



European Neighbourhood Policy: Human Rights in the Lebanon Action Plan

Which Recommendations from NGOs in Lebanon?

Beirut, 2-3 June 2006

Seminar held under the auspices of the EMHRN in cooperation with
the René Moawad Foundation (RMF),
the Palestinian Human Rights Organization (PHRO) and
SOLIDA (Soutien aux Libanais Détenus Arbitrairement)

EMHRN 2006

Euro-Mediterranean Human Rights Network
Vestergade 14-16, 2nd Floor
DK- 1456 Copenhagen K
Denmark
Tel: + 45 32 64 17 00
Fax: +45 32 64 17 01
E-mail: info@euromedrights.net
Web: www.euromedrights.net

© Copyright 2006 Euro-Mediterranean Human Rights Network

Bibliographic information

Title: European Neighbourhood Policy: Human Rights in the Lebanon Action Plan

Personal authors: Marie Daunay, Wadih Al-Asmar

Editors: Sandrine Grenier, Emilie Dromzée

Corporate author: Euro-Mediterranean Human Rights Network

Publisher: Euro-Mediterranean Human Rights Network

Original Language: French

Translation into English: Michel Forand

The report is supported by a grant from the EU Commission and Foundation Open Society Institute (Zug).

The opinions expressed by the authors do not represent the official point of view of the donors.

Contents

FOREWORD	4
EXECUTIVE SUMMARY	6
INTRODUCTION	9
SUMMARY OF SEMINAR SESSIONS	13
SEMINAR CONCLUSIONS: A SUMMARY	25
RECOMMENDATIONS FOR THE IMPLEMENTATION OF THE EU- LEBANON ACTION PLAN UNDER THE ENP	26
I Democratic Reforms and Fundamental Freedoms	28
II Justice and the Independence of the Judiciary	28
III Detention Conditions and the Rights of Detainees	29
IV Abolition of Torture and Ill Treatment	29
V Abolition of the Death Penalty	29
VI Respect for Women’s Rights	29
VII Children's Rights	30
VIII Enforced Disappearances	30
IX Rights of Refugees and Asylum Seekers	30
X Respect for and Protection of the Rights of Migrants	30
XI Rights of Palestinian Refugees	31
ANNEXES	33
ANNEX 1 : PROGRAM OF THE SEMINAR	34
ANNEX 2 : LIST OF PARTICIPANTS	38

FOREWORD

In early June, the Euro-Mediterranean Human Rights Network (EMHRN) and a number of its member organisations met in Beirut to conduct a seminar on the European Neighbourhood Policy (ENP) and on the human rights dimensions of the action plan prepared for Lebanon under the ENP.

Since that meeting, a deep crisis undergone in Lebanon as a result of the 33 war days that lasted in Lebanon. This explosion of violence and the flagrant violations of international humanitarian law that accompanied it, have had an impact on Lebanese society and will have an impact on its relations with the international community at large and, in particular, with the European Union (EU).

On the occasion of the June seminar, a large section of Lebanese civil society took part in a debate on future relations with the EU: some 50 associations and groups involved in the promotion of human rights were represented. The main object of frustration of civil society had to do with its desire to be more and better involved in the ENP process. The recommendations presented in this report outline a more participative vision of the process for the future.

In the spring of 2005, Lebanon entered a period of constructive development (Syrian withdrawal, elections) in which it relied heavily on the support and protection of the international community. The summer 2006 war has destroyed this momentum and thrown the country onto a course of fear and destruction.

Based on principles of international human rights and humanitarian law, the EMHRN condemned all attacks perpetrated against the civilian populations in Lebanon, Gaza and Israel which constitute war crimes.

The EMHRN considers that the Israeli government submitted Lebanon to a systematically destruction of its infrastructure and inflicted immense losses on the civilian population who are not collateral effects of the conflict with Hezbollah, but show a deliberate wish to collectively punish a whole people, including arbitrary killing.

The EU's political inability to adopt a firm stance and to act quickly to stop the violence and the war, in particular during the first 10 days, has generated a feeling of uncertainty within Lebanese civil society.

The belief of civil society organisations in the Euro-Mediterranean ideal has been severely tested by their impression that Lebanon had fallen victim to the rule of the more powerful, that they were hostage to a war-driven momentum over which they had no control and that they had been betrayed by those who had "sold" them a project supposedly rooted in shared values.

Humanitarian intervention by the EU and its members alleviated this sense of betrayal, but humanitarian assistance cannot and must not be a substitute for the urgent political response that is required.

Should we concede defeat in the face of these events?

It appears to us, within the EMHRN and its member organisations in Lebanon, that the challenges posed by European policies of rapprochement with the countries of the southern and eastern Mediterranean – the Barcelona Process, the ENP and so on – are needed more than ever. The long-term goals of reform and protection of human rights are the right ones. We believe, however, that the strategy that has been followed until now must be reconsidered. It is unthinkable that a course of action which negates the reciprocal and conditional nature of the agreements can continue to make sense. How can the EU maintain its credibility if it is unable to defend its own values?

The type of relationship that civil society expects from the EU is not that of an uncontrolled cash machine but a relationship based on a fair and equitable partnership, on a two-way contract partnership.

Continuing the implementation of the action plan in the same spirit and the same logic that prevailed before the war would, in our view, lead to a major failure. To rebuild part of the trust that has been lost, we need to rethink the partnership by integrating greater participation by civil society and more control and evaluation mechanisms.

Kamel Jendoubin,
EMHRN President

Wadih Al-Asmar,
SOLIDA Vice President

Ghassan Abdallah
PHRO General Director

Delphine Compain
René Moawad Foundation, General Coordinator

EXECUTIVE SUMMARY

The entry into force of the Association Agreement between the European Union (EU) and Lebanon on 1 April 2006¹ marked the official launch of negotiations towards the adoption of an action plan under the European Neighbourhood Policy (ENP). The negotiations proceeded very quickly and the action plan is expected to be adopted officially in the next few months.

In the eyes of the EU, the dramatic events of the summer of 2006 do not undermine this process, but emergency assistance and reconstruction are the immediate priorities. The other challenge that must be met is to implement the action plan with respect to both human rights and political and legal reforms.

ENP action plans are the result of bilateral negotiations between the EU and neighbouring countries that wish to take part in the policy². They are in effect for a period of three to five years and include a set of priorities and actions, in particular in the areas of democratisation, the rule of law and human rights. They are not legally binding and do not provide for any timetable or benchmarks for assessing performance.

Each action plan is designed by the EU in cooperation with the country concerned, and thus plans differ from one country to another and reflect each country's "*degree of commitment to common values, as well as its will and capacity to implement agreed priorities*"³. A financial incentive, the European Neighbourhood Partnership Instrument (ENPI) which will enter into force in 2007, is linked to the concrete implementation of the plans, but its amount remains unclear.

The Euro-Mediterranean Human Rights Network⁴ believes that, once it is implemented, this new approach has the potential to have a significant impact on the situation of human rights and on democratisation policies in the region. For that reason, it has established a programme to foster a debate on the ENP and the action plans among member organisations and with civil society in the countries of the region.

The first seminar on the ENP took place in Cairo in January 2006 under the auspices of the EMHRN and was attended by representatives of about 30 non-governmental organisations (NGOs) and of several EU member countries as well as the European Commission. However, the Egyptian government refused to hold a dialogue with NGOs on this matter. A report on the proceedings of the seminar containing detailed recommendations aimed at influencing the negotiation process on the Egyptian action plan, was submitted in March to the European

¹ The Association Agreement between the EU and Lebanon was signed on 17 June 2002. An interim agreement on trade and related issues came into force on 1 March 2003.

² Action plans have been adopted with Israel, Jordan, Morocco, the Palestinian Authority, Tunisia, Moldova and Ukraine. They are currently negotiated with Georgia, Azerbaijan, Armenia, Lebanon and Egypt.

³ Communication from the Commission "European Neighbourhood Policy-Strategy Paper", 12 May 2004, COM(2004)373 final p.8.

⁴ The EMHRN currently includes 84 human rights organizations and individual members based in 30 countries of the Euro-Mediterranean region. The Network seeks to develop and strengthen partnerships between NGOs in the region, to facilitate the development of mechanisms for protecting and promoting human rights, to foster democratic reform and the spread of human rights principles and to generate capacity in those areas.

institutions in Brussels by a delegation of Egyptian NGOs. This initiative received much coverage in the Egyptian media as well as in Brussels, culminating in the adoption of a European Parliament resolution endorsing the NGOs' recommendations⁵.

The second EMHRN seminar was held in Beirut on 2-3 June 2006. It was aimed at raising the awareness of NGOs in Lebanon and bringing them together with a view to submitting recommendations on human rights to the EU and to the Lebanese government during the ongoing negotiations on an ENP action plan and on its future implementation.

