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LEBANON

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Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the Organization of American States and the European Commission and Parliament, and is a participant in the FRA Fundamental Rights Platform.
2. This report examines the threat posed to freedom of religion and belief in Lebanon by outbreaks of societal violence and the action of militant groups; as well as highlighting the plight of religious minorities fleeing into the country to escape religious persecution.

(a) Freedom of Religion

3. Lebanon is home to an estimated population of 6.8 million, encompassing a diverse array of religious and ethnic groups.¹
4. Shia Muslims and Sunni Muslims each comprise more than one fourth of the population. Members of the Maronite Church, an Eastern Catholic church, make up more than one-fifth of the population. There are several other Christian communities such as Greek Orthodox and Greek Catholics as well as a minority Jewish population. The Druze constitute a small but very influential portion of Lebanese society, comprising of over 300,000 people.²
5. According to the 1989 Taif Accord, parliamentary seats are apportioned equally between Christian and Muslim groups. By longstanding agreement, the president of Lebanon must be a Christian; the prime minister a Sunni Muslim; and the speaker of the National Assembly must be a Shi'i Muslim. Druze are allocated eight seats in the country's 128 seat parliament, roughly reflecting their percentage of the population.
6. The Lebanese Constitution offers broad protection for freedom of religion and belief. Article 9 enshrines that “[t]here 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.”³
7. Furthermore, Lebanon is a party to the ICCPR, which enshrines the right to freedom of thought, conscience and religion in Article 18. As confirmed by the Human Rights Committee in its General Comment No. 22, this right ‘encompasses freedom of

¹ World Bank, “Population Total – Lebanon” (2018)

<<https://data.worldbank.org/indicator/SP.POP.TOTL?locations=LB>>.

² ‘Druze: Religious Sect’ Encyclopaedia Britannica (13 February 2020)

<<https://data.worldbank.org/indicator/SP.POP.TOTL?locations=LB>>.

³ Constitution of Lebanon (1926) art 9.

thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others'.⁴

8. However, in contradiction to these protections, Articles 473 and 474 of Lebanon's Penal Code criminalise the act of "blaspheming God" in public, with the sentence of up to one year in prison; and furthermore, defamation and contempt for religion are also criminalized, with a maximum prison sentence of three years.⁵ No definition is provided as to what "blasphemy" may entail.
9. While speech that constitutes "incitement to violence" can be easily defined and identified, "contempt for religion" is abstract and subjective. This law elides the important distinction between speech and action, giving the government the right to determine what can and cannot be said in addition to what can and cannot be done.
10. In November 2017, poet Mustafa Sbeity was arrested for writing a lewd online comment about Mary, mother of Jesus on Facebook, and detained for 16 days. Although he deleted the post shortly after, he was charged under article 474 of the Penal Code, as well as article 317, pertaining to inciting sectarianism.⁶ That same month, the journalist and secretary general of the Civil Islamic Coalition, Ahmad Ayoubi, was arrested for defaming the president, and detained for 13 days.⁷
11. According to the Muhal Observatory for Freedom of Expression, 78 people were summoned for interrogation in 2019 simply for expressing their views online.⁸
12. It is patently disproportionate to take away someone's liberty in reprisal for insensitive words that violate sensitivities of any sort. Moreover, central to both freedom of expression and freedom of religion or belief is the liberty to openly and candidly debate ideas and belief systems of all varieties. The threat of prison sentences for saying the wrong things about a religion can directly flout the possibility of honest debate around religion and, in so doing, seriously undermines religious freedom.
13. Blasphemy-related societal tensions and violence continue to be reported. For example, a concert by a major Lebanese music band, Mashrou' Leila, was canceled after the group's lead singer received death threats for sharing an image of the singer Madonna as the Virgin Mary. State Security opened an investigation into the allegations of blasphemy.⁹

⁴ UN Human Rights Committee, 'General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)' (30 July 1993), CCPR/C/21/Rev.1/Add.4.

⁵ OHCHR, 'Civil society report on the implementation of the International Covenant on Civil and Political Rights in Lebanon' (122nd Session of the Human Rights Committee, March 2018) 7.

