: Lebanon*, (Washington, D.C.: ICNL, 2018), accessed March 7, 2019, <http://www.icnl.org/research/monitor/lebanon.html>

government has the authorization to restrict an assembly if it would contravene to public security, order, and morality as well as if it is against regular and normal course of public interests.¹⁶³ However, the wording of such provision allows the government to act in a manner that is fit for them since the law is vague in itself. If a government were to prevent an assembly from happening, they would be able to do so within the law that is provided. Moreover, violence from the state may be legitimate as the provision permits the right of state to restrict an assembly without any reference to permissible methods of restriction. In regards to notification, the Public Assembly laws only requires for organizers of assemblies to notify the authorities 48 hours prior of the date of the assembly and with all the relevant information regarding the assembly (date, time, place, purpose).¹⁶⁴ Nevertheless, there are restrictions on when and where these assemblies are taking place and some places are restricted, such as the presidential palace and the parliament.¹⁶⁵ Therefore, if human rights defenders were to organize an assembly, they are subjected to many restrictions which limits the effectiveness of their work on the ground and thus restricting their movement which is a clear violation of the right to freedom of movement. The law goes further to criminalize illegal assembly on basis that violates the declaration on human rights defenders. For example, an assembly could be considered illegal if “at least seven persons intending to demonstrate against a decision or action taken by a public authority” or “more than 20 persons suspected of disturbing the public peace”.¹⁶⁶ These criteria could easily criminalize activities conducted by human rights defenders in Lebanon and, in fact, Lebanon has not been reluctant to label assemblies as threat to national security.

The right to freedom of association right is provided based on the Ottoman era period 1909, Law on Associations.¹⁶⁷ The government of Lebanon does not require to issue approvals for NGOs to operate. However, NGOs are required to notify the government of their formation and the Ministry of Interior must validate the notification with a receipt and send back within 30 days. By law, the ministry is not able to reject a notification unless the organization activities violate national security, sovereignty, and

¹⁶³ Ibid.

¹⁶⁴ The International Center for Not-for-Profit Law, *Civic Freedom Monitor: Lebanon*, (Washington, D.C.: ICNL, 2018), accessed March 7, 2019, <http://www.icnl.org/research/monitor/lebanon.html>

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ The International Center for Not-for-Profit Law, *Civic Freedom Monitor: Lebanon*, (Washington, D.C.: ICNL, 2018), accessed March 7, 2019, <http://www.icnl.org/research/monitor/lebanon.html>

public morality.¹⁶⁸ Similar to other provisions in the Lebanese legal framework, these terms are vague and could be used at the discretion of the ministry. The registration number is required for bank accounts and international funding.¹⁶⁹ That is, the right to receive funding is dependent on this registration number. The concern here is that the ministry may choose not to abide by the mentioned deadline or – in some cases – ignore the notification. The Lebanese law also stipulates that secret or undeclared associations are not allowed to carry out any activities in Lebanon. This law is a direct violation of the right to freedom of association.

The right to privacy

In Lebanon, there is an ongoing concern on the right to privacy. The right to privacy is an essential right for human rights defenders. While there are no specific or clear provisions outlined in the constitution, experts state that articles 8, 13, 14 of the Lebanese constitution may be used to infer the right to privacy for individuals in Lebanon.¹⁷⁰ Surveillance laws have been passed in Lebanon; telecommunication interception act (law 140/1999).¹⁷¹ However, legitimacy for the restrictions of this right is not clearly provided within the legal framework provided which sparks concerns regarding the extent can a state restrict the right to privacy and the basis for that.¹⁷² Nevertheless, oversight on surveillance procedures is guaranteed by article 16 of law 140/199.¹⁷³

¹⁶⁸ Alef Liban, “*The situation of Human Rights in Lebanon: Annual Report*”, (Beirut: Alef Liban, 2017), accessed March 7, 2019, https://alefliban.org/wp-content/uploads/2018/04/annual_report_2017_v03_-2.pdf

¹⁶⁹ Ibid.

¹⁷⁰ SMEX and APC, “*Submission from Social Media Exchange and the Association for Progressive Communications to the United Nations Human Rights Committee in advance of its review of Lebanon*”, (Beirut: Association for Progressive Communications, 2017), accessed March 7, 2019, https://www.apc.org/sites/default/files/SMEX_and_APC_submission_to_the_UN_Human_Rights_Committee_in_advance_of_its_review_of_Lebanon.pdf

¹⁷¹ Law 140/1999 relates to the protection of secrecy of communications, stipulates that the right to secrecy of communications, both internal and external, wired or wireless (landlines and mobile of all types including mobile telephone, fax, electronic mails) is guaranteed and protected by law and cannot be subjected to any forms of tapping, surveillance, interception or violation except in cases of extreme urgency and upon obtaining a judicial or administrative order.

Privacy International, “*State of Privacy Lebanon*”, (Beirut: Privacy International, 2019), accessed May 22, 2019, <https://privacyinternational.org/state-privacy/1081/state-privacy-lebanon>

¹⁷² SMEX and APC, “*Submission from Social Media Exchange and the Association for Progressive Communications to the United Nations Human Rights Committee in advance of its review of Lebanon*”, (Beirut: Association for Progressive Communications, 2017), accessed March 7, 2019, https://www.apc.org/sites/default/files/SMEX_and_APC_submission_to_the_UN_Human_Rights_Committee_in_advance_of_its_review_of_Lebanon.pdf

¹⁷³ Article 16 stipulates that such administrative decisions must be verified by an independent judicial commission, which consists of the first president of the Court of Cassation, the president of the State Shura Council, and the president of the Court of Audits, or three judges from separate and independent judicial bodies.

The right to a fair trial

Human Rights Defenders, according to international human rights standards, have the right to a fair trial. There have been many cases in Lebanon where ordinary citizens have been subjected to military court procedures which is contradictory to the right to a fair trial.¹⁷⁴ More specifically, Article 187 of the Military Criminal Code, which applies to ordinary citizens, prohibits and criminalizes “disrespectful remarks” against the president or army.¹⁷⁵

The right to life, prohibition of torture and ill-treatment, the right to remedy and reparation, and rights related to defense of human rights

The right to life and the prohibition of torture and ill-treatment must be implemented and protected by the states. Human Rights Defenders are entitled to such rights. While Lebanon has taken positive steps in passing an anti-torture legislation, its implementation is yet to take effect. In 2016, the government passed a legislation in which it approved the establishment of a national human rights institution (NHRI) in Lebanon which would incorporate a national prevention mechanism against torture. This was a positive step in the sense that this institution may fill the gap and take the initiative to protect human rights defenders in Lebanon and advice/assist the government to reform its policies that are suppressing defenders. National Human Rights Institutions are required to fulfil criteria set out by the Paris Principles; “mandate and competence, autonomy from Government, independence, pluralism, adequate resources and adequate powers of investigation”.¹⁷⁶ In 2018, the UN praised Lebanon for appointing the 10-members of the institution.¹⁷⁷ Indeed, the establishment of the NHRI in Lebanon is a step in the right to direction to fulfill the right to rights related to the defense of human rights defenders and the right to remedy and reparation.

Privacy International, “*State of Privacy Lebanon*”, (Beirut: Privacy International, 2019), accessed May 22, 2019, <https://privacyinternational.org/state-privacy/1081/state-privacy-lebanon>

¹⁷⁴ Rola Assi, “*Lebanon: restrict military courts’ jurisdiction, ensure fair trial rights*”, (Geneva: International Commission of Jurists, 2018), accessed March 13, 2019, <https://www.icj.org/lebanon-restrict-military-court-jurisdiction-ensure-fair-trial-rights/>

¹⁷⁵ March Lebanon, “*LEBANON IN URGENT NEED OF NEW PRESS LAW*”, (Beirut: March Lebanon, 2014), accessed March 13, 2019, <https://www.marchlebanon.org/en/about/in-the-press/432/en>

¹⁷⁶ OHCHR, “*United Nations Paris Principles*”, (Geneva: OHCHR, 1993), accessed March 12, 2019, <https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx>

¹⁷⁷ Office of the United Nations Special Coordinator for Lebanon, “*UN WELCOMES APPOINTMENT OF MEMBERS OF THE NATIONAL HUMAN RIGHTS INSTITUTION*”, (Beirut: UNSCOL, 2018), accessed March 12, 2019, <https://unscol.unmissions.org/un-welcomes-appointment-members-national-human-rights-institution>

The overall legal framework in Lebanon demonstrates that while there some legal provisions - in the constitution - that actually do provide human rights defenders with the rights that they are entitled to, provisions, restrictions or limitations are put forward as a tool for states to use them with great flexibility. The next section will examine how these limitations and restrictions are used to contribute to the situation of human rights defenders in Lebanon.

5.2 STATE POLICIES AND PRACTICES

In this section, state policies and practices will be analyzed to determine the laws commonly used against human rights defenders, identify bureaucratic obstacles, demonstrate arbitrary detentions, violence and surveillance. Moreover, this section will explore the methods and reasons for the state to pursue human rights defenders; ultimately revealing the rationale of the state itself.