The seminar was organised in cooperation with the René Moawad Foundation, the Palestinian Human Rights Organization (PHRO) and the SOLIDA movement (Soutien aux Libanais Détenus Arbitrairement). It was attended by about 90 people, including civil society representatives from Lebanon and from Arab states, Turkey, Moldova and Georgia. Representatives of the European Commission, EU member countries and the Lebanese government and Parliament were also present. The event was covered by the media.

The present report provides a summary of the discussions held during the seminar as well as the participants' main recommendations on the ENP in general and on Lebanon's action plan in particular.

The main general recommendations on the ENP and the action plan are as follows:

- Human rights must be given priority in the ENP and in the action plan;
- The EU and the Lebanese government should actively involve NGOs in the implementation of a comprehensive action plan;
- The EU and the Lebanese government should put in place a mechanism to monitor the implementation of the action plan and should involve NGOs in this activity;
- The EU and Lebanon should establish a subcommittee devoted exclusively to human rights and democratic reforms; the subcommittee should consult NGOs and involve them in its work;
- Contacts and exchanges between Lebanese civil society and civil society in other countries involved in the European Neighbourhood Policy and in the action plans should be promoted.

Recommendations dealing with the human rights situation in Lebanon were developed in the following areas:

- I. Democratic reform and fundamental freedoms (p.29)
- II. Justice and the independence of the judiciary (p.29)

⁵ See European Parliament resolution on Egypt: the Ayman Nour affair, 6 April 2006, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0144+0+DOC+XML+V0//EN>

- III. Detention conditions and the rights of detainees (p.30)
- IV. Abolition of torture and ill treatment (p.30)
- V. Abolition of the death penalty (p.30)
- VI. Respect for the rights of women (p.30)
- VII. Children's rights (p.31)
- VIII. Enforced disappearances (p.31)
- IX. Rights of refugees and asylum seekers (p.31)
- X. Respect for and protection of the rights of migrants (p.31)
- XI. Rights of Palestinian refugees (p.32)

Because of the objectives and its commitments with regard to respect for human rights, the effective implementation of the ENP EU-Lebanon action plan can only take place if a genuine follow-up mechanism is set in place, complete with evaluation criteria and a detailed timetable. A determining factor in the success of the initiative will require that the recommendations of human rights organisations, in particular in Lebanon, be taken into account, among other things through a process of systematic and regular consultations and by involving them.

INTRODUCTION

The European Neighbourhood Policy

Background

The European Neighbourhood Policy (ENP) was launched by the European Union in 2003. It is designed “*to prevent the emergence of new dividing lines between the enlarged EU and its neighbours and to offer them the chance to participate in various EU activities, through greater political, security, economic and cultural co-operation*”⁶. In addition, “*the ENP aims at increased stability, security and prosperity for the EU and its neighbours and it will build on a mutual commitment to common values, including democracy, the rule of law, good governance and respect for human rights*”⁷.

A first step was made on 9 December 2004 when the EU published a set of country reports. A first set of bilateral action plans with eastern European and Mediterranean countries was later agreed upon⁸. Later still, on 2 March 2005, the Commission published country reports on Georgia, Azerbaijan, Armenia, Lebanon and Egypt and a decision was made to begin negotiations with these countries with a view to concluding bilateral action plans.

ENP action plans are the result of bilateral negotiations between the EU and neighbouring countries that wish to take part in the policy. They are in effect for a period of three to five years and include a set of priorities and actions, in particular in the areas of democratisation, the rule of law and human rights. They are not legally binding and do not provide for any timetable or benchmarks for assessing performance.

Each action plan is designed by the EU in cooperation with the country concerned, and thus plans differ from one country to another and reflect each country’s “*degree of commitment to common values, as well as its will and capacity to implement agreed priorities*”⁹. A financial incentive, the European Neighbourhood Partnership Instrument (ENPI) which will enter into force in 2007, is linked to the concrete implementation of the plans, but its amount remains unclear.

The entry into force of the Association Agreement between the EU and Lebanon on 1 April 2006¹⁰ marked the official launch of negotiations towards the adoption of an action plan within

⁶Communication from the Commission, “European Neighbourhood Policy-Strategy Paper”, 12 May 2004, COM(2004)373 final, p. 3.

⁷ Council of the European Union, External relations, Conclusions, Brussels, 13-14 December 2004, p. 9.

⁸ Moldova, Ukraine, Morocco, Tunisia, Israel, the Palestinian Authority and Jordan.

⁹ Communication from the Commission, “European Neighbourhood Policy-Strategy Paper”, 12 May 2004, COM(2004)373 final p.8.

¹⁰ The Association Agreement between the EU and Lebanon was signed on 17 June 2002. An interim agreement on trade and related issues came into force on 1 March 2003.

the European Neighbourhood Policy. In fact, preliminary contacts had already been made in preceding months, and the negotiations between the Lebanese government and the EU began officially in early April 2006, shortly before the first meeting of the Association Council on 11 April. The negotiations proceeded very quickly: the European Commission announced in May that the negotiations had been concluded, and the action plan is expected to be adopted officially in the fall, once it has been endorsed by EU member states.

The dramatic events of this summer do not undermine this process, but emergency assistance and reconstruction are immediate priorities. The other challenge that must be met is to implement the action plan of with respect to both human rights and political and legal reforms.

Recent developments in EU-Lebanon relations are based on prior relations between the two parties. Lebanon is a signatory to the 1995 Barcelona Declaration, which established the Euro-Mediterranean Partnership (EMP)¹¹.

The new European Neighbourhood Policy, which complements the EMP and the Association Agreement, deserves to be received favourably because it can create new opportunities to promote democracy, the rule of law and human rights in the Euro-Mediterranean region. The ENP should be based on an assessment of the Partnership's strengths and weaknesses, in particular with regard to the implementation of commitments set in the human rights clause of the EU-Lebanon Association Agreement¹².

The EMHRN and the NGOs in Lebanon believe that the ENP must not give economic and security considerations a higher degree of priority than human rights and democratisation. They earnestly hope that the future plan of action will include a major chapter on these issues, as the Lebanese government and the EU have claimed it will, and that it will be implemented quickly with NGO involvement. The NGOs point out that the action plan must genuinely act as an instrument that will serve to improve the human rights situation in Lebanon and thus confirm the ENP's potential and value added.

It is unfortunate that the action plans agreed between the EU and its Mediterranean partners were developed and negotiated behind closed doors, without proper consultation of NGOs, especially those involved in the promotion of human rights. This contradicted all the commitments that were made to support Mediterranean civil society and its involvement in the democratisation process and improvement of the human rights situation. It is critical that NGOs be properly informed, consulted and involved in the implementation of the action plan so that it may become a major instrument for the promotion of democracy, human rights and the rule of law.

The principle of co-ownership that is derived from the EMP by definition and that is a basic principle of the ENP implies that not only governments but civil society as well are to be involved in developing and applying this policy. No real progress can be achieved in EU-

¹¹ At an earlier date (1977), Lebanon and the European Community had signed a cooperation agreement.

¹² Article 2 of the EU-Lebanon Association Agreement states that "*relations between the Parties, as well as all the provisions of this Agreement itself, shall be based on respect of democratic principles and fundamental human rights as set out in the Universal Declaration on Human Rights, which guides their internal and international policy and constitutes an essential element of this Agreement.*"

Lebanon relations unless the people the policy seeks to help are able to take part through their civil society representatives.

Seminar Organisation

In cooperation with the Palestinian Human Rights Organization (PHRO), the SOLIDA movement (Soutien aux Libanais Détenus Arbitrairement) and the René Moawad Foundation (RMF), the Euro-Mediterranean Human Rights Network held a seminar in Beirut on 2-3 June 2006 under the title “The European Neighbourhood Policy: Human Rights in the Lebanon Action Plan. What Recommendations from NGOs in Lebanon?”.

The EMHRN currently comprises 84 human rights organisations and defenders based in 30 countries of the Euro-Mediterranean region¹³. It seeks to develop and strengthen partnerships between NGOs of the Mediterranean region, to facilitate the development of mechanisms for the protection and promotion of human rights, for democratic reform and for the spread of human rights principles, and to generate capacities in those areas.

SOLIDA initially focused its activities on cases of arbitrary detention and enforced disappearances in Lebanon. Three years ago, its mandate was broadened to include the fight against impunity in response to the evolution of the human rights situation in the country and to requests from the victims of violations.

The PHRO is a non-governmental organisation operating in Lebanon and devoted to the protection and promotion of the human rights of Palestinian refugees. A non-partisan organisation, the PHRO conducts its activities at the local, national, regional and international levels, focusing on six major areas: monitoring and documentation of human rights violations; education and training; research; advocacy; dialogue; and legal assistance.

The goals of the René Moawad Foundation consist in promoting Lebanon’s social, economic and rural development and helping to build a responsible civil society that will strengthen national unity and promote democratic values and social justice.