⁶ Human Rights Watch, "'There Is a Price to Pay": The Criminalization of Peaceful Speech in Lebanon' (15 November 2019) <<https://www.hrw.org/report/2019/11/15/there-price-pay/criminalization-peaceful-speech-lebanon>>.

⁷ *Ibid.*

⁸ Amnesty International, 'Lebanon 2019' <<https://www.amnesty.org/en/countries/middle-east-and-north-africa/lebanon/report-lebanon/>>.

⁹ Nada Rashwan, 'Lebanese Band's Concert Is Canceled After It's Accused of Blasphemy' *The New York Times* (31 July 2019) <<https://www.nytimes.com/2019/07/31/world/middleeast/lebanon-mashrou-leila-blasphemy.html>>.

14. Tensions have also flared for political reasons: due to the Lebanon-based Hezbollah's support of Syrian president Bashar al-Assad, Lebanon has been frequently attacked by militants due to spillover from the war in Syria.
15. In June 2016, eight Islamic State suicide bombers attacked the predominantly Christian Village of Qaa in northern Lebanon on a road that links Lebanon to Syria. The first four suicide bombers attacked the town at 4 am, killing five civilians. Later that day as residents prepare for the funerals of those killed, two of the bombers placed themselves outside of the church, targeting Christians. Fortunately, nobody was killed in the second attack; yet the violence demonstrates the severe risks that Lebanese people face on account of holding a faith amidst sectarian tensions.¹⁰
16. The peaceful resolution of intercommunal conflicts, and efforts to curb extremist violence, are essential to avoid the descent of Lebanon once again into civil war.

Freedom of Religion or Belief in the Context of Migration

17. Lebanon is host to the largest number of Syrian refugees per capita in the world, having absorbed 1.5 million since 2011. The country also hosts an additional 18,500 refugees from Ethiopia, Iraq, Sudan and other countries, as well as more than 200,000 Palestinian refugees.¹¹ Many of these people flee from persecution on account of their faith at the hands of militant groups.
18. Unfortunately, the sudden population expanse since the Syrian civil war, combined with the loss of Syria as a major trading partner, has hastened the decline of Lebanon's already failing civic infrastructure while further burdening the country's public finances. The World Bank found that approximately 200,000 Lebanese citizens have been pushed into poverty because of the Syrian crisis.¹² Such a situation has triggered tensions between local communities and incoming migrants.
19. While resources remain overburdened and the capacity of Lebanon reaches its limit, it is imperative to ensure that the human rights of those who fled across the border for fear of persecution, including on grounds of their faith are not denied. Controversy has arisen regarding the methods used to facilitate the return of refugees to their home country, and the difficulties which fall to those trying to establish a 'new life' for themselves in their new, more tolerant host country are severe. Nobody should be persecuted because of their faith, and adequate procedures must be in place to avoid the involuntary or unsafe return of religious minority refugees to situations of extreme danger.

(b) Recommendations

¹⁰ Tom Perry and Laila Bassam, 'Eight suicide bombers target Lebanese Christian village' *Reuters* (27 June 2016) <<https://www.reuters.com/article/us-mideast-crisis-lebanon/eight-suicide-bombers-target-lebanese-christian-village-idUSKCN0ZD09C>>; '5 killed in suicide attacks in Lebanese village' *World Watch Monitor* (27 June 2016) <<https://www.worldwatchmonitor.org/coe/5-killed-in-suicide-attacks-in-lebanese-village/>>.

¹¹ UN High Commissioner for Refugees, 'Lebanon' <<http://reporting.unhcr.org/node/2520>>.

¹² World Bank, 'The World Bank in Lebanon: Overview' <<https://www.worldbank.org/en/country/lebanon/overview>>.

20. Given the concerns outlined above, ADF International recommends the following:

- i) Repeal or amend Articles 473 and 474 of the Criminal Code pertaining to blasphemy and defamation of religion;
- ii) End criminal punishments for expression that does not constitute incitement to violence;
- iii) Take measures to further promote interreligious dialogue and tolerance of religious diversity;
- iv) Continue efforts that take into particular consideration the vulnerable situation of refugees in the country, particularly those fleeing religious persecution;
- v) Take steps to address the plight of asylum seekers and refugees, ensuring full respect for their human rights, including preventing violence targeting members of religious communities.



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