Application of defamation laws

The misuse and misinterpretation of laws by state entities is a common practice. In a report, published in 2016, the Sykes Center for Media and Cultural Freedom stated that “Lebanese defamation laws were being used for “targeting activists and dissidents and ... intimidating online journalists, bloggers and Internet users from speaking about certain subjects, thus paving the way for self-censorship and the chilling of speech.”.¹⁷⁸ In addition to this, in 2018, Skyes stated that “more than 90 prosecutions against journalists, artists, and activists since October 2016, with 62 in 2018 alone”.¹⁷⁹ Inherently, human rights defenders face difficulties operating in Lebanon with regard to the legal framework regarding freedom of expression. Laws pertaining to freedom of expression (with its limitations and restrictions) are frequently used to target human rights defenders. According to Front Line Defenders, many human rights defenders in Lebanon have been summoned by the Cyber Crime Bureau for their critical views on policies, politicians and public figures.¹⁸⁰ Since 2016, at least 39 individuals were summoned and reported.¹⁸¹ In 2018, Wadih Al Asmar was summoned by the Cyber Crime Bureau for his critical posts,

¹⁷⁸ Anna Lekas Miller, “*Digital Rights and Online Expression in Lebanon*”, (Beirut,: SKeyes Center for Media and Cultural Freedom, 2016), accessed March 6, 2019, http://www.skeyesmedia.org/extensions/pdf/Digital_Rights_in_Lebanon.pdf

¹⁷⁹ Aya Majzoub, “*Military Tribunal Sentences Journalist for Criticizing Lebanese Security Agency*”, (Beirut: Human Rights Watch, 2019), accessed April 24, 2019, <https://www.hrw.org/news/2019/03/11/military-tribunal-sentences-journalist-criticizing-lebanese-security-agency>

¹⁸⁰ Front Line Defenders, “*#Lebanon*”, (Dublin: Front Line Defenders, 2019), accessed March 6, 2019, <https://www.frontlinedefenders.org/en/location/lebanon>

¹⁸¹ Ibid.

on his social media platforms, related to human rights, policies, and politics in Lebanon.¹⁸² Al Asmar is a human rights defender who has been active in the field for about 4 years. Governmental practices often rely on the flexibility of the laws to summon human rights defenders to intimidate and harass them. In some cases, human rights defenders have actually been charged and detained under laws restricting freedom of expressions.¹⁸³ The Special Rapporteurs on freedom of opinion and expression, peaceful assembly and of association and the situation of human rights defenders have released a joint letter to the government of Lebanon condemning the use of Articles 383 to 386 of the Lebanese Criminal Code to target and criminalize human rights defenders, acknowledging that their use is of direct interference with freedom of expression and a violation of international human right standards, such as article 19 of the International Covenant on Civil and Political Rights (ICCPR).¹⁸⁴ The state is active in violating the right to freedom of expression, communication and information of human rights defenders. This practice violates the Human Rights Council Resolution 12/16 which restricts state from engaging in pursuing those who discuss policies, politics, human rights, and governmental practices.¹⁸⁵ Among human rights scholars, there has always been a debate regarding the limits of freedom of expression. However, in most democratic countries, freedom of expression is only restricted and criminalized when it constitutes hate speech – that is, incitement to violence and such.

Adam Chamseddine, journalist and activist, is one of the many human rights defenders sentenced to jail for speaking out against the practices of a security agency in Lebanon.¹⁸⁶ Chamseddine was sentenced by a military tribunal sentencing, to three months of jail, after a Facebook status criticizing security forces for leaking information regarding two detainees who have AIDS.¹⁸⁷ Chamseddine's post criticized the illegitimate practice of the security forces in detaining the man, and his assistant, more than time

¹⁸² Front Line Defenders, "*INTERROGATION OF WADIH AL-ASMAR*", (Dublin: Front Line Defenders, 2019), accessed March 6, 2019, <https://www.frontlinedefenders.org/en/case/interrogation-wadih-al-asmar>

¹⁸³ Ibid.

¹⁸⁴ Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, "*Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders*", (Geneva: OHCHR, 2018), accessed March 7, 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24045>

¹⁸⁵ Ibid.

¹⁸⁶ Aya Majzoub, "*Military Tribunal Sentences Journalist for Criticizing Lebanese Security Agency*", (Beirut: Human Rights Watch, 2019), accessed April 24, 2019, <https://www.hrw.org/news/2019/03/11/military-tribunal-sentences-journalist-criticizing-lebanese-security-agency>

¹⁸⁷ Ibid.

permitted and for leaking investigations pertaining to the persons in question.¹⁸⁸ In this case, security forces arrested a man, and his assistant, who both work at a tattoo store and happen to have AIDS.¹⁸⁹ The justification for their arrest was that there was “fear” that their condition has infected clients.¹⁹⁰ The arrest was illegitimate in the sense that there were no evidence to support such claims.¹⁹¹ Regardless, they were detained for about several days in isolation.¹⁹² Once aware of the case, Chamseddine rushed to social media to speak against this illegitimate practice and to use his platform to defend the rights of the detainees.¹⁹³ In response to his post, the military court sentenced Chamseddine on the basis that he “defamed the reputation of State Security”.¹⁹⁴ However, according to Legal Agenda, Chamseddine’s sentencing is unlawful as “Article 387 of the Penal Code which states that defamation of a public official is justified as long as it is proven to be true”.¹⁹⁵ Indeed, Chamseddine has not done anything wrong except state facts. Moreover, articles from the Military Criminal Code are occasionally used to target human rights defenders who criticized the president, military or its institutions. A Human Rights Watch report states that human rights defenders have also been charged under such provisions after speaking about torture by the Lebanese army.¹⁹⁶ The practice of sentencing civilians before a military court is condemned by international law.¹⁹⁷

Many human rights defenders in Lebanon speak out against human rights violations in other countries. For example, some are outspoken against violations in Saudi Arabia. However, Lebanese authorities played a role in thwarting those who attempt to criticize the kingdom of Saudi Arabia on the basis of libel and defamation against public officials. A comedian, named Hisham Haddad, faced a lawsuit by

¹⁸⁸ Nizar Saghie, “*Trying Adam Chamseddine: Prosecution Instead of Praise*”, (Beirut: Legal Agenda, 2019), accessed June 1, 2019, https://www.legal-agenda.com/en/article.php?id=5379&fbclid=IwAR36N2n4vTv5_ID9GDBwA9pPZefaJ9KgUNsC3YXXOHILSQNJiasGg31d0Iw

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Human Rights Watch, “*The Trial of Civilians by Military Courts in Lebanon*”, (Beirut: Human Rights Watch, 2017), accessed March 13, 2019, <https://www.hrw.org/report/2017/01/26/its-not-right-place-us/trial-civilians-military-courts-lebanon#>

¹⁹⁷ Aya Majzoub, “*Military Tribunal Sentences Journalist for Criticizing Lebanese Security Agency*”, (Beirut: Human Rights Watch, 2019), accessed April 24, 2019, <https://www.hrw.org/news/2019/03/11/military-tribunal-sentences-journalist-criticizing-lebanese-security-agency>

Lebanon's Public Prosecutor for defamation.¹⁹⁸ The public prosecutor cited that Haddad engaged in libel and defamation of a foreign leader.¹⁹⁹ In his satirical show, Haddad stated that the crown prince should cut off "fast arrests, fast politics, ... fast military strikes" rather than "fast food" referring to a clip on the crown prince's eating habits.²⁰⁰ While laws related to defamation and slander may be common in other countries, it is not common to use these laws to prosecute individuals criticizing foreign leaders.²⁰¹ Such practices may spark fear among human rights defenders, in Lebanon, who are interested to work and report on human rights issues in other countries.

Arbitrary detentions, arrests and illegitimate practices

The application of the legal framework regarding freedom of expression, communication and information in Lebanon makes it difficult for human rights defenders to operate. In fact, many human rights defenders in Lebanon have been subjected to arbitrary detainment and coercion to sign commitments that they will no longer engage in practicing a specific work – which is a clear violation of their right as human rights defenders as set forth by the declaration and more specifically their right to freedom and security: detention.²⁰² Moreover, as most human rights defenders have been subjected to arbitrary detainment and arrest, this practice violates Article 8 of the constitution which does not permit the arrest of any individual if not based on any provision. Detentions based on illegitimate basis, according to international standards, are not the only violations that are being faced by human rights defenders. During detention, human rights defenders are being obliged to sign "pledges" stating that they will not engage in the activity that they were detained for, that is a human rights activity.²⁰³ These practices of using pledges began in 2014 to suppress activists.²⁰⁴ However, this practice is not mentioned in the Lebanese law and has no legitimate

¹⁹⁸ Lima Charlie, "Lebanon cracks down on media over criticism of Saudi Arabia", (Beirut: Lima Charlie News, 2018), accessed April 24, 2019, <https://limacharlienews.com/mena/lebanon-saudi-arabia-press/>

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, "Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders", (Geneva: OHCHR, 2018), accessed March 7, 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24045>

²⁰³ Amnesty International, "Lebanon: Detained activists blackmailed into signing illegal pledges", (Beirut: Amnesty International, 2018), accessed March 12, 2019, <https://www.amnesty.org/en/latest/news/2018/07/lebanon-detained-activists-blackmailed-into-signing-illegal-pledges/>

²⁰⁴ Ibid.

basis whatsoever.²⁰⁵ It is merely used as a tool to prevent human rights defenders from continuing their activities.

The right to freedom of assembly and association has also been violated on several instances contrary the provisions provided by the constitution. For example, an LGBTI Human Rights Defenders, Hadi Damien, was forced to cancel Beirut Pride event after being summoned and detained by Lebanese Security Forces (LSF).²⁰⁶ He was eventually forced to sign a pledge, a practice commonly used by LSF, to cancel the event or face charges stipulated in Lebanese Penal Codes on the basis of "incitement to immorality" and "breach of public morality". This example demonstrates the use of such provisions to thwart any assembly. In doing so, Lebanon is violating its obligation to article 21 of the International Covenant on Civil and Political Rights (ICCPR) which allows restrictions only based on legitimate reason and in accordance with international human rights law.