Approximately 90 people attended the seminar. The majority were representatives of Lebanese civil society, with others coming from Jordan, Morocco, Turkey, Moldova, Georgia and Egypt. Local, regional and international NGOs were represented. The gathering was inaugurated by the Austrian ambassador to Lebanon, as Austria held the EU presidency at the time. Representatives from the European Commission and from the Embassies of the Netherlands, France, Finland, Norway, Germany, Denmark, Greece, Sweden, the Czech Republic, the United Kingdom, the Palestinian Authority, Canada, the United States and Russia also attended the discussions. The Lebanese Prime Minister was represented by the State Minister for Administrative Reforms; an

¹³ For a full list of EMHRN members, see <http://www.euromedrights.net/>. In addition to SOLIDA, the PHRO and the RMF, Lebanese members include the Foundation for Human and Humanitarian Rights Lebanon (FHHRL) as well as Mr Georges Assaf and Ms Samira Trad as individual members.

advisor to the Minister of Foreign Affairs and a representative of the Ministry of Interior Affairs were also present.

Goals of the Seminar

The EMHRN and three of its member organisations held the seminar in order to:

- ❑ raise the awareness of Lebanese NGOs with respect to the ENP and encourage them to join that framework in order to improve the human rights situation;
- ❑ express the expectations and concerns of NGOs about the action plan;
- ❑ strengthen the dialogue between NGOs in Lebanon, the EU representatives and the Lebanese government on the human rights and democratisation aspects of the EU-Lebanon action plan before the end of negotiations on the plan and in anticipation of its implementation;
- ❑ encourage the establishment by civil society of independent monitoring mechanisms for the implementation of the action plan;
- ❑ share best practices by giving the seminar a regional dimension.

The overall objective of the seminar was to establish a more consistent and effective approach to human rights and democratisation through the involvement of civil society in the European Neighbourhood Policy.

Four specific topics were discussed:

- EU-Lebanon relations within the Euro-Mediterranean Partnership in the areas of democratisation and human rights;
- Lessons to be drawn from the ENP action plans for eastern Europe, South Caucasus and the Mediterranean countries;
- Human rights and democratisation in the EU-Lebanon ENP action plan negotiations;
- NGOs recommendations and follow-up to the development and implementation of the EU-Lebanon ENP action plan.

The first part of the report presents an account of the productive and constructive exchanges that took place during the sessions. It is followed by the conclusions and recommendations of the participants regarding the ENP action plan for Lebanon.

SUMMARY OF SEMINAR SESSIONS

Friday, 2 June 2006

Opening Session

Kamel Jendoubi (president, EMHRN) opened the seminar. A minute of silence was observed in memory of the Lebanese journalist Samir Kassir, who had been assassinated a year earlier.

Mr Jendoubi then outlined the objectives of the seminar – namely, to strengthen dialogue within civil society and between NGOs, the EU and the Lebanese government, and to ensure the realisation of the principles of the Barcelona Process and of the ENP commitments on human rights. He also stated that the seminar would make it possible to draw a comparison with other regional and extra-regional experiences, and that after the meeting, it would be desirable to establish a mechanism to follow up on its conclusions.

Mr Jendoubi described the EMHRN briefly, recalling its establishment in 1997 following the creation of the Euro-Mediterranean Partnership, and evoking its mandate of monitoring the realisation of the principles of the Barcelona Process, which give top priority to human rights. He stated that at a time when the EU seeks to strengthen the Neighbourhood Policy, partner states now have more restrictive obligations than those of free trade and that the EU commitment would be conditional upon the progress achieved by the partner countries, in particular with regard to human rights, all the while bearing in mind that Europe is primarily concerned with internal security. But the message to Europe is that a mere security alliance is not enough to ensure its security: an essential ingredient is to encourage the development of freedom, democracy and the rule of law in partner countries, in particular through the strengthening of civil society.

Bassem Hubeichi (public relations director, PHRO) then spoke on behalf of the NGOs organizing this seminar, alluding to the “complicated” relations between the two sides of the Mediterranean, which have prompted Europe to create a cooperative environment in order to better deal with threats to its security. While the 1995 Barcelona Declaration sought to strengthen economic and social cooperation, free trade and intercultural dialogue, the events of 11 September 2001 created a new situation on the ground. Later, the failure of attempts at regime change and development in the region led Europe to develop a “European Neighbourhood Policy” that is aimed at enabling partner states to promote democracy, the rule of law, good governance and human rights. It is unfortunate that the negotiations on the Lebanon action plan did not take into account the views of Lebanese civil society. Mr Hubeichi also asked whether internal political divergences in Lebanon will make it possible to achieve the plan’s objectives, given that the necessary legal reforms would be extensive. Mr Hubeichi concluded by stating that it would have been desirable for Lebanon to undertake an overall reform plan.

Georges Abi Saleh (Euro-Med Non Governmental Platform – Lebanon) noted that while the human rights situation in Lebanon was better than in some other countries, egregious violations took place nonetheless, and for that reason the seminar was an important event. Among those violations he mentioned attacks, political assassinations, political prisoners, mass graves, attacks against human rights defenders, violations of women’s and children’s rights, deplorable conditions in prisons and violations of Palestinians’ human rights. He recalled the establishment of the Platform in 2002 and its registration as an institution in 2005, and the fact that one of its goals is to assess progress made with regard to the common objectives set out in the action plan, on a regular basis. Mr Saleh said that he hoped the recommendations made at the seminar held by the Platform on 26 May 2006 would be included along with those of the present seminar.

Fadi Haj Ali (advisor, Lebanese Ministry of Foreign Affairs) expressed the hope that the question of human rights would be a major component of the European Neighbourhood Policy, that a dialogue be initiated to that end between the EU and the Lebanese government, and that a monitoring mechanism be put in place. He indicated that he and the Administrative Reform minister, Mr Jean Ogassapian, hoped they would have a clearer idea of the expectations of civil society at the end of the seminar. He referred to the ongoing negotiations between the EU and Lebanon on the action plan, and told the seminar participants that “the government of Lebanon is ready to work with you”.

Georg Mautner Markhof (ambassador of Austria, which held the EU presidency at the time of the seminar) praised the whole negotiations process, which he deemed “very successful”. He noted that the action plan guaranteed that shared values would be developed and that it was based on international instruments, since Lebanon had ratified most international conventions, even though some reservations remained and a few treaties had yet to be ratified. Mr Mautner Markhof stated that even though civil society had not been consulted in the development of the action plan, Brussels was continually influenced by NGOs and by Lebanese civil society; the action plan was the result of an intensive consultation process, which made it a comprehensive document with regard to the different issues that must be dealt with in Lebanon. He also mentioned another ongoing process taking place in parallel to the action plan – namely, the Lebanese Parliament’s attempts to establish a national action plan on human rights.

The European Neighbourhood Policy: Challenges and Opportunities for Human Rights in the Mediterranean Region

Ziad Baroud (lawyer) opened the first session by pointing out that the Partnership had not really improved the human rights situation.

Sandrine Grenier (EMHRN advocacy director, Brussels) made a PowerPoint presentation on the ENP, the EMP and the EU institutions. She described the policies and mechanisms dealing with human rights in the Euro-Med region, in particular the Barcelona Declaration, the association agreements and the ENP action plans.

Kamal Batal (Multi-Initiative on Rights: Search, Assist, and Defend, MIRSAD) pointed out that Article 2 of the Euro-Mediterranean association agreements was legally binding and that this contradicted statements made by some members of the European Parliament's Mashrek Delegation who were reported to have said that Article 2 could not be applied.

The ENP Action Plan on Lebanon: General Presentation

Kamal Hamdan (Consultant and Research Institute) noted that 10 years after the first association agreements, the Neighbourhood Policy is being developed because of the yawning political gap in the region, which he said was "the sick man of the world". EU expansion has had an impact on the EU's position regarding its potential Mediterranean partners, and human rights are not among the priorities. He added that following the failure of the Oslo Accords and of the negotiations between Arabs and Israelis, the Palestinians were the only people that had not obtained its independence.

He maintained that after the attacks of 11 September 2001, the United States had adopted a preventative strategy that reorganised relations with countries, which had resulted in a reduction in the political distance between Europe and the United States and encouraged countries to seek the best way to join the globalisation process. He spoke about ways to offset the cultural, political and social vacuum that exists in the region and noted that it was in the interest of Mediterranean countries to maintain good relations with Europe. He stated that the experience of the past 10 years was not encouraging and that the positive elements associated with the Barcelona Declaration were vague. In Lebanon itself, despite the withdrawal of the Syrian forces, no in-depth reform programme had been set in motion, which prevented Lebanon from benefiting from cooperation with Europe. NGOs are a force for change that is not beholden to political pressures and as a consequence they must define the issues and shared interests, and reach an inter-confessional consensus capable of influencing the authorities.