Discriminatory targeting of certain human rights defenders

Among many issues related to human rights defenders in Lebanon, challenges and obstacles faced by foreign human rights defenders who are of Palestinian or Syrian origins are very common. Lebanon hosts large numbers of Syrian and Palestinian refugees in Lebanon, some happen to be engaged in the human rights field as human rights defenders. However, they face many obstacles during their work in the field. Lebanon has been complicit in many violations regarding refugee rights (curfews, detainments, and harassment). According to Front Line Defenders, several restrictions have been set for refugees and many feel threatened due to fears of being arrested for issues related to residency.²⁰⁷ These factors, consequently, contribute to negative conditions of foreign human rights defenders, impeding their human rights work. In 2017, in response to Syrian refugees' mistreatment, Syrian activists called for demonstrations in Lebanon to stand in solidarity with refugees in Lebanon.²⁰⁸ As a result, the Lebanese interior minister at the time banned all demonstrations and stated that requests for protests will not be

²⁰⁵ Ibid.

²⁰⁶ Human Rights Watch, *Lebanon: Police shutter pride events*, (Beirut: Human Rights Watch, 2018), accessed March 7, 2019, <https://www.refworld.org/docid/5b87ddb68.html>

²⁰⁷ Front Line Defenders, "*#Lebanon*", (Dublin: Front Line Defenders, 2019), accessed April 24, 2019, <https://www.frontlinedefenders.org/en/location/lebanon>

²⁰⁸ Josh Wood, "*Lebanon bans all protests after calls for demonstrations by Syrian activists*", (Abu Dhabi: The National, 2017), accessed April 24, 2019, <https://www.thenational.ae/world/mena/lebanon-bans-all-protests-after-calls-for-demonstrations-by-syrian-activists-1.609558>

approved in order to “preserve peace and civic security”.²⁰⁹ Statements from prominent politicians and ordinary citizens calling for banning of such protest have also contributed to this decision.²¹⁰ This ban is a clear violation of right to freedom of assembly and expression, which is experienced by many Syrian and Palestinian human rights defenders. As a result, many human rights defenders engage in working to promoting and protecting their human rights. In 2018, Ghassan Abdallah has been summoned and detained for his work as a Palestinian human rights defender who is engaged in promoting and protecting Palestinian refugee rights.²¹¹ During the time of his detention, he was not allowed access to his medications. This practice violates international human rights standards as his life was put at risk. According to these standards, it is the obligation of the state to protect and promote human rights defenders.

Migrant domestic workers in Lebanon face tremendous exploitation and abuse. Domestic workers are excluded from the Lebanese Labor Law and are instead regulated by a sponsorship system, Kafala system, which makes them prone to exploitation and abuse. In 2014, a request was made to the Ministry of Labor to form a Domestic Worker’s Union.²¹² However, the request was rejected.²¹³ The interpretation of provisions of the Lebanese Labor Law include that foreign workers are not permitted to form unions; violating their right to freedom of association. Nevertheless, the union continued to operate “informally”.²¹⁴ In 2016, Lebanese security officers deported a Nepalese domestic worker and arrested another one for being members of this union.²¹⁵ In doing so, the Lebanese authorities has engaged in targeting migrant human rights defenders fighting for their rights. This practice by authorities to thwart foreign human rights defenders from practicing their rights in promoting and protecting human rights demonstrates that authorities tend to use laws for political purposes thus politicizing the legal framework in Lebanon and making it a hostile space for all human rights defenders operating in Lebanon.

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ Front Line Defenders, “*INTERROGATION AND ONGOING DETENTION GHASSAN ABDALLAH*”, (Dublin: Front Line Defenders, 2018), accessed March 13, 2019, <https://www.frontlinedefenders.org/en/case/interrogation-and-ongoing-detention-ghassan-abdallah>

²¹² Human Rights Watch, “*Lebanon Deports Domestic Worker Rights Organizer*”, (Beirut: Human Rights Watch, 2016), accessed April 25, 2019, <https://www.hrw.org/news/2016/12/13/lebanon-deports-domestic-worker-rights-organizer>

²¹³ Ibid.

²¹⁴ Ibid.

²¹⁵ Ibid.

Recently, a website – This is Lebanon - documenting human rights violations faced by domestic workers have been blocked in Lebanon.²¹⁶ The access has been blocked according to a “Lebanese judicial order”, but reason remains unclear.²¹⁷ The website is run by a former migrant worker in Lebanon who is currently operating from Canada. The main purpose of this initiative is to promote and protect the rights of those who are employed under the Kafala system. The strategy is to document cases and expose sponsors for their exploitation and abuse of migrant domestic workers. In recent months, the group has documented abuses of migrant domestic workers committed by powerful families in Lebanon (such as officials and politicians).²¹⁸ For example, the son of a prominent Lebanese politician has been accused by “This is Lebanon” of exploiting and abusing migrant domestic workers.²¹⁹ The abuse and exploitation has been documented by the group and shared on their Facebook group.²²⁰ In response, the cybercrime bureau reportedly called who shared the post, demanding that they delete the post – “warning that the son of a well-known Lebanese politician was filing a law suit against “This is Lebanon” and that he was threatening to sue anyone who had shared the post and would not remove it from Facebook”.²²¹ However, according to a human rights defender, the practice of the cybercrime bureau is illegitimate as they are not allowed to demand that people remove their posts unless a judge has deemed the post illegal.²²² In doing so, it is clear that the cybercrime bureau is using its powers unlawfully to suppress human rights defenders. It is worth to mention that the founder of this initiative has been threatened with arrest warrants submitted to Interpol.²²³ In another documented case against a family violating the rights of a migrant domestic worker in Lebanon, “This is Lebanon” has faced further intimidation by the judicial system in Lebanon. In 2018, a family accused of abusing and exploiting a migrant domestic worker submitted a complaint regarding defamation against “This is Lebanon”.²²⁴ The Director-General of the Internal

²¹⁶ Al Bawaba, “*Lebanon Blocks Website that Documents Stories of Migrant Workers Abuse*”, (Beirut: Al Bawaba, 2019), accessed April 24, 2019, <https://www.albawaba.com/node/lebanon-blocks-website-documents-stories-migrant-workers-abuse-1281799?fbclid=IwAR0qm6CwWr24dddL1VfDchH5axJywbj8MxqWpJdx-6wTpAg-gmYmlTISIUQ>

²¹⁷ Ibid.

²¹⁸ David L. Suber, Roshan De Stone, “*Groups like This is Lebanon are essential for the protection of migrant domestic workers*”, (Beirut: Middle East Monitor, 2019), accessed June 1, 2016, <https://www.middleeastmonitor.com/20190501-groups-like-this-is-lebanon-are-essential-for-the-protection-of-migrant-domestic-workers/>

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ Ibid.

²²² Ibid.

²²³ Ibid.

²²⁴ This is Lebanon, “*Eleanore Couture Runs a House of Horror #IAMLensa*”, (Canada: This is Lebanon, 2019), accessed June 1, 2019, https://thisislebanon.info/case-of-kafala-abuse/eleanore-couture-runs-a-house-of-horror?fbclid=IwAR2r_BU3iz1GpO265Sr-XTTZu-eJI7ne52B6fBGbWB3m7yRE0QKbNcCDiQc

Security Forces submitted a request via Interpol to the Canadian police, “ He asks for the Canadian police to “interrogate the owner...for defamation” and to “take a pledge that he would not attack the plaintiffs again by any means.”.²²⁵ Moreover, Timo Azhari – jounarlist and human rights defender – tweeted about the case and is consequently summoned by the cybercrime bureau. Forced to delete his tweets, he is asked to sign a pledge to refrain from speaking of the case again.²²⁶ Azhar refused and is now still facing defamation charges.²²⁷

Repressive practices

In Lebanon, many human rights defenders work on promoting and protecting LGBTQI rights. Article 534 of Lebanon’s penal code criminalizes “any sexual intercourse contrary to the order of nature”.²²⁸ This article was used to criminalize same-sex intercourse. However, in recent years, judges have decided to refrain from using this article to prosecute LGBTQI people in Lebanon.²²⁹ Nonetheless, recently the Telecommunications Ministry in Lebanon banned a gay dating app “Grindr” in Lebanon on the basis that it is being used to “facilitate” meetings between gays and bisexuals in Lebanon.²³⁰ This ban does not only violate the right to freedom of expression but it also impedes the work of human rights defenders in this area. The platform has been used by human rights defenders to share information related to LGBTQI rights in Lebanon. “Grindr has also become an effective way to disseminate life-saving information on sexual health and safety – this move will set these efforts back significantly”.²³¹

Bureaucratic obstacles for human rights defenders

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ Amnesty International, “*Lebanon: Ban on gay dating app Grindr a blow for sexual rights and freedom*”, (Beirut: Lebanon, 2019), accessed June 1, 2019, <https://www.amnesty.org/en/latest/news/2019/05/lebanon-ban-on-gay-dating-app-grindr-a-blow-for-sexual-rights-and-freedom/>

²²⁹ Richard Hall, “*Lebanon blocks Grindr in latest attack on LGBT+ community*”, (Beirut: The Independent, 2019), accessed June 1, 2019, <https://www.independent.co.uk/news/world/middle-east/grindr-lebanon-ban-lgbt-rights-dating-app-gay-a8933556.html>

²³⁰ The Daily Star, “*Grindr app ban by Telecoms Ministry draws criticism*”, (Beirut: The Daily Star, 2019), accessed June 1, 2019, <https://www.dailystar.com.lb/News/Lebanon-News/2019/May-28/484137-grindr-app-ban-by-telecoms-ministry-draws-criticism.ashx>

²³¹ Richard Hall, “*Lebanon blocks Grindr in latest attack on LGBT+ community*”, (Beirut: The Independent, 2019), accessed June 1, 2019, <https://www.independent.co.uk/news/world/middle-east/grindr-lebanon-ban-lgbt-rights-dating-app-gay-a8933556.html>

Civil society organizations are well active and functioning in Lebanon. However, several other organizations face difficulties in doing their work. For an NGO to work in Lebanon, they would have to submit a notification and expect a validation from the Ministry of Interior within 30 days. However, the concerned ministry has not been very compliant with this procedure.²³² At several instances, the government has overlooked the timeframe or has not validated the notification which is a method to suppress civil society organizations from doing their job effectively. Mother Nature, an NGO that promotes and protects environmental rights submitted a notification in 2015.²³³ Submitting a notification allows the NGO to operate. However, it prevents the NGO from opening bank accounts and request international funding which largely impedes its activities. The ministry has not provided validation of that notification until now and justified the delay by stating that the NGO can cause problems within the community.²³⁴ However, there are no guidelines or regulations on how the ministry assesses notifications. Another NGO, Helem, advocating for LGBTIQ rights in Lebanon submitted its notification upon its foundation in 2004.²³⁵ Until this date, Helem has not received a registration number, hindering its ability to advocate for LGBTIQ rights. These set of practices contradict the regulations set in place.

Surveillance of human rights defenders

While articles regarding the right to privacy are available in the Lebanese legal framework, state practices fail to respect these provisions. Several incidents have been reported on surveillance of activities by different state actors in Lebanon.²³⁶ There are concerns on whether these surveillances are interfering with the rights of human rights defenders and to what extent do they have an impact on their “offline” and “online” activities.²³⁷ In 2018, Amnesty International stated that they discovered that state authorities had access to personal data (messages and phone calls) of several human rights defenders which is a

²³² The International Center for Not-for-Profit Law, Civic Freedom Monitor: Lebanon, (Washington, D.C.: ICNL, 2018), accessed March 7, 2019, <http://www.icnl.org/research/monitor/lebanon.html>

²³³ Alef Liban, “*The situation of Human Rights in Lebanon: Annual Report*”, (Beirut: Alef Liban, 2017), accessed March 7, 2019, https://alefliban.org/wp-content/uploads/2018/04/annual_report_2017_v03_-2.pdf

²³⁴ Ibid.

²³⁵ Helem, “*Helem Lebanon*”, (Beirut: ACTU GAY, 2018), accessed March 9, 2019, <https://www.actu-gay.com/en/venues/4373/5fdfa85eb932f46cb2d485ec5fb64bb0>

²³⁶ SMEX and APC, “*Submission from Social Media Exchange and the Association for Progressive Communications to the United Nations Human Rights Committee in advance of its review of Lebanon*”, (Beirut: Association for Progressive Communications, 2017), accessed March 7, 2019, https://www.apc.org/sites/default/files/SMEX_and_APC_submission_to_the_UN_Human_Rights_Committee_in_advance_of_its_review_of_Lebanon.pdf

²³⁷ Ibid.

major violation to their rights.²³⁸ Surveillance of human rights defenders is not something out of question for state actors in Lebanon. In 2018, the Electronic Frontier Foundation (EFF) and mobile security company Lookout released a report regarding a spyware named “Dark Caracal” which is capable of infiltrating mobile devices and collect stored data.²³⁹ According to the report, this spyware is claimed to be employed by state-actors and has actually been used to target people in different fields, including lawyers, activists and journalists.²⁴⁰ Further research indicated that this spyware has been operating in at least 20 countries, including Lebanon.²⁴¹ In fact, researchers were able to locate this spyware originating from “a building belonging to the Lebanese General Security Directorate in Beirut”.²⁴² The use of such tools, by the state, violate the right to privacy and increases the risk of human rights defenders operating in the country. In 2017, the government approved “full, unrestricted access to the electronic communications data of all Lebanese citizens for four months” to security agencies in Lebanon.²⁴³ This practice has been going on since 2012 as part of measures to investigate crime related incidents.²⁴⁴ However, this puts all Lebanese individuals under surveillance which violates law 140/99 of the Surveillance Act.²⁴⁵ While there are provisions (article 16 of law 140/199) to oversee the surveillance procedures and regulations, sources claim that this is far from reality.

“All security services, without exception, continue to illegally operate their own wiretapping divisions of unknown nature and scope...This means that there are no guarantees the security services are not eavesdropping on the Lebanese without any legal oversight.”²⁴⁶

²³⁸ Amnesty International, “*Lebanon: Detained activists blackmailed into signing illegal pledges*”, (Beirut: Amnesty International, 2018), accessed March 7, 2019, <https://www.amnesty.org/en/latest/news/2018/07/lebanon-detained-activists-blackmailed-into-signing-illegal-pledges/>

²³⁹ Electronic Frontier Foundation, “*EFF and Lookout Uncover New Malware Espionage Campaign Infecting Thousands Around the World*”, (San Francisco: Electronic Frontier Foundation, 2018), accessed May 22, 2019, <https://www.eff.org/press/releases/eff-and-lookout-uncover-new-malware-espionage-campaign-infecting-thousands-around>

²⁴⁰ Ibid.

²⁴¹ Ibid.

²⁴² Ibid.

²⁴³ Privacy International, “*State of Privacy Lebanon*”, (Beirut: Privacy International, 2019), accessed May 22, 2019, <https://privacyinternational.org/state-privacy/1081/state-privacy-lebanon>

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

Inconsistent governmental practices

Governmental practices towards human rights defenders also differ depending who is in power. In 2016, Michel Aoun became president of Lebanon. He was the president of a political party, the Free Patriotic Movement, which is part of the March 8 Alliance that is known to be Pro-Syrian and Pro-Iranian. During the recent years of his presidency, there was an increase in “repressive” measures towards human rights defenders.²⁴⁷ In fact, statistics show that there was an increase of 10 to 30% per year in arrests of human rights defenders, over the course of two years.²⁴⁸ Most of these cases involve human rights defenders who criticize Pro-Syrian or Pro-Iranian figures.²⁴⁹ Fidaa Itani, a Lebanese human rights defenders, was sentenced to jail and fined in abstentia for publishing a Facebook criticizing a Pro-Syria political figure, Foreign Minister and current president of the Free Patriotic Movement, Gebran Bassil, in Lebanon for the political leader’s policies towards Syrian refugees in Lebanon.²⁵⁰ This is only one of the many cases that demonstrate the politicization of the legal framework and its use to suppress human rights activists in Lebanon. It appears that politicians do not want to be criticized and that they will use their powers to employ the “flawed” legal framework to initiate attacks against human rights defenders who criticize them and their policies. Moreover, the crackdown against human rights defenders increased at times favorable to politicians – parliamentary elections.²⁵¹ These practices show the inclination of the government to shrink the space for human rights defenders for political purposes.

The establishment of the National Human Rights Institution in Lebanon may seem like a step in the right direction to the protection of human rights defenders - However, its independency is being brought into question even before the institution commences its activities. Criticism was raised against the selected candidates of the institution in which a prominent human rights defender questioned the transparency of the selection process and the independence of the selected candidates.²⁵² Among the candidates, some of

²⁴⁷ Mona Alami, “*Lebanon’s shrinking freedom of expression*”, (Beirut: The Arab Weekly, 2018), accessed March 12, 2019, <https://thearabweekly.com/lebanons-shrinking-freedom-expression>

²⁴⁸ Ibid.

²⁴⁹ Ibid.

²⁵⁰ Skeyes, “*SKeyes Condemns Prison Sentence against Journalist Fidaa Itani*”, (Beirut: Skeyes, 2018), accessed March 12, 2019, <http://www.skeyesmedia.org/en/SKeyes-Statements/Lebanon/SKeyes-Condemns-Prison-Sentence-against-Journalist-Fidaa-Itani>

²⁵¹ Florence Massena, “*Freedom of speech under threat ahead of parliamentary elections in Lebanon*”, (Beirut: Equal Times, 2018), accessed March 12, 2019, <https://www.equaltimes.org/freedom-of-speech-under-threat?lang=en#.XIoj7iJKi70>

²⁵² The Daily Star, “*HUMAN RIGHTS BODY APPOINTED AT LONG LAST*”, (Beirut: UNIC Beirut, 2018), accessed March 12, 2019, <https://www.unicbeirut.org/node/530>

them had no previous experience to represent human rights defenders in Lebanon.²⁵³ More importantly, the selected candidates seem to be based on sectarian grounds as the seats are equally divided between Christians and Muslims.²⁵⁴ This selection in itself raises suspicion among civil society groups. Indeed, in order to have an independent institution, its members must be independent. The institution is yet to begin its activities. However, it does not seem to be a promising body for human rights defenders given the continuous contradictory practices and policies of the state.

This section demonstrated that the legal framework is not always aligned with state policies and practices. Human rights defenders are required to have their rights protected from the states as states have the responsibilities and duties to protect human rights defenders as stated in the declaration on human rights defenders. Unfortunately, this is not the case in Lebanon. While the international and national legal framework may demonstrate the willingness and readiness of the state to protect human rights defenders, practices and policies of the state show otherwise.

5.3 NON-STATE ACTORS AND SOCIETAL CULTURES AND PRACTICES

This section aims to identify how non-state actors and societal cultures and practices play a role in the condition and protection of human rights defenders in Lebanon. An examination of the perception of the population towards human rights, human rights defenders and religion is essential to determine the condition of human rights defenders.

Public Perception of Human Rights and Human Rights Defenders

“You are not going to teach us about humanity, Europeans and Arabs have a different sense of humanity, values and ethics, respect our values and ethics, as we do yours.”²⁵⁵

During a recent EU-League of Arab States summit in Egypt, President Abdel Fattah el- Sisi used his platform to lecture those who criticized Egypt’s human rights records – and received a standing ovation for that.²⁵⁶ This type of rhetoric is common among citizens of Arab states – such as Lebanon - and

²⁵³ Ibid.

²⁵⁴ Ibid.