Francisco Acosta (first secretary, European Commission Delegation) spoke about the ongoing negotiations and about the implementation of the EU-Lebanon plan of action, and about his interest towards Lebanon. He alluded to the plan's political, economic and social priorities, emphasising each of the elements related to human rights. He concluded by pointing out that in order for the Lebanon action plan to be effective, a consensus programme of national reforms had to be put in place and the action plan had to be endorsed by the different political groups and by society at large. He also stressed the importance of the subcommittees, which would ensure the implementation of the action plan.

Fadi Haj Ali (advisor, Lebanese Ministry of Foreign Affairs) explained that Lebanon understood that it had been asked to enter into a cooperative relationship with Europe. He stated that the Lebanese government would face the challenges posed by development and reforms, and invest substantial amounts in reforming institutions that did not respect human rights. He mentioned the process that had led to the drafting of the Lebanon action plan, including the consultations held with university students, and assured the participants that the question of human rights was well covered by the action plan.

Ghassan Mokheiber (member, Lebanese Parliament and rapporteur, Parliamentary Commission for Human Rights) described the mechanisms that had been put in place in Parliament in order to achieve results within one year. The commission prepared and endorsed a proposal for a national human rights action plan, which was then submitted to Parliament on 10 December in the presence of a large number of representatives of human rights NGOs, government ministries and the Parliamentary Commission. The proposal was approved. The action plan has a one-year deadline for submitting recommendations that will ensure Lebanon's compliance with international human rights standards. Individual working groups will be assigned priority issues to deal with, and each group is expected to submit monthly progress reports. When the working groups have completed their task, a plan will be disseminated and will then have to be adopted by the government and by Parliament.

Jade Saïd (responsible for EU relations, LebYouth) described the activities of his organisation, including the development by a group of students from several universities of a Lebanese youth action plan in the context of the negotiations on the ENP action plan between the EU and Lebanon, with support from the European Commission. The organisation prepared several initiatives that were submitted to parliamentarians on 10 June 2005. In pursuing its work, the organisation prepared a new action plan in September 2005. LebYouth has now developed a fourth version of its action plan, which was completed at the same time as the EU-Lebanon ENP action plan. The LebYouth action plan also includes recommendations on the situation of human rights and basic freedoms, including on the reform of the judiciary, the fight against child labour and respect for the rights of women and those of persons with disabilities.

Marie Ghantous (Association pour la Défense des Droits et Libertés) also noted the fact that the only "sanction" available in case of a failure to implement the action plan is a "non increase" in European Union assistance.

The lack of monitoring mechanisms was deplored by several participants.

Mr Mokheiber pointed out that the national action plan on human rights was not a personal initiative and that the Parliamentary Commission wished to cooperate with civil society rather than be subjected to pressures from it. He added that the ENP action plan and the action plan of the Lebanese Parliament's Human Rights Commission were independent from each other.

To allow a sharing of best practices among the countries and regions linked to the ENP, NGO representatives from Arab countries, eastern Europe and the South Caucasus as well as Turkey were invited to describe their experience with the ENP, and with the accession procedure in the case of Turkey, from the point of view of democratic reforms and the impact on the human rights situation.

The EU's Accession Process and Reforms in Turkey

Edward Katoura (member, PHRO) opened the debate. Among other things, he denounced the “punishment” inflicted by Europe on the Palestinian people, who had freely exercised their right to choose by electing Hamas.

Hakan Altinay (Open Society Institute Foundation Assistance–Turkey) described Turkey’s experience with the EU accession mechanism. He noted that Turkey and the EU had already signed an association agreement in 1964, adding that Turkey formally became a candidate for EU accession in 1999. He pointed out that this had led to radical changes for civil society between 2002 and 2004, in particular with regard to respect for human rights. In his view, this truly demonstrated the EU’s ability to change situations on the ground without resorting to force.

Mohammad Safa (Kham Rehabilitation Center) responded to this intervention by stating that Turkish prisons were worse than Israeli prisons and that there had been reports of massacres in Turkey.

Kamel Jendoubi (president, EMHRN) noted that there were grave and massive human rights violations in Turkey before 2002. While violations had decreased since then, torture was still being practiced and police were still firing at demonstrators. He pointed out a major difference between the ENP and the EU accession process: the ENP is aimed at encouraging states to proceed with reforms but does not provide the motivation to do so that would be associated with the prospect of joining the EU.

Mr Altinay acknowledged that important reforms were still needed in Turkey and emphasised the fact that the prospect of EU accession was a powerful factor in encouraging that country to make major changes.

The ENP and Mediterranean Countries: Which Place for Human Rights?

Amina Bouayah (president, Organisation Marocaine des Droits Humains, OMDH) described Morocco’s experience with the ENP, noting that the Morocco action plan had been adopted in 2005 and was designed to cover a period of three to five years. She spoke about the priorities of the Morocco action plan, noting that the plan was both timid on the subject of women’s rights (which are mentioned under the heading of children’s rights) and very ambitious with regard to its fixed deadline for implementation. She pointed out that the plan is a strategy for reform rather than an action plan properly speaking, in that it does not identify the financial and human resources needed to achieve its goals. She concluded by referring to current institutional uncertainties in Morocco and to the fact that the justice and reconciliation process (Instance Équité et Réconciliation, IER) had been given top priority – factors that have undermined the dynamics that surrounded the action plan.

Natasha Shawarib (board member, Sisterhood Is Global Institute, SIGI), described Jordan’s experience and summarised the provisions of the Jordan action plan, noting that it did not sufficiently take into account the influence of regional events on the country’s economic and social development, which is impacted by the conflicts in Iraq and Palestine. She also noted that

some parts of the action plan were vague and unfocused, and that a more precise definition of steps to be taken was needed, in particular with respect to freedom of expression, the independence of the media, the development of civil society and the implementation of the international instruments to which Jordan is a party.

Moataz El Fegiery (Cairo Institute for Human Rights Studies, CIHRS), discussed the Egypt action plan and indicated that his organisation hoped it would not be adopted at the Council of Association meeting scheduled to take place on 12 June 2006 because there were still many issues to solve, even though the plan was now in its fourth version. The CIHRS is concerned by the importance given by the EU to the economic aspects, at the expense of aspects related to human rights and democratic reforms. He noted that the international community had supported democratisation in eastern Europe but did not seek regime change in Mediterranean states because of the radical movements found in those countries. He stated that the Egyptian government was very strong-headed and sought to obtain a maximum of concessions from the EU without making any itself. With support from the EMHRN, Egyptian civil society had been able to provide input to the negotiations and had made recommendations which it hoped the EU would take into account, as the Egyptian government does not consult civil society.

Every time the European Parliament adopts a resolution supporting NGOs¹⁴, the Egyptian Foreign Ministry responds with a press release denouncing “foreign intrusion” in internal affairs, with the government insisting on the “primacy of national legislation” whereas the basis should be international law. The speaker also denounced ongoing provocations by the Egyptian government, which, for example, has increased the practice of torture even as it committed itself to eradicating it as part of the action plan. He strongly criticised the weaknesses of the Egypt action plan in its current form and the fact that there is no timetable for its implementation. He urged the EU to involve civil society in monitoring the implementation of the action plan, because in his view the fact that, for example, European leaders consider that Article 2 of the association agreements cannot be applied raises grave concerns. The Egypt action plan is under severe threat, especially since Egyptian diplomats are able to divert the attention of Europeans from the fundamental problems.

Kamal Batal (MIRSAD¹⁵) raised the issue of the relevance of a plan of action for Lebanon, which he felt was unnecessary. He also wondered whether European public opinion was aware of what was going on within the ENP.

Georges Assaf, (lawyer, director of the Public Interest Advocacy Center), who chaired the session, noted that the European Union faced major difficulties in dealing with governments in the Middle East and that among the EU priority objectives were the fight against immigration and terrorism and so the promotion of international judicial cooperation and assistance in this area. He stressed the need for civil society to draw up lists of reforms that must be undertaken so as not to be trapped by their governments.

¹⁴ See the European Parliament’s April 2006 resolution at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0144+0+DOC+XML+V0//EN>.

¹⁵ Multi-Initiative on Rights: Search, Assist, and Defend.

Saturday, 3 June 2006

The ENP and Eastern European and Caucasus Countries: Good Practices?

The Moldovan and Georgian experiences were described by Arcadie Barbarosie (director, Institute for Public Policy, Moldova) and Mikheil Mirziashvili (programme coordinator, Open Society Georgia Foundation) where the session was chaired by Anssi Kullberg (second secretary, Embassy of Finland).

Mr Barbarosie noted that civil society was not involved in the drafting of the EU-Moldova action plan, which was signed in 2005. However, his institute and various other civil society organisations had contributed indirectly. In light of the Moldovan experience, he explained the role that civil society can play in the context of action plans, particularly with regard to public awareness of different issues, with the state defending its interest and civil society promoting values. He stressed the importance of civil society being involved in the implementation of the action plan, for example by taking part in the work of the subcommittees and monitoring the pursuit of the objectives.