²⁵⁵ President Abdel Fattah el-Sisi of Egypt, “*Egypt’s el-Sisi Welcomes European Union Leaders, but Not Their Scolding on Rights*”, (Cairo: New York Times, 2019), accessed May 21, 2019, <https://www.nytimes.com/2019/02/25/world/middleeast/sisi-egypt-european-union.html>

²⁵⁶ Ibid.

signifies the commitment of citizens to those values, which at many instances are contradictory to human rights values. This rhetoric could explain the reasons for the Middle East having the worst records in regard to the conditions and lack of protection of human rights defenders.

It can be said that the public's perception of human rights and human rights defenders is one of the major contributing factors. No doubt, religion and culture play a big role in shaping these perceptions. Having said that, Lebanon is no different from other states in the region. "Religious beliefs and values are important in the lives of the great majority of the Lebanese public"²⁵⁷. As with other Arab states, these beliefs and values are very similar – and do contribute negatively to the conditions and protection of human rights defenders if not addressed in an appropriate matter.

Therefore, in Lebanon, it is worth to consider whether the Lebanese population are actually supportive of the idea of human rights being implemented. One would argue that with the increase in awareness campaigns and advocacy, the Lebanese population have become more aware and supportive of a progressive society that incorporates human rights. In recent years, parts of the populations have become engaged in protests advocating for women's rights, LGBTQI rights, migrant's rights and other issues pertaining to human rights. While reforms have been achieved in several areas, there are still major human rights issues. While human rights defenders continuously work to promote and protect human rights, it is important to examine whether the role of the majority of the population is supporting or hindering other human rights reforms. While some of these individuals do advocate for the implementation human rights, it is important to examine whether these are only a minority. An interesting argument by Dr. Elie Abouaoun, the director of Middle East and North Africa Programs at the U.S. Institute of Peace, claims that this can be answered by looking at the recent parliamentary elections - what the recent elections say about the public perception on human rights.²⁵⁸ Most of those who were elected were either complicit or contributors to previous or ongoing human rights violations.²⁵⁹ In

²⁵⁷ Mansoor Moaddel, "*ETHNICITY AND VALUES AMONG THE LEBANESE PUBLIC: FINDINGS FROM A VALUES SURVEY*", (Michigan: Population Studies Center, 2008), accessed May 23, 2019, https://www.psc.isr.umich.edu/research/tmp/moaddel_lebanese_survey_pr_jan08.pdf

²⁵⁸ Dr. Elie Abouaoun, "*Lessons learned from Lebanon elections: Reforming Human Rights' Policies*", (Beirut: Alef Act for Human Rights, 2018), accessed May 21, 2019, <https://alefliban.org/blog/hrpostelections/>

²⁵⁹ Ibid.

Lebanon, major political parties, mainly driven by religious rhetoric, still have influence over the large population. It seems that there is a preference to political allegiance than to human rights commitments.

“Entire generations have been raised according to non-human rights precepts, making today’s society one of the most discriminatory, cynical and opportunistic, focused only on perceived short-term interests”.²⁶⁰

However, this claim is not enough without further research on the matter. In this section, there will be an analysis on the perception of the Lebanese people on some human rights issues; LGBTQI and women’s rights. Societal attitudes to LGBTQI issues are not generally accepting in Lebanon where violence and discrimination is heavily present. A study conducted, in 2013, on society acceptance towards LGBTQI community finds that 80% of respondents believe that society should not accept homosexuality.²⁶¹ Further recent research conducted by Arab Foundation for freedom and equality in 2015 states “that 82.2% of those surveyed viewed homosexuals as a threat to the traditional family”.²⁶² This reveals that the majority of the Lebanese population leans towards conservatism when it comes to LGBTQI issues. Unfortunately, this is reflective through the violence and discrimination committed by non-state actors to the LGBTQI community in the “private” and “public” sphere in Lebanon.²⁶³ In recent years, women rights movements in Lebanon has been gaining momentum. However, societal perceptions are yet to change. In 2017, a survey conducted by Promundo and UN Women Survey found that “32 per cent of men and 65 per cent of women in Lebanon contend that the belief that “men and women are equal” is not a part of Lebanese tradition and culture”²⁶⁴ This worrying statistic show that the Lebanese society is still far behind on attaining equality and women’s rights.

The perception of the population regarding human rights inherently contributes to the conditions of human rights defenders. If the majority of the population is not keen on implementing human rights, it

²⁶⁰ Ibid.

²⁶¹ Pew Research Centre, “*The Global Divide on Homosexuality*”, (Washington D.C.: Pew Research Centre, 2013), accessed May 22, 2019, <https://www.pewglobal.org/2013/06/04/the-global-divide-on-homosexuality/>

²⁶² Arab Foundation for freedom and equality, “*ACTIVISM AND RESILIENCE: LGBTQ PROGRESS IN THE MIDDLE EAST AND NORTH AFRICA*”, (Beirut: Arab Foundation for freedom and equality, 2018), accessed May 22, 2019, https://outrightinternational.org/sites/default/files/MENAReport%202018_100918_FINAL.pdf

²⁶³ Ibid.

²⁶⁴ UN Women, “*Record number of women on the ballot in Lebanon’s first parliamentary elections since 2009*” (Geneva: UN Women, 2018), accessed May 22, 2019, <http://www.unwomen.org/en/news/stories/2018/5/news-record-number-of-women-on-the-ballot-in-lebanon>

will be harder and riskier for human rights defenders to accomplish their mission in promoting and protecting human rights. For example, human rights defenders promoting and protecting LGBTQI and women's rights – or human rights defender from the LGBTQI community and woman human rights defenders - may be susceptible to risks as a result of negative perceptions by the society. Human rights defenders, certainly, can promote and protect human rights in Lebanon. However, without public support from the majority, they are bound to face challenges and obstacles. In Lebanon, most human rights defenders work only on particular issues – overlooking other issues due to the lack of resources. This is likely to prevent human rights defenders from garnering public approval on general human rights issues.²⁶⁵ Thus, understanding public perception on human rights is key to understanding the situation of human rights defenders in Lebanon.²⁶⁶ Public trust and support for human rights defenders in Lebanon is crucial to be able to carry out their work in a supportive, encouraging and safe environment.

Lebanon hosts a numerous amount of international non-governmental organisations (INGOs). Many of these INGOs provide humanitarian aids and services to Lebanese and refugees alike. However, their presence in Lebanon has attracted mixed reactions. A report by ALNAP on national and local organizations involved in humanitarian response in Lebanon highlights some of the perceptions that Lebanese people hold.²⁶⁷ In the report, interviewees criticize these organizations as engaging in “westernized” humanitarian responses and acting as businesses.²⁶⁸ They are perceived as infiltrating Lebanon without an understanding of the context which is deeming them as ineffective, according to the report.²⁶⁹ The most common criticism of INGOs is that they do not seek local support.²⁷⁰

“So most of them, they were coming in this white man mentality that they know what to do and we don't know how to help our people even. The results were that most of the most vulnerable were left without any help because they were always focusing on big numbers.”²⁷¹

²⁶⁵ Salim Nasr, *“Good Governance for Development in the Arab Countries: Arab Civil Societies and Public Governance Reform,”* (Jordan: Working Paper of the UNDP Dead Sea Conference, UNDP Programme on Governance in the Arab Region, 2005), p. 8.

²⁶⁶ James Ron, *“Taking Roots: Human Rights & Public Opinion in the Global South”* (New York: Oxford University Press, 2017), p. 6.

²⁶⁷ Luz Saavedra, *“We know our wounds”*, (London: ALNAP, 2016), accessed May 23, 2019, <https://www.alnap.org/system/files/content/resource/files/main/alnap-nngos-lebanon.pdf>

²⁶⁸ Ibid.

²⁶⁹ Ibid.

²⁷⁰ Ibid.

²⁷¹ Ibid.

This perception could be explained by Lebanon's situation in the international community as a country that is very much politically and economically influenced by other states. This leaves nationals to feel like that they are being looked down upon. The perception could be traced back to history of Lebanon when it comes to international issues. However, criticisms are not only directed towards INGOs but all NGOs alike. A survey conducted in 2017 finds that 72% of those surveyed considered "NGOs to be the extensions of intelligence services of powerful countries".²⁷² While there is an acknowledgement that NGOs can have a positive contribution to society, many believe that they are becoming part of a political game field.²⁷³ Most often, human rights defenders are labelled as western, elitists, and a threat to traditions and values.

The lack of trust and negative perceptions of human rights defenders, INGOs and NGOs in this case, in Lebanon is concerning as it is a contributor in giving leeway for state actors to use these perceptions for their own agenda to suppress human rights defenders. As a result, human rights defenders become vulnerable when the majority of the public is not on their side.

Role of religion in shaping perceptions

Negative perceptions are largely to be blamed on the religious context in Lebanon. This can be seen in cases where religious teachings, in Lebanon, are used to discriminate against women and LGBTQI. Religion is often manipulated to "attack" human rights ideas. For human rights defenders to work in a country with strong sectarianism is a challenge in itself and, in some cases, very risky. The Lebanese community tend to have conservative beliefs regarding various human rights issues. The Syrian crisis has contributed to the sectarian tensions in Lebanon. Front Line Defenders states that "the continuing civil conflict in Syria has fueled sectarian polarization in Lebanon and furthered the armed activities of Shi'i and Sunni militias. This situation has resulted in increasing security threats to HRDs, particularly those who document human rights abuses committed by non-state actors or the warring parties in Syria".²⁷⁴

²⁷² Bassam Hamdar and Sandy El Sabe, "THE LEBANESE PEOPLE'S PERCEPTION OF THE NON-GOVERNMENTAL ORGANIZATIONS", (Rochester: International Journal of Economics, Commerce and Management, 2017), accessed May 23, 2019, <http://ijecm.co.uk/wp-content/uploads/2017/08/5839.pdf>

²⁷³ Ibid.