Mr Mirziashvili described the strategy developed by Georgian civil society in order to be involved in the action plan. A national plan of action was established by a coalition of 70 NGOs which made recommendations during the development of the ENP action plan and set up a coordinated mechanism for monitoring its implementation.

Human Rights in the Action Plan on Lebanon: Specific Recommendations for Implementation

Marie Ghantous (president, Association pour la Défense des Droits et des Libertés) opened the next session and raised several important points about the drafting of the recommendations, in particular with regard to human rights education and incarcerated minors who leave prison with “degrees in crime”. She also touched upon the question of how to help the authorities to evolve without causing confrontations with civil society.

■ Justice and the Rule of Law

Muhammad Mugarby (lawyer, president of the campaign for judicial integrity, Center for Democracy and the Rule of Law) criticised the fact that the NGOs present at the seminar were asked to make recommendations even though they did not have access to the action plan itself. He referred to the shared values that exist between Europe and Lebanon, particularly with regard to human rights, solidarity and non-discrimination, and noted that in his view, while the action

plan's strategic objectives are of interest to the EU (fight against immigration, terrorism, drug trafficking, etc.), they are not of interest to Lebanon. Lebanon should benefit more from these agreements, which should, for example, give it access to European courts.

He pointed out that some definitions were not shared by Europe and Arab countries, such as the notion of "terrorism". He also stressed the fact that some values were specific to the East and some were specific to individual countries, and that Europe must take into account not only shared values but also these specific values. He suggested that a Court of justice be established that would adjudicate on violations of common values, either through a broadening of the mandate of the European Court of Justice or by creating a regional instrument. This intervention was followed by an active debate on the notion of values specific to the East.

A discussion took place on the difficulties faced by countries of the South in taking advantage of the Euro-Mediterranean agreements, then more specifically on the concept of citizenship in Lebanon and on the problem of political confessionalism. In that context, Mr Mugraby stressed this major difference between Europe, where the notion of citizenship is taken for granted, and the East, where it is much less present.

A number of violations of the right to a fair justice system were then mentioned by the speakers.

In the presence of a representative from the Ministry of Interior Affairs, Fadi Sapegh (Lebanese Physically Handicapped Union) strongly criticised acts of violence committed against handicapped people by the Internal Security Forces, who are alleged, for example, to have transported a handicapped person in a paddy wagon without securing the wheelchair, which resulted in the person being thrown violently several times against the walls of the vehicle.

A member of LebYouth raised the issue of religion as it impinges on Lebanese legislation, citing as an example the fact that civil marriages do not exist in Lebanon. He also raised the issue of determining how individual rights should be given priority in relation to economic and political interests.

MIRSAD's Kamal Batal then raised a number of points:

- The state should rely on the experience of civil society, and it is not civil society's duty to support the state;
- The judicial system and the Bar Association violate the right of access to the justice system;
- The same laws do not apply to everyone in Lebanon.

Mr Mugraby added that international instruments, which should be considered as having priority status, are not applied in Lebanon, and he denounced in passing the fact that he had been invited to testify before the European Parliament, that he had been prosecuted for that reason in Lebanon and that it had taken three years of efforts by the European Parliament to put an end to these proceedings.

■ Enforced Disappearances

Ghazi Aad (SOLIDE¹⁶) spoke about the ongoing crime of enforced disappearances in Lebanon, which some sources estimated to reach 17,000 cases, with those responsible including Syria, the Lebanese and Palestinian factions and Israel. He mentioned the successive failures of the Lebanese government boards set up to deal with these issues – namely, the commission instituted by Selim Hoss in 2000, which had reached conclusions that were later contradicted by the facts (the commission had stated that all the disappeared were dead, but 54 of them were freed from Syrian prisons shortly thereafter); the commission created by Rafic Hariri in 2001, whose mandate was renewed four times but which was unable to reach a single conclusion; and finally the Lebanese-Syrian committee created in June 2005, which has also produced no results.

A participant enquired about the negotiations that were taking place at the time of the seminar between Hezbollah and Michel Aoun's Free Patriotic Movement (Courant patriotique libre) on the one hand and Syria on the other, concerning Lebanese detainees in Syria. He wanted to know what outcome these negotiations might have and how the problem of Lebanese detainees in Syria could be solved if there was no international commission to deal with that issue. Ghazi Aad replied that the negotiations had not led to a resolution at the time and that this type of negotiation could not, in any event, lead to a full resolution of the problem, thereby pointing to the importance of establishing an international commission to deal with this issue.

When questioned about his expectations concerning the ENP, Mr Aad conveyed his disappointment with the policy followed by the EU, which had, among other things, signed an association agreement with Lebanon without dealing with the issue of the Lebanese detainees in Syria, even though a resolution on this subject had been adopted by the European Parliament in 1998¹⁷. This led him to demand that the EU adopt stronger measures.

Amina Bouayah (Organisation Marocaine des Droits Humains) suggested that a truth commission be established in Lebanon, which prompted Mohamed Safa (Kham Rehabilitation Center) to comment that more work needed to be done with regard to the rehabilitation of victims and to suggest that a mechanism similar to Morocco's Instance Équité et Réconciliation (IER) be put in place.

In reply to a question by a participant, Mr Aad stated that when he discusses the issue of enforced disappearances in Lebanon, the word "Lebanese" is taken to mean any person usually residing in Lebanon, which includes many Palestinians who have disappeared.

The Comité des parents des personnes enlevées ou disparues au Liban (Committee of Families of Kidnapped or Disappeared Persons in Lebanon) urged civil society to take a more active stance with respect to the families of the disappeared.

¹⁶ Support Of Lebanese In Detention and Exile.

¹⁷ Resolution of the European Parliament on the situation of Lebanese prisoners illegally detained in Syria, adopted on 12 March 1998, Official Journal of the European Communities, C104, 6.04.1998, p 238.

Kamal Batal raised the problem of Lebanese who have disappeared in Iraq, Saudi Arabia and Libya.

A participant enquired whether there was any hope that the Arab League would set up a commission to deal with the problem of the disappeared. Mr Aad replied that approaches to the Arab League had failed to produce any results. He emphasised that he hoped that the EU would provide assistance to the creation of a DNA database that would make it possible to identify human remains that had been found.

■ Women's Rights

Laura Sfeir (president, Lebanese Council to Resist Violence Against Women) provided an overview of the status of women in Lebanon and noted that obstacles to the exercise of women's rights (in the areas of safety, health, education, citizenship, etc.) were found mainly in social practices and in mentalities. She referred to disparities between regions and between economic sectors, as well as in wages, and pointed to, among other things, the need to strengthen legal resources for protecting women. She also noted the difficulties experienced by women in gaining access to higher levels of authority and urged that parliamentary seats be reserved for women.

A participant insisted that all Lebanese women should have the right to transfer nationality, even when they are married to Palestinian men. Samir Sharari (Nabaa Association) argued that a non-Lebanese woman residing in Lebanon should have a legal status that enables her to give the rights of residence and registration to her children. SIGI's Natasha Shawarib (Jordan) pointed out that the problems of women's rights were widespread in many Arab countries and that the action plan should take these concerns into account. SOLIDA's Wadih Al Asmar proposed a recommendation on slavery and prostitution.

Ms Sfeir stated that there was a need to secure the lifting of Lebanon's reservations to international instruments and that NGOs working for women's rights should coordinate their efforts to secure legislation protecting families.

■ Rights of Migrants, Refugees and Asylum Seekers

Samira Trad (Frontiers) described the situation of refugees and asylum seekers. She summarised the situation of Palestinian refugees, who make up the majority of refugees in Lebanon, and deplored their lack of legal status, which means that they cannot be integrated into Lebanese society and are the victims of Israel's refusal to recognise their right of return. She also noted that where Palestinian refugees are concerned, UNRWA treated women as dependents of men, and that women were deprived of the right to register their children under their status. She proposed a recommendation that would make Lebanon responsible for any and all persons residing on its territory.

With regard to asylum seekers in Lebanon, Ms Trad explained that their situation was governed since 2003 by a memorandum of understanding between Lebanon's Sécurité Générale (security police) and UNHCR, with the latter reviewing refugee status requests and Lebanon granting protection for a maximum period of 12 months; a solution still needed to be found to place refugees beyond that period. A major problem stemmed from the fact that Lebanon does not make a distinction between refugees and illegal immigrants. As a result, the legal detention of asylum seekers is a crime committed in accordance with Lebanese legislation; moreover, detention conditions are degrading. Ms Trad also deplored the fact that asylum seekers receive no assistance from either the Lebanese government or the UNHRC.

Jaber Sleimane (researcher currently working on an UNDP project at the Lebanese Parliament) described the situation of Palestinian refugees in Lebanon, who have a special status relative to other refugees because UNRWA¹⁸ is the UN agency responsible for providing them with relief and other human development services but not protection as the UNHCR. While Palestinian refugees represent one third of all refugees worldwide, there is a lack of protection for refugees in general at the regional level. A protocol provides for the rights of Palestinians but many Arab countries have expressed reservations to the protocol. As a result, the situation of these refugees continues to worsen. In Lebanon, Palestinian refugees are marginalised in camps and stigmatised. They suffer from institutional and economic marginalisation, in particular with respect to their access to the labour market. They enjoy a right of residence, unless they have no identification, and a right to work that is subject to the rules of reciprocity¹⁹ and national preference, and they must have a work permit. Mr Sleimane concluded by indicating that Palestinians require more civil rights and insist on keeping their refugee status because naturalisation or settlement in Lebanon would jeopardise their right of return.

Kamel Jendoubi (REMDH) pointed to the need to pressure Lebanon to adopt the UN Convention on the Rights of Migrant Workers.

Najla Chahda (director, Caritas Lebanon) spoke about the work of Caritas with migrants. Her organisation has set up legal and social services in connection with the Sécurité Générale's detention centre. She also conducts a lobbying effort with government authorities and civil society in favour of migrant rights, in particular with regard to human trafficking.

NGO Involvement in the Plan of Action on Lebanon

Several participants deplored the fact that civil society, with the exception of LebYouth, was not consulted in the drafting of the plan of action.

¹⁸ UNRWA (the United Nations Relief and Works Agency for Palestine Refugees in the Near East) is a relief and human development agency, providing education, healthcare, social services and emergency aid to over 4.3 million refugees living in the Gaza Strip, the West Bank, Jordan, Lebanon and the Syrian Arab Republic. www.un.org/unrwa/

¹⁹ Lebanon allows non-citizens to hold certain types of employment provided that their country of origin allows their Lebanese residents to hold the same jobs. In concrete terms, the application of this principle automatically prevents Palestinians from holding several types of jobs.

Kamal Batal suggested that a request be made to the EU Council of Ministers to the effect that the action plan not be signed until Lebanese civil society is given a right of review.

Moataz El Fegiery suggested that implementation mechanisms common to all countries be established.

Najla Chahda indicated that meetings with the European Union on specific issues had taken place.

Conclusions

Kamel Jendoubi concluded the seminar by deploring the fact that the action plan on Lebanon had been developed without consultation with human rights organisations and suggested that a delegation of NGOs request a meeting with the Lebanese Ministry of Foreign Affairs to present their demands.

The seminar ended with the establishment of a working group charged with drafting the recommendations of NGOs in Lebanon. Ten NGO representatives²⁰ offered their services to work together within this group, which met several times following the seminar to draft the recommendations that follow.

²⁰ The working group comprises the following NGOs : René Mowad Foundation, Palestinian Human Rights Organisation (PHRO), SOLIDA, MIRSAD, Association pour la Défense des Droits et des Libertés (ADDL), LebYouth, Caritas, Association des Familles de Disparus au Liban, Lebanese Physically Handicapped Union and the Lebanese Association for Human Rights.

SEMINAR CONCLUSIONS: A SUMMARY

The conclusions of the seminar, summarised by Delphine Compain (René Moawad Foundation), drew attention to the following points:

- There is a lack of information in two areas: first, on the ENP itself and on what it implies and represents in terms of opportunities for action for Lebanese civil society; second, on the negotiations on the EU-Lebanon plan of action, which were not conducted transparently from the point of view of non-governmental organisations, in particular those which promote human rights.
- The strong participation of NGOs in the seminar demonstrated the determination of Lebanese organisations to be involved in the ENP process.
- The seminar reiterated vigorously the priority that human rights must be given in EU policy, especially since, contrary to the association agreement, the action plan is not legally binding.
- The seminar demonstrated the determination of NGOs to play an active role in the drafting and implementation of a comprehensive action plan and to put in place an implementation monitoring mechanism.
- In concrete terms, the organisations attending the seminar demanded that an EU-Lebanon subcommittee exclusively devoted to human rights be created. Being aware of the crucial role that such a mechanism would play in the implementation of commitments, the NGOs demanded that they be consulted and involved in the subcommittee's work once it is established.
- The seminar also made it clear that it is extremely important to promote exchanges between Lebanese civil society and those of the other countries that are part of the ENP process and that have action plans.
- The detailed identification of human rights violations, which were denounced vigorously during the seminar, enabled the participants to assess anew the situation in Lebanon and to recognise the need for vigilance by Lebanese NGOs on issues related to fundamental rights.

RECOMMENDATIONS FOR THE IMPLEMENTATION OF THE EU-LEBANON ACTION PLAN UNDER THE ENP

General Recommendations

As the adoption of the action plan by the Lebanese government and the European Union approaches, it poses a challenge to both parties to this process. The almost total absence of NGOs in the development of the action plan must not be an obstacle to their involvement in its implementation.

The speed with which the action plan was negotiated, compared with the action plans of other countries in the region, and the lack of transparency regarding its content are sources of concern and complicate the task of NGOs, which have on numerous occasions expressed their desire to take part in the process.

We believe it is important to emphasise the need for consulting and involving civil society in future stages of the implementation of the action plan. Such involvement cannot be relevant unless the mechanisms of discussion for the remainder of the process are seriously reconsidered. Civil society, and in particular human rights NGOs, must be seen as full partners in the context of the ENP by both the Lebanese government and the European Union.

The successful implementation of the action plan for Lebanon depends on the ability of both parties to put in place mechanisms for the regular monitoring and evaluation of the process and on the participation of civil society and of political and economic actors in the process.

The EU-Lebanon ENP action plan must be a *genuine plan of action* rather than a general statement of purposes. In particular, it should contain the following elements:

i. Implementation and Evaluation Timetable

A detailed timetable should be established for reform, in particular with regard to respect for international human rights standards. Reports on progress achieved in the implementation of the action plan, based on precise evaluation criteria, should be published regularly by the EU and the Lebanese government. The first reports should be made available after the first six months, not just at the end of the second year of implementation, as generally provided for in ENP action plans.

ii. Creation of a Human Rights Subcommittee

Transparent monitoring mechanisms should be put in place, in particular through the establishment of a subcommittee devoted exclusively to human rights in the context of the Association Agreement, and they should regularly assess the implementation of the action plan,

the human rights situation and the progress of reforms in Lebanon. Human rights NGOs should be consulted systematically and regularly before and after the subcommittee's meetings.

iii. Participation of Civil Society

The resources of civil society, in particular those of human rights organisations, should be strengthened to enable them to take an active part in action plan implementation efforts. It is important that the involvement of NGOs and the strengthening of their capacities be formally included in the action plan.

iv. Financial Resources Devoted to Implementation

Devoting resources to the implementation and evaluation of the action plan implies, first, that costs be estimated with regard to both the EU and the Lebanese government. The resources provided to civil society to stimulate full participation in the implementation of the action plan should also be specified.

The anticipated orientation of the action plan would emphasise three priority areas in terms of the concerns of the EU and Lebanon:

- Security
- Migration control
- The fight against terrorism

While the importance of these concerns is acknowledged, they must be dealt with in conformity with respect for human rights. We reiterate our strong belief that without genuine rule of law and the instauration of democracy in countries of the southern and eastern Mediterranean, any attempt to ensure the realisation of these priorities is a delusion.

The goal of the present document is to outline, in addition to these general recommendations, a set of thematic recommendations developed by a working group made up of Lebanese civil society organisations that was established at the end of the seminar²¹. These recommendations are focused on gaps in respect for human rights in Lebanon, in particular with regard to democratic reforms, justice, detention conditions and the rights of detainees, the abolition of torture, the abolition of the death penalty, respect for women's rights, children's rights, the issue of enforced disappearances, the rights of asylum seekers and Palestinian and non-Palestinian refugees, and the rights of migrants.

On the basis of suggestions made during the two days of the seminar and those of a large number of participating NGOs that were forwarded in writing after the seminar, the NGO working group drafted the following specific recommendations which we hope will be incorporated and taken

²¹ The working group created at the end of the seminar comprised the following NGOs: René Moawad Foundation, Palestinian Human Rights Organization (PHRO), SOLIDA, MIRSAD, Association pour la Défense des Droits et Libertés (ADDL), LebYouth, Caritas, Association des Familles de Disparus au Liban, Lebanese Physically Handicapped Union and the Lebanese Association for Human Rights.

into account in the implementation of the action plan. They are aimed at drawing attention to the failures that the action plan must help to reduce and eliminate.