²⁷⁴ Front Line Defenders, "#Lebanon", (Dublin: Front Line Defenders, 2019), accessed March 4, 2019, <https://www.frontlinedefenders.org/en/location/lebanon>

Religious institutions, organizations and individuals are often engaged in human rights debate. This engagement has an impact on the condition of human rights defenders. In 2017, Beirut Pride, together with other LGBTQI human rights defenders, organized a series of events, workshops and conferences as part of the International Day against Homophobia, Transphobia and Biphobia (IDAHOT).²⁷⁵ In response to a scheduled conference “No matter who they love, they remain my children” at a Hotel in Beirut, the Association of Muslim Scholars in Lebanon issued warnings and threats through their Facebook page to prevent the conference from taking place.²⁷⁶ They threatened to mobilize their communities to protest the conference and urged public and religious officials to take action. The purpose of this religious organization is to deal with issues related to Islam on a religious, cultural and social level. The organization, labelled as Sunni extremists by many citizens, was able to push for the cancellation of the event after many security threats were received from the religious community to the organizers.²⁷⁷ The organization mentioned that the cancellation of the conference was done in coordination with public officials and consequently proposed an “action plan to combat LGBTQI community”.²⁷⁸ Within the same week, the final event was cancelled due to pressure from security forces who stated that they were not able to provide protection for those who attend the event, referring to threats from the religious communities.²⁷⁹ Hezbollah, a religious and political organization with a military wing, engaged in the debate and blamed western countries for such events.²⁸⁰

This case illustrates the power that religious authorities and institutions have, including over the Lebanese state, which felt obliged to cancel the event. The actions of the religious institutions had direct consequences for the situation of LGBTQI human rights defenders in Lebanon, increasing their sense of insecurity and risk and de facto restricting their right to assembly and expression. Within this religious environment where religious leaders hold so much power over their communities and the state, human rights defenders face various threats and challenges throughout their work. The religious rhetoric in Lebanon may not only affect *secular* human rights defenders in Lebanon; it also affects *religious* human

²⁷⁵ Beirut Pride, “*Beirut Pride 2017*”, (Beirut: Beirut Pride, 2017), accessed March 14, 2019, <https://www.beirutpride.org/bp2017>

²⁷⁶ Eliane Fersan, “*Beirut PRIDE: an analysis from the inside*”, (Beirut: Global Nexus Solutions, 2017), accessed March 14, 2019, <https://dayagainsthomophobia.org/>

²⁷⁷ Ibid.

²⁷⁸ Ibid.

²⁷⁹ Ibid.

²⁸⁰ Ibid.

rights defenders. In 2013, The Grand Mufti of Lebanon stated that “Any Muslim with legal or executive authority in Lebanon who supports the legalization of civil marriage is an apostate and outside the religion of Islam,” and that “such officials will not be washed or shrouded, will get no last prayer and will not be buried in a Muslim cemetery”.²⁸¹ It can be deduced from this language that the Grand Mufti is issuing a threat to any Muslim individual advocating for the right to civil marriage which may have an impact for suppressing human rights defenders who exercise the teachings of Islam. These cases were a demonstration of how religion is being used to intimidate human rights defenders in Lebanon.

In this section, it was demonstrated how public perception of human rights and human rights defenders impact the situation of human rights defenders. Moreover, it can be said that religion plays a big role in shaping these perceptions.

5.4 BRIEF SUMMARY OF CHALLENGES IDENTIFIED

This section briefly summarizes the various challenges identified at legal level, state level and societal level.

Legal Level

The constitution in Lebanon does indeed provide set of rights related to the protection of human rights defenders. However, the constitution also provides the states with the flexibility to implement those provisions. After the examination of the criminal and penal code in Lebanon, it was demonstrated that many provisions violate these essential rights related to human rights defenders. Consequently, violating international human rights standards. Moreover, the restrictions and limitations set on some rights do not conform to the legitimate limitations framework. In a nutshell, the overall legal framework in Lebanon – through an analysis of the criminal and penal codes – violates the right to freedom of expression, communication, information, freedom of thought, freedom of assembly, association, movement and funding, privacy, fair trial, life, remedy and reparation, and rights related to defense of human rights and prohibition of torture and ill-treatment.

²⁸¹ Frida Skatvik, “Lebanon’s first civil marriage divides the country, inspires calls for reform”, (Beirut: Humanists International, 2013), accessed March 14, 2019, <https://humanists.international/2013/03/couple-celebrates-lebanons-first-secular-marriage/>

State Level

Through analyzing state practices and policies, it was demonstrated that they do not conform to the international human rights practices. The state is engaged in misapplication of the law, arbitrary detentions and arrests, illegitimate practices, discriminatory targeting of certain human rights defenders, repressive practices, setting bureaucratic obstacles for human rights defenders, surveilling human rights defenders and inconsistent governmental practices. Indeed, the legal framework does not conform to international human rights practices. However, it is the state policies and practices that utilize the gaps found in the framework to target human rights defenders. Moreover, the lack of proper accountability mechanisms allows the state to engage in illegitimate practices.

Societal Level

Negative perceptions of human rights and human rights defenders play a role in discouraging state from taking action encouraging societal discrimination and harassment as well as encouraging religious actors to take actions against human rights. This is a demonstration on how societal factors influence the situation of human rights defenders. It is also religion and culture that play a role in influencing these perceptions towards human rights and human rights defenders.

CHAPTER 6: AVENUES FOR INCREASED PROTECTION OF HUMAN RIGHTS DEFENDERS IN LEBANON

Given the circumstances of human rights defenders in Lebanon, it is imperative to identify effective protective mechanisms in order to establish a safe environment for those who are keen on promoting and protecting human rights. This chapter offers some remedies for the gaps and challenges that have been identified in the previous chapters. It is worth to mention that this chapter does not cover all possible actions but outlines few promising strategies or avenues that could be useful in addressing the challenges identified.

In terms of international and regional mechanisms to protect human rights defenders, there needs to be enforcement mechanisms able to hold the state accountable for any human rights violations towards human rights defenders. The United Nations' declaration on human rights defenders is declared to be the first step towards international protection of human rights around the world. However, the lack of enforcement by states, Lebanon in this case, has contributed to the dire environment for human rights defenders. The declaration, in itself, is not legally binding. However, the rights stipulated in the declaration are legally binding in the sense that they are provided by other conventions which Lebanon has ratified and signed. Nonetheless, the creation of a convention specifically related to human rights defenders may exert further pressure on states to abide by their duties and responsibilities in protecting human rights defenders. Special Rapporteur on Human Rights Defenders is another United Nation mechanism which lacks the adequate resources and capacity to conduct country visits, meet with state officials and exert pressure on states. Lebanon, for example, has not been asked by the Rapporteur to conduct a visit to the country. Therefore, it would not be possible to completely rely on the United Nations to offer international protection of human rights defenders in Lebanon. Other regional mechanisms such as European Union is also another layer of protection for human rights defenders in Lebanon. As much as international and regional mechanisms are supporting human rights defenders, their overall situation is ultimately dependent on local mechanisms set in place to protect human rights defenders.

The implementation of local protection mechanisms is the most effective way to protect human rights defenders. Protection mechanisms should take into account the context and conditions in which human rights defenders work in. The state is primarily responsible for the protection and conditions of human

rights defenders. It has obligations, duties and responsibilities to ensure the protection of human rights defenders in their territory.

National Human Rights Institutions (NHRIs) are an integral component in protecting human rights defenders at a national level. In order for NHRIs to be effective, they must abide by a certain set of principles (Paris Principles).²⁸² While the Lebanese government approved the establishment of NHRI and appointed its members, its selection of members have raised concerns of autonomy.²⁸³ Moreover, there has been worries regarding Lebanon's ability to fund the institute given the dire economic situation.²⁸⁴ Nevertheless, could the National Human Rights Institutions abide by the Paris Principles, it would be capable to contribute positively to the situation and protection of human rights defenders in Lebanon. The NHRI, a state entity, works on promoting and protecting human rights in the country—making it a human rights defender in line with the definition of HRDs outlined in previous chapters. NHRIs engage in various role by promoting and monitoring the international human rights standards in the country of its operations.²⁸⁵ Once the NHRI begins to function in Lebanon, the NHRI's activities must include “monitoring and reporting, recommendations and advice on legislation and executive measures, individual complaints-handling and strategic litigation, and promoting a culture of rights”.²⁸⁶ Through monitoring and reporting, the National Human Rights Institution can monitor the situation of human rights defenders in Lebanon and report findings to stakeholders – recommendation can also be brought forward. The institute would be responsible to make sure that all proposed, existing and new legislations are in line with international human rights standards, in this case rights related to human rights defenders. That is, the NHRI must be able to cooperate with the government in order to make sure that the laws do not put human rights defenders at risk as well as offer protection for them. In its functions related to complaints handling, the institute may play a major role in making sure that human rights

²⁸² Mandate and competence, autonomy from Government, independence, pluralism, adequate resources and adequate powers of investigation.

²⁸³ The Daily Star, “*HUMAN RIGHTS BODY APPOINTED AT LONG LAST*”, (Beirut: UNIC Beirut, 2018), accessed May 12, 2019, <https://www.unicbeirut.org/node/530>

²⁸⁴ The Daily Star, “*What happened to Lebanon's human rights institute?*” (Beirut: The Daily Star, 2018), accessed May 12, 2019, <http://www.dailystar.com.lb/News/Lebanon-News/2018/Mar-24/442858-what-happened-to-the-human-rights-institute.ashx>

²⁸⁵ OHCHR, “*National Human Rights Institutions*”, (Geneva: OHCHR, 2019), accessed May 12, 2019, <https://www.ohchr.org/en/countries/nhri/pages/nhrimain.aspx>

²⁸⁶ European Network of National Human Rights Institutions, “*National Human Rights Institutions and Human Rights Defenders*”, (Brussels: ENNHRI, 2019), accessed May 12, 2019, http://ennhri.org/IMG/pdf/ennhri_18_006-publication-04a-bat.pdf

defenders have access to mechanisms to hold violators accountable. Last but not least, by promoting a culture of rights, the institute would be raising awareness on the importance of implementing human rights in the country and the importance of allowing human rights defenders to function effectively in a safe environment. All of these functions of the NHRI could positively contribute to the protection of human rights defenders in Lebanon. However, these functions can only be possible and effective if there is continuous cooperation between NHRI, government and organizations. Lebanon, with its all political and religious issues, must be able to support the mandate of the NHRI, in its full independent capacity, promoting and protecting the rights of human rights defenders. They must also be willing to address and to accommodate the recommendations and advice of the NHRI. It is worth to mention that the NHRI is dependent on state budget. Therefore, the state has the responsibility to ensure adequate resources for the functioning of the NHRI in Lebanon. The effectiveness of the NHRI will depend on the outcomes it will achieve regarding the situation and protection of human rights defenders in Lebanon. Indeed, there has been many cases in several countries where the NHRI has contributed positively to the condition of human rights defenders.²⁸⁷

In the previous chapters of the thesis, it was demonstrated that the legal framework in which human rights defenders operate in Lebanon is flawed. The gaps and loopholes that exist within this legal framework puts human rights defender at risk. The rights that are provided by the constitution are within the limits established by law. The Lebanese penal code is analyzed to be inconsistent with international human rights standards. Vague restrictive terms such as “limits established by law” should be in harmony with international human rights law. Therefore, there must be a reform in the legal framework in which human rights defenders are operating and any legislation must be adopted or reformed to comply with international human rights standards.

In accordance with the declaration on the protection of human rights defenders, the state is obliged to protect human rights defenders. The legal framework in Lebanon does not include a legislation that is specific to the protection of “human rights defenders”. While the constitution guarantees some rights related to human rights defenders, there are no provisions in the Lebanese legal framework specific to rights of human rights defenders. Therefore, the government must introduce a bill related to the protection

²⁸⁷ Ibid.

of human rights defenders incorporating a broad definition of the term. By doing this, Lebanon will be addressing its legal obligation and duties towards the protection of human rights defenders.

Fortunately, with a functioning NHRI, all the above solutions are possible. The NHRI, if equipped with experienced and skilled experts, is capable of being involved in assessing whether provisions are in line with international human rights standards, recommending appropriate measures, and assisting in legislation. The core element to the effectiveness of the NHRI is for Lebanon to also have to respect the rule of law. According to a report in 2018, Lebanon ranked 87 out of 113 countries in its adherence to the rule of law.²⁸⁸ There are major influential political parties who are present in both the council of ministers and the parliament. In some cases, a minister is also a member of the parliament and vice versa. This undermines the separation of powers and oversight responsibility between the parliament and the council of ministers. Politicians are unlikely to pass legislations which may not be in their favor. Therefore, politics plays a big role in how legislations are being passed. Indeed, there needs to be political reforms prior to engaging in legislative reforms to protect human rights defenders.

Legislative reforms should accompany accountability practices in terms of state practice and policies. This research demonstrated that different state actors actively engage in illegitimate practices in order to suppress human rights defenders. By establishing effective accountability mechanisms, those who engage in such practices would be held accountable. An organization called Siren Associates, a human rights defender, took the initiative to design and implement projects for security reforms and public-sector reforms.²⁸⁹ The organization's goal is to integrate accountability and human rights standards within the civil security institutions.²⁹⁰ By working with civil security institutions, the organization is able to build the capacity of civil servants to be able to perform its activities in accordance with human rights standards. In fact, the organization assisted the Internal Security Forces in Lebanon to implement a code of conduct and a human rights division.²⁹¹ In order to be effective in protecting human rights defenders, it is not only important to pass legislations but also engage in civil security reforms. Most often, practices conducted by civil servants are the one of the main reasons for the lack of protection of

²⁸⁸ World Justice Project, "*World Justice Project Rule of Law Index*", (Washington D.C.: World Justice Project, 2018), accessed May 12, 2019, https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf

²⁸⁹ Siren Associates, "*About us*", (Belfast: Siren Associates, 2019), accessed May 24, 2019, <http://sirenassociates.com/>

²⁹⁰ Ibid.

²⁹¹ Ibid.

human rights in Lebanon. Human rights defenders should work with state actors, particularly civil security institutions, in order to ensure practices conducted by these civil servants are in accordance with local laws and international law. In doing so, human rights defenders will be able to build the capacity of such institutions to ensure their protection.

State actors play an integral role in the protection of human rights defenders. However, non-state actors also play a crucial role in the protection of human rights defenders. Non-state actors and societal cultures and practices largely contribute to the lack of protection of human rights defenders. Public perception in terms of culture, religion, and traditions should not be overlooked. Instead, they should be part of a solution to integrate human rights reforms. The public in Lebanon already have their own perceptions, ideas, norms, values, and culture. It is extremely difficult for human rights defenders to “impose” a certain type of environment from their standpoint.²⁹² That is, there needs to be a bottom-up approach rather than a top-down approach.²⁹³ Moreover, civil society organizations – human rights defenders – should engage with the local communities and local organizations in order to appease to the context of the situation in which they are working in. In doing so, public perception and trust on human rights defenders will improve.

It is also demonstrated that religion, specifically, plays as an influential factor in shaping these negative perceptions on human rights and human rights defenders. Religion is not a factor that can be dismissed in the context of Lebanon. It should also not be used as an obstacle for human rights defenders. Religion could be, in one way or another, a source of inspiration and motivation for the promotion and protection of human rights for human rights defenders. Faith for Rights is an initiative that explicitly advocates for the positive involvement of religion in the discourse of human rights.²⁹⁴ In March 2017, members of civil society organizations and faith-based organizations working in the field of human rights gathered to adopt the Beirut Declaration and its 18 commitments on “Faith for Rights”.²⁹⁵ The purpose of the

²⁹² James Ron, *“Taking Roots: Human Rights & Public Opinion in the Global South”* (New York: Oxford University Press, 2017), p. 7.

²⁹³ Susan Dicklitch, Doreen Lwanga, *“The politics of being Non-Political: Human Rights Organizations and the creation of a positive human rights culture in Uganda”*, (Baltimore: Johns Hopkins University Press, 2003), p. 482-509, 485.

²⁹⁴ UN Office of the High Commissioner for Human Rights, *“Beirut Declaration enhances role of religions in promoting human rights”*, (Geneva: OHCHR, 2019), accessed April 16, 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/FaithforRights.aspx>

²⁹⁵ Ibid.

declaration and commitments is to emphasize the need for religion to be an essential factor in promoting and protecting human rights standards.²⁹⁶

"Religious leaders, with their considerable influence on the hearts and minds of millions of people, are potentially very important human rights actors"²⁹⁷

Inherently, this declaration is in favor of those human rights defenders who are religious and keen on promoting and protecting human rights. It is a breakthrough in the field of religion and human rights defenders in the sense that it paved the way for the emergence of *religious* human rights defenders.

A faith-based organization, MERATH – Middle East Revive and Thrive, is one of the organizations operating in Lebanon that has resorted to using religion as a tool to promote and to protect human rights. MERATH's strategy involves working with local religious entities, such as churches, in an effort to address the needs of vulnerable communities on the short and long term.²⁹⁸ MERATH's values are inspired by Christian teachings; impartiality, dignity, and stewardship.²⁹⁹ It is an organization in which it ought to not just meet basic needs of vulnerable people but also promote their developments.³⁰⁰ MERATH is keen on advocating for the positive relationship between local faith communities and the humanitarian field as they believe that local faith communities (etc. churches) have the capacity and ability to restore "hope" to individuals who have suffered.³⁰¹ In partnership with local faith communities, MERATH's human rights activities include basic needs, education, child protection and livelihoods.³⁰²

The utilization of religion as a tool to prevent and to protect human rights has proven to be effective in religious communities where they are driven by faith. Most importantly, Jean Duff states that "Local faith communities are often first responders on the frontlines of meeting daily basic needs".³⁰³ Therefore,

²⁹⁶ Ibid.

²⁹⁷ UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein, "*Beirut Declaration enhances role of religions in promoting human rights*", (Geneva: OHCHR, 2017), accessed April 23, 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/FaithforRights.aspx>

²⁹⁸ MERATH, "*Who we are*", (Mount Lebanon: MERATH, 2019), accessed April 29, 2019, https://merathlebanon.org/who_we_are/

²⁹⁹ Ibid.

³⁰⁰ MERATH, "*How we work*", (Mount Lebanon: MERATH, 2019), accessed April 29, 2019, https://merathlebanon.org/how_we_work/

³⁰¹ Ibid.

³⁰² MERATH, "*What we do*", (Mount Lebanon: MERATH, 2019), accessed April 29, 2019, https://merathlebanon.org/what_we_do/

³⁰³ Jean Duff, "*Opinion: Faith organizations are key in global refugee response*", (Washington, D.C.: Devex, 2019), accessed April 29, 2019, <https://www.devex.com/news/opinion-faith-organizations-are-key-in-global-refugee-response-94658>

the work of MERATH is crucial as it builds the capacity of local faith communities to promote and protect human rights of vulnerable individuals. Therefore, sidelining *religious* human rights defenders from engaging in human rights activities or from being a part of civil society is a mistake. Jean Duff states “Ignoring faith doesn’t make it go away. It can even be disrespectful and dismissive of the very people we seek to help.