I Democratic Reforms and Fundamental Freedoms

- Put in place a national action plan aimed at the gradual elimination of political confessionalism
- Establish monitoring and evaluation committees that are independent from the Lebanese Parliament, as moral reference points, for denouncing any blockage in the implementation of the action plan, particularly with respect to human rights
- Protect freedom of expression by complying with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights
- Liberalise information by lifting the restrictions against satellite transmissions
- Adopt the principle of optional civil marriages
- Attach civilian religious courts to the Ministry of Justice rather than to the Office of the President of the Council of Ministers
- Provide human rights education in schools and universities

II Justice and the Independence of the Judiciary

- Ratify the Statute of Rome of the International Criminal Court
- Put in place an independent judicial authority that is free from the control of the Ministry of Justice and is placed under the control of the Higher Judicial Council
- Protect judges against assignment changes based on political motivations
- Apply Article 95 of the internal regulations of justice, which allows for the removal of judges who have been convicted of corruption
- Eliminate statutory impunity from the Lebanese criminal code
- Dissolve all special tribunals, including the Judicial Council, which is in breach of international law
- Limit the jurisdiction of military tribunals to military matters
- Amend the code of criminal procedure by rescinding the amendment of 16 August 2001, which unduly broadens the authority of the attorney general. The judicial police must have exclusive jurisdiction in conducting preliminary interrogations. Military justice must not have jurisdiction in investigating crimes by civilians
- Put an end to the practice of torture and arbitrary detention, and respect the right to a fair trial by incorporating into Lebanese legislation provisions stemming from Lebanon's commitments under international treaties, in particular the International Covenant on Civil and Political Rights and the United Nations Convention against Torture (CAT)
- Reduce the costs of accessing the justice system to the greatest extent possible in order to ensure their compatibility with international standards

III Detention Conditions and the Rights of Detainees

- Ensure that detention conditions comply with international instruments for the protection of the fundamental rights of the individual
- Publish the implementing order for the legislation that places prisons under the authority of the Ministry of Justice, as provided for in the decree of 28 August 1964, rather than the Ministry of Interior Affairs, as is the case currently
- Upgrade prisons in order to comply with international standards

IV Abolition of Torture and Ill Treatment

- Adopt the Optional Protocol to the UN Convention against Torture
- Recognise the jurisdiction of the UN Committee against Torture in the review of complaints by states and individuals (Articles 21 and 22 of CAT)
- Prohibit the practice of torture and ill treatment in prisons and in detention and interrogation centres

V Abolition of the Death Penalty

- Ratify international treaties prohibiting the death penalty
- Abolish the death penalty
- Formalise the *de facto* moratoria that were in effect for long periods from 1998 to January 2004 and from 2004 to the present, without exception, until the complete abolition of the death penalty
- Adopt legislation that institutes a moratorium in law officially prohibiting the resumption of executions, as a prelude to the permanent abolition of the death penalty

VI Respect for Women's Rights

- Lift reservations to the Convention on the Elimination of All Forms of Discrimination Against Women and ratify the Optional Protocol to the Convention
- Amend family and personal status laws that maintain women in a state of legal inferiority
- Support the national campaign seeking to give women, including Palestinian women, the right to transfer nationality
- Consider crimes of honour as an aggravating circumstance rather than as a quasi-offence, as is the case currently
- Rescind all discriminatory and violent measures, in particular laws related to crimes of honour, the settlement of family disputes and the question of inheritance
- Prohibit violence against women and punish those responsible
- Institute a feminine quota system in legislative and municipal elections
- Respect the equality of economic and social rights of women and men, in particular with regard to access to the labour market

VII Children's Rights

- Adopt a law against corporal punishment in schools
- Amend the law to enable children who have not been registered for two years to be reintegrated into the state education system. This implies the simplification of the reinscription procedure for children at the school.
- Apply the mechanism planned by Law no. 686/98 ratified in 1998 for a compulsory and free education notably by ratifying the application decree
- Extend the length of compulsory school education to the age of 15 years and not 12 as is currently the case

VIII Enforced Disappearances

- Create a justice and reconciliation commission to give justice to the victims of torture in Israeli, Syrian and Lebanese prisons, to those who have disappeared during conflicts in Lebanon and to handicapped victims of war
- Free detainees and determine the fate of those who have disappeared in Syria and Israel. Lebanon and the EU must work towards the creation of an international commission to solve this problem.
- With the help of the ICRC, demand free access to public and secret prisons in Syria and Israel to ensure that no missing Lebanese are present
- Demand information on persons who have been kidnapped in Lebanon and illegally transported to Syria or Israel
- Ensure the forensic integrity of mass graves
- Acquire the appropriate techniques and expertise to conduct the tests needed to determine the date of death and the DNA analyses in cases where mass graves have been found
- Establish a DNA database for all families of the disappeared

IX Rights of Refugees and Asylum Seekers

- Accede and implement effectively the 1951 Geneva Convention on the status of refugees
- Apply the UN Convention against Torture, which prohibits the refoulement of refugees at risk of being victims of torture upon returning to their country
- Allow lawyers to have an effective access to prisons and retention centres without distinction in order to meet their foreign clients

X Respect for and Protection of the Rights of Migrants

- Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

- Sign and ratify the 1975 ILO Migrant Workers Convention
- Sign and ratify the 1997 ILO Private Employment Agencies Convention
- Combat human trafficking, among whose victims migrant women working as domestics or in the sex industry figure prominently
- Amend the labour laws to include migrant domestic workers. Lebanese legislation does not include specific provisions protecting this vulnerable group.
- Establish a commission under the Ministry of Labour, charged with monitoring the workplaces of migrant domestic workers to verify their status and their role and to monitor compliance with the law
- Establish a complaints office at the Ministry of Labour to which migrant workers can refer if they have reason to complain about their treatment or about their work contract
- Provide training to public servants, in particular police officers and investigators, to ensure they respect human rights and treat foreign detainees fairly
- Bring to court and punish those responsible for violations of the rights of migrants. In most instances today, migrant cases brought to court are won by private employers or intermediaries.
- Acknowledge the difficulty faced by migrant detainees in communicating with their families and give them the possibility of receiving visitors other than relatives
- Combat discrimination, racism and xenophobia targeting foreign workers in Lebanon

XI Rights of Palestinian Refugees

- Guarantee the civil, economic and social rights of Palestinian refugees
- Ensure the equality in treatment between the Palestinian Refugees and in compliance with the UN Bill of Rights
- Ensure they have the same access to the labour market as Lebanese nationals, in compliance with the recommendations of the Casablanca Protocol of 16 September 1965
- Create as part of the Lebanese state a ministry responsible for the social, legal and economic affairs of Palestinian refugees in Lebanon
- Ensure that Palestinian refugees have access to property under the same terms as other nationals of Arab countries, by amending Article 1 of Law no. 296 of 20 March 2001
- Solve the Non-Identified²² Palestinian Refugees dilemma, through providing them temporary/special refugee IDs that verify their Palestinian Identity, allow them to normally continue their daily life, issue laissez-passer when necessary, and the right to benefit from UNRWA services, until reaching a radical solution to their situation
- Allow Palestinians to establish or take part in the establishment of associations in Lebanon

²² The majority of non-identified Palestinian refugees in Lebanon are Palestinians who entered Lebanon in the 1970s due to the Black September events, and who over the past three decades have expanded to include their purposes, descendents and other immediate family. Other non- Id refugees are Palestinians who were in Lebanon for other reasons (work, education, family...etc), became trapped in Lebanon, and were refused re-entry to their previous countries of residence. http://www.palhumanrights.org/reports/phro_%20report_non-id.pdf

- Put an end to security measures around Palestinian camps in southern Lebanon, which must no longer be treated as security enclaves and allow the introduction of building products into them as per clear and overt basis
- Initiate a constructive dialogue on the question of the weapons of military Palestinian groups
- That the EU pressure donors to increase its budget to suit proportionally the increase in the number of population taking into consideration the increase in their needs and requirements and the increase in their expenditure costs
- Establish a financed fund by the World Bank, as in Palestine, which contribute to improve health and environmental situations in the camps as well as the infrastructure

Conclusion

Given the importance of its goals and commitments with regard to human rights, the successful implementation of the EU-Lebanon action plan requires the establishment of a solid mechanism for monitoring its implementation, with its own evaluation criteria and a detailed timetable. Taking into account the recommendations of Lebanese and European human rights organisations through regular consultations will be a determining factor in the success of this process.