“Many practitioners believed faith-based groups did a better job than local human rights organizations at reaching ordinary people”³⁰⁴

Thus, religion and human rights must work together in a manner that is consistent with the “Beirut Declaration on Faith for Rights”. The religious community in Lebanon may play a positive role in the implementation of human rights and in the protection of human rights defenders. Religious communities should not be shunned away from the discourse of human rights. Instead, they should be embraced and informed on how they can contribute to a better society. Religious organizations are better trusted within the community, and able to reach the masses.³⁰⁵ It is in the best interest of *secular and religious* human rights defenders to work together. Jack Snyder claims that “rights activists require a leg up from progressive religion to gain organizational and emotional traction”.³⁰⁶ In the context of Lebanon, this is particularly true. Religion must be embraced in the human rights discourse. Raising awareness and eliminating negative political and religious rhetoric can bring out the best of religion. In order to protect human rights defenders, religion must be seen as an ally to human rights; religion could be a part of the solution in Lebanon.

“All religions contain elements that are supportive of and critical of contemporary conceptions of human rights. People of faith do not so much derive their values primarily from their scriptures but rather insert their values into their scriptures, reading them from the lens of their own cultural, ethnic, nationalistic and even political perspectives.”³⁰⁷

³⁰⁴ James Ron, “*Taking Roots: Human Rights & Public Opinion in the Global South*” (New York: Oxford University Press, 2017), p. 114.

³⁰⁵ Ibid, p. 115.

³⁰⁶ Jack Snyder, “*On a wing and a prayer: can religion revive the rights movement?*”, (Minnesota: Open Global Rights, 2014), accessed May 24, 2019, <https://www.openglobalrights.org/on-wing-and-prayer-can-religion-revive-rights-movement/>

³⁰⁷ Reza Aslan, “*Bill Maher Isn’t the Only One Who Misunderstands Religion*” (New York: New York Times, 2014), accessed May 24, 2019, <https://www.nytimes.com/2014/10/09/opinion/bill-maher-isnt-the-only-one-who-misunderstands-religion.html>

Of course, local remedies are a crucial element in the protection of human rights defenders. However, international remedies can also play a positive role in protecting human rights defenders in Lebanon. The situation and protection of human rights defenders in Lebanon may be influenced by the international community. If the state seems to be unwilling or incapable of supporting and protecting human rights defenders, then it is the duty and responsibility of the international community to intervene. Lebanon is a country that is very much influenced by the international community. Western countries such as the United States and few European countries tend to support Lebanon on many occasions.

There has definitely been support from the international community - United Nations, European Union, and other international organizations – regarding human rights defenders in Lebanon. However, there still exists the lack of willingness of international key players to exert pressures on Lebanon to engage in reforms related to human rights defenders. The EU, for example, has dedicated many of its resources to promote and protect the rights of human rights defenders in the region. However, there is little or no pressure on the Lebanese state to perform its duties and responsibilities regarding human rights defenders. Lebanon is a continuous recipient of support from key world and regional players; political, economic, and security. Given this, it is no surprise that these nations can assist in protecting human rights defenders. Western countries such as the United States and few European countries tend to support Lebanon on many occasions. Therefore, public concerns by these states on human rights condition in Lebanon may cause the government to act since Lebanon is often a beneficiary of western support. While the US and some European countries do express concern on conditions of activists in Lebanon, not much advocacy is being done to pressure the Lebanese government for reforms in exchange for support from these states. As a solution on an international level, these players could engage in “conditional assistance” in order to ensure that the Lebanese state is doing its part in its protection of human rights defenders in return for western support on a political, economic and security level.

International non-governmental organizations, as human rights defenders, should also continue to promote and protect the rights of human rights defenders in Lebanon. Organizations such as Human Rights Watch, Amnesty International, Front Line Defenders, Euro-Mediterranean Foundation of Support to Human Rights Defenders, and International Federation for Human Rights are international organizations that provide support for human rights defenders in Lebanon - as well as monitor and report their situation. These organizations often engage in advocacy by publishing memos, articles, reports, and

op-ed in order to pressure the Lebanese government to end violations against human rights defenders. These activities have proven to be of utmost importance to human rights defenders in Lebanon as they tend to raise awareness on many cases which may or may not always result in positive outcomes. The activity of advocating and raising awareness on these cases are crucial in promoting and protecting human rights defenders.

CONCLUSION

Contrary to what is said, Lebanon is not safe haven for human rights defenders. This paper illustrated what, and how, are various factors contributing to the situation and protection of human rights defenders in Lebanon. Consequently, by identifying the challenges faced by human rights defenders, this paper also offered some possible solutions for the protection of human rights defenders in Lebanon.

Aware of the ambiguity that may arise in this paper regarding few key terms, this research dedicated a chapter on introducing key concepts such as “human rights defenders” and “protection”. It used the declaration on human rights defenders as a starting point to present, analyze and define such terms. Ultimately, through its presentation of the declaration on human rights defenders, this research was able to present its own definition of “human rights defenders” suitable for Lebanon as well as the different components of protection relevant to human rights defenders. The main analytical framework of the paper was also presented in order to introduce the framework that will structure the main analysis of the paper. This presented the importance of looking at different factors to understand the obstacles faced by human rights defenders and the introduction and description of these factors as well as their relevance to the Lebanese context; legal framework, state policies and practices, and broader societal cultures, perceptions and non-state actors. Prior to engaging in the main analysis, the research paper briefly introduced Lebanon as a country in terms of its political system, legal system, religious demography and human rights situation. Moreover, the brief historical analysis of human rights activism was essential to give readers an understanding of the context. The mapping of human rights defenders in recent years introduced different types, traditional and non-traditional, of human rights defenders and activities in Lebanon.

The paper, then, dealt with the challenges and obstacles for the protection of human rights defenders through a thorough analysis of different factors; legal framework, state policies and practices, and broader societal cultures, perceptions and non-state actors. Consequently, highlighting how these factors contributed to the situation and protection of human rights defenders in Lebanon.

The legal analysis demonstrated the unfavorable legal conditions for human rights defenders in which they may have their rights violated for doing their job in promoting and protecting human rights. The overall legal framework violates international human rights standards, and consequently, violating rights

of human rights defenders. This was determined through an assessment of international human rights standard and legitimate limitations of human rights and the local legal framework. The local framework was identified to be lacking the provisions needed for the protection of human rights defenders.

Apart from analyzing the legal framework, state policies and practices were also analyzed. In doing so, it was found that state policies and practices are keen on targeting human rights defenders through multiple practices (application of defamation laws, arbitrary detentions, arrests and illegitimate practices, discriminatory targeting of human rights defenders, repressive practices, bureaucratic obstacles for human rights defenders, surveillance of human rights defenders, and inconsistent governmental practices). All these practices impose risks for human rights defenders operating in Lebanon.

Unlike other research papers on human rights defenders, this paper also analyzed broader societal cultures and practices which play a role in impacting the condition and protection of human rights defenders. It was found that the lack of public support for human rights in Lebanon does indeed contribute to the negative conditions of human rights defenders in Lebanon. The religious system in Lebanon was also seen as a factor that contributed to shaping negative public perceptions of human rights and human rights defenders.

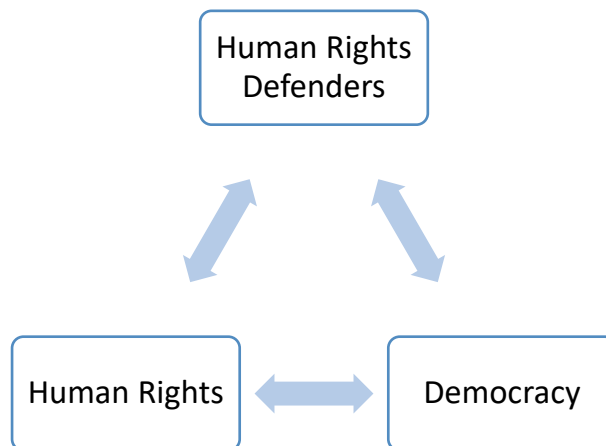
This thesis found that the protection of human rights defenders in Lebanon was being limited by different factors. Therefore, it was imperative that this paper introduces some protective mechanisms to be utilized to improve the situation and protection of human rights defenders in Lebanon. While acknowledging the importance of international protective mechanisms, this paper highlighted the importance of setting up local protective mechanisms for human rights defenders. An effective national human rights institution in Lebanon was found to be among promising strategies to protect human rights defenders in Lebanon. A functioning NHRI is capable of addressing the gaps and challenges identified in the legal framework in Lebanon. Moreover, through setting up accountability mechanisms and building the capacity of civil servants, harmful state practices and policies can be addressed. In order to address the broader societal factors, an integration of culture, religion and traditions in the human rights debate is useful in so far as to protect human rights defenders in Lebanon. Instead of viewing religion as an obstacle and challenge for the protection of human rights defenders, this paper demonstrated how it can be used to protect human rights defenders in Lebanon. Last but not least, the support of the international community and

international non-governmental organizations are crucial for the protection of human rights defenders in Lebanon.

National Human Rights Institution, integration of culture, religion and traditions in the human rights debate, and international actors – including human rights defenders- could all be part of the solution for the protection of human rights defenders in Lebanon.

Human rights defenders work tirelessly to positively impact societies. It is the duty of states, individuals, communities, and institutions to make sure that human rights defenders are able to perform their job effectively.

There cannot be democracy and human rights without human rights defenders and there cannot be human rights defenders without democracy and human rights.



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General Assembly

Distr.
GENERAL

A/RES/53/144
8 March 1999

Fifty-third session
Agenda item 110 (b)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/53/625/Add.2)]

53/144. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998,¹ in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Taking note also of Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights,²

¹See *Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23)*, chap. II, sect. A.

²Resolution 217 A (III).

1. *Adopts* the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.

85th plenary meeting
9 December 1998

ANNEX

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights² and the International Covenants on Human Rights³ as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

³ Resolution 2200 A (XXI), annex.

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the

Universal Declaration of Human Rights,² the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving

their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

/...

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.
2. Such measures shall include, *inter alia*:
 - (a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;
 - (b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.
3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms

in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.