ANNEXES

ANNEX 1 : PROGRAM OF THE SEMINAR

FRIDAY 2 JUNE 2006 MORNING SESSION

OPENING SESSION

Kamel Jendoubi, EMHRN, President

Bassam Hubeichi, PHRO, Public relations Director

Georges Abi Saleh, Non Governmental Euromed Platform (Lebanon),
coordinator

Fadi Haj Ali, Ministry of Foreign Affairs, Advisor

Dr. Georg Mautner-Markhof, Austrian Ambassador, EU Presidency

THE EUROPEAN NEIGHBOURHOOD POLICY (ENP)

CHALLENGES AND OPPORTUNITIES FOR HUMAN RIGHTS IN THE MEDITERRANEAN REGION (IN COMPARISON WITH THE EURO-MEDITERRANEAN PARTNERSHIP (EMP))

Chair : Mr. Ziad Baroud , Lawyer, EUVP

Presentation of the EMP, ENP and EU Human Rights mechanisms -

Sandrine Grenier, EMHRN, Advocacy Director

DEBATE

THE ENP ACTION PLAN ON LEBANON: GENERAL PRESENTATION

Chair: Kamal Hamdan, Consultant and Research Institute, Chief
Economist

Francisco Acosta Soto, EU Commission's Delegation in Lebanon, First
secretary

Fadi Hajali, the Ministry of Foreign Affairs, Advisor

MP Ghassan Mokhaiber, Lebanese parliamentary Human Right
commission , Rapporteur

Jade Said, LebYouth, Steering Committee Member & EU Relations Officer

DEBATE

FRIDAY 2 JUNE 2006 AFTERNOON SESSION

EU'S ACCESSION PROCESS AND REFORMS IN TURKEY (IN COMPARISON WITH ENP)

Chair: Edward Katoura, PHRO Member

Hakan Altinay, Open Society Assistance Foundation-Turkey, Director

DEBATE

**THE ENP AND THE MEDITERRANEAN COUNTRIES:
WHICH PLACE FOR HUMAN RIGHTS? (MOROCCO, JORDAN, EGYPT)**

Chair: Dr. George Assaf, Public Interest Advocacy Center, Director

Amina Bouayah, Moroccan organisation for human rights (OMDH),
President

Natasha Shawarib, Sisterhood is Global Institute, Jordan, Board Member

Moataz El Fegiery, Cairo Institute for Human Rights Studies, Egypt,
Programs Coordinator

DEBATE

SATURDAY 3 JUNE 2006 MORNING SESSION

THE ENP AND EASTERN EUROPEAN AND SOUTHERN CAUCASUS COUNTRIES: GOOD PRACTICE?

Chair: Anssi Kullberg, Embassy of Finland, Second Secretary

Arcadie Barbarosie, Institute for Public Policy, Moldavia, Executive Director

Mikheil Mirziashvili, Open Society-Georgia Foundation, Program Manager

DEBATE

**HUMAN RIGHTS IN THE ACTION PLAN ON LEBANON:
SPECIFIC RECOMMENDATIONS FOR IMPLEMENTATION**

Chair: Marie Ghantous, Attorney at law, President, ADDL Association

Justice and the Rule of Law

Dr. Mohammad Mugarby, President Campaign for Judicial Integrity;
Centre for Democracy and the Rule of Law

DEBATE

Forced Disappearances

Ghazi Aad, SOLIDE, President

DEBATE

Women's Rights

Laura Sfier, Lebanese Council to Resist Violence Against
Women, President

DEBATE

Migrants, Refugees and Asylum Seekers Rights

Samira Trad, Frontiers, Director

Jaber Slieman, Researcher, currently working with UNDP Project in
the Lebanese Parliament

DEBATE

SATURDAY 3 JUNE 2006 AFTERNOON SESSION

SUMMARY OF THE RECOMMENDATIONS FOR THE IMPLEMENTATION OF THE EU-LEBANON ACTION PLAN

Chair: Najla Chahda, Caritas, Director

Rapporteur: Delphine Compain, Moawad Foundation,

DEBATE

FOLLOW UP AND MONITOR OF THE IMPLEMENTATION OF THE ACTION PLAN BY THE LEBANESE NGOS

Chair: Wadih Asmar, SOLIDA, EMHRN Executive Committee

Danny Mina, LebYouth, Political/Governmental Group Head

DEBATE

GENERAL CONCLUSIONS

Kamel Jendoubi, EMHRN, President

Rapporteur: Delphine Compain, Moawad Foundation

*This seminar is organized with the kind support of
the Foundation Open Society Institute (Zug) and the European Commission.*

ANNEX 2 : LIST OF PARTICIPANTS

Organisation	Name
1. Al Balad	Raghida Bahnam
2. ALDHOM	Bilal Raâd
3. Amnesty International	Ahmad Karoud
4. Arab NGO Network for Development	Joëlle Makdessi
5. Arab NGO Network for development	Ghassan Makarem
6. Association pour la Défense des Droits et des Libertés	Marie Ghantous
7. Associations des familles de disparus	Wedad Halawani/ Hassana Jamal Al-Dien
8. Bar Association of Tripoli	Dr. Alfred Maaloof
9. British Council	Fatmé Masri
10. Cairo Institute for Human Rights Studies	Motaz El-Fegiery
11. Caritas	Najla Chahda
12. Center for Democracy and the Rule of Law	Muhamad Mugarby
13. Center for Ethics and Law	Frederik Rosen
14. Collectif des ONG/Mouvement Social	Rubih Fahlu
15. CRI	Kamal Hamdan
16. Cultural Movement	Antoine Seif
17. Cultural Movement	George Baroud
18. Cultural Movement	Munir Salameh

19. Dar El-Amal	Hoda Kara
20. Embassy of Austria – EU Presidency	Georg Mautner-Markhof
21. Embassy of Canada	Nicole Mashnouk
22. Embassy of Finland	Anssi Kullberg
23. Embassy of France	Emmanuelle Blatmann
24. Embassy of France	Nada Fattouh
25. Embassy of Germany	Ludin
26. Embassy of Norway	Helene Aall Henriksen
27. Embassy of Palestine	Anne Sulieman
28. Embassy of Russia	Oleg levine
29. Embassy of the Czech Republic	Sylva Pavlasova
30. Embassy of the Netherlands	Kees T. Smit Sibinga
31. Embassy of the United Kingdom	William Hopkinson
32. Embassy of the United States of America	Edward Messmer
33. EU Commission Delegation in Lebanon	Francisco Acosta
34. EU Commission Delegation in Lebanon	Sybille Bikar
35. EU Visitors Program	Ziad Baroud
36. FIDH	Marie Camberlain
37. Foreign Affairs Committee of the Lebanese Parliament	Bilal Shararah
38. Friedrich-Ebert-Stiftung	Samir Farah
39. Frontiers	Samira Trad
40. Frontiers	Rana Zarwi
41. Human Rights Committee of the Lebanese Parliament	Ghassan Moukhaiber
42. Institute for Public Policy	Arcadie Barbarosie

43. Khiam Rehabilitation Center	Mohammad Safa
44. LADE	Ghada Oreibu
45. LAU Student	Nader Houëlla
46. Lebanese Association for Democratic Elections (LADE)	Walid Fakher Dine
47. Lebanese Association for Human Rights	Nemeh Joumaa
48. Lebanese Council to Resist Violence Against Women	Laura Sfier
49. Lebanese Physically Handicapped Union	Sylvana Lakkis Fadi Sapegh
50. Lebanese university student	Taghreed Smairy
51. LebYouth	Danny Mina
52. LebYouth	Jade Said
53. LebYouth	Randy Nahle
54. LebYouth	Alain Hasrouny
55. LebYouth	Nader Hovella
56. LebYouth	Alain Hasrouny
57. Ligue des Droits de la Femme Libanaise	Linda Matar
58. Ministry of Foreign Affairs	Fadi Haj Ali
59. Ministry of Health	Laila yafawi
60. Ministry of Interior Affairs	Wahib Tatar
61. MIRSAD	Kamal El-Batal
62. Moroccan Organization for Human Rights	Amina Bouayah
63. Nabaa Association	Kasem Saed
64. Nabaa Association	Samir Sharary
65. National Association for the Rights of Disabled People	Jahda Abou Khalil

66. Non-Governmental Euro-Med Platform (Lebanon)	George Abi Salaeh
67. Norwegian People's Aid	Wafaa Yassir
68. Norwegian People's Aid	Haifa Jammal
69. Open Society Assistance Foundation	Hakan Altinay
70. Open Society Georgia Foundation	Mikhiel Mirziashvili
71. Open Society Institute	Russel Picard
72. Palestinian Association for Human Rights	Mahmoud Hanafi
73. PHRO	Bassam Hubiechi
74. PHRO	Ghassan Abdallah
75. PHRO	Rola Badran
76. PHRO	Edward Katoura
77. Public Interest and Advocacy Center	George Assaf
78. Researcher	Jaber Slieman
79. RFI	Barrillon Brice
80. RMC/M.O Paris	Hassane Tlili
81. RMF	Delphine Compain
82. Setu MECC	Hadeshium
83. Sisterhood Is Global Institute	Natasha Shawareb
84. SOLIDA	Wadih Asmar
85. SOLIDA	Marie Dannay
86. SOLIDE	Ghazi Add
87. State Minister of Administrative Reform	Ministre Jean Oghasabian
88. UNRWA	Hasan Eyadeh

89. Westminster Foundation for Democracy	Dina Melhem
90.	Antoine Messarra
91	Hassana Jamal eddine
92	Lana Medana
93	Liliane Haddad