Lebanon | Freedom House

POLITICAL RIGHTS: 14 / 40 (+3)

A. ELECTORAL PROCESS: 5 / 12 (+2)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4 (+1)

The president, who is elected to a six-year term by the parliament, appoints the prime minister after consulting with the parliament. The president and prime minister choose the cabinet, which holds most formal executive power. According to long-standing de facto agreements on sectarian power-sharing, the president must be a Maronite Christian, the prime minister must be a Sunni Muslim, and the speaker of the National Assembly must be a Shiite Muslim.

Recently, the presidency was vacant for two years due to a lack of political consensus on a successor to Michel Suleiman, whose term expired in 2014. In October 2016, lawmakers finally elected former military commander Michel Aoun as president, and Aoun nominated Saad Hariri as prime minister that November. The parliament approved Hariri’s unity cabinet, which included representatives of most major factions, in December 2016. While these steps ended the long deadlock over Lebanon’s executive leadership, they were carried out by a parliament whose electoral mandate had expired in 2013, critically undermining their democratic legitimacy.

Aoun named Hariri prime minister-designate shortly after the 2018 parliamentary elections. While the elections brought about the end of Lebanon’s long executive leadership crisis, the new parliament’s term opened with another round of political paralysis, as parties had yet to form a government by year’s end.

Score Change: The score improved from 0 to 1 because the election of a new parliament in May enabled the designation of a prime minister with an electoral mandate.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4 (+1)

Parliamentary elections were originally due in 2013, but disagreement over electoral reforms led the parliament to extend its own term until late 2014. Citing security concerns associated with the Syrian conflict, lawmakers in 2014 extended their mandate again, this time until June 2017. That month, the parliament adopted a new electoral law that among other things introduced proportional representation and preferential voting, and scheduled elections for May 2018. Lebanese citizens then duly voted, according to that schedule, for the 128-member National Assembly for the first time since 2009—ending the five-year period in which the incumbent legislature had operated with no electoral mandate.

The May 2018 election saw the Shiite militant group Hezbollah maintain its National Assembly seats, while its allies posted gains. Christian parties also gained seats, all mainly at the expense of Hariri and his Future Movement. Although the elections were conducted peacefully and were free and fair in many respects, vote buying was rampant and the electoral framework retained a number of fundamental structural flaws linked to the sectarian political system. Turnout was less than 50 percent, and was even lower in some Sunni areas of Beirut, reflecting an apparent lack of confidence in Hariri among many Sunni voters.

Score Change: The score improved from 1 to 2 because long-overdue parliamentary elections were held in 2018, ending a five-year period in which the incumbent legislature had operated with no electoral mandate.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

Elections in Lebanon are overseen by the Interior Ministry rather than an independent electoral commission. Parliamentary seats are divided among major sects under a constitutional formula that does not reflect their current demographic weight. No official census has been conducted since the 1930s. The electoral framework is generally inclusive and supports pluralism, but it is the product of bargaining among established leaders and tends to entrench the existing sectarian and communitarian political system.

The 2017 electoral law introduced proportional representation and preferential voting, and improved
opportunities for diaspora voting. However, the districts were still drawn along communal lines, with most featuring a strong confessional majority. Meanwhile, the mechanisms for seat allocation favor incumbent parties. The 2017 law sharply raised registration fees for candidates as well as spending caps for campaigns, and allowed private organizations and foundations to promote coalitions and candidates, which increased advantages accorded to wealthier groups and individuals. As under past electoral laws, members of security services, and citizens who have been naturalized for less than 10 years, cannot participate in elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Citizens are free to organize in different political groupings, and the system features a variety of competing parties in practice. While parties do rise and fall to some extent based on their performance and voters’ preferences, most of Lebanon’s political parties are vehicles for an established set of communal leaders who benefit from patronage networks, greater access to financing, and other advantages of incumbency.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

A handful of political parties have dominated Lebanese politics since 2005. Under the country’s prevailing power-sharing system, none of them behave as opposition groups; consolidation of power among political elites also hampers intraparty competition. The incumbent parties collaborated to formulate the 2017 election law, which gave them advantages in the 2018 parliamentary elections and made it difficult for smaller parties and independents to compete.

B3. Are the people’s political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4

A variety of forces that are not democratically accountable—including entrenched patronage networks, religious institutions, armed nonstate actors such as Hezbollah, and competing foreign powers—use a combination of financial incentives and intimidation to exert influence on Lebanese voters and political figures. The 2018 elections saw a number of credible allegations of vote buying, as well as analyses pointing to the role of establishment parties’ patronage networks in mobilizing or incentivizing voters.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Lebanon officially recognizes 18 religious communities, and the political system ensures that nearly all of these groups are represented, though not according to their actual shares of the population. Individuals who are not or do not wish to be affiliated with the recognized groups are effectively excluded. Moreover, the country’s unusually large refugee population, including decades-old Palestinian communities, are not eligible to acquire citizenship and have no political rights.

Women have many of the same political rights as men, but they are marginalized in practice due to religious restrictions, institutionalized inequality, political culture, and societal discrimination. Only six women hold seats in the parliament elected in 2018. Neither the 2017 parliamentary electoral law nor informal understandings regarding power-sharing include rules to guarantee—let alone increase—women’s participation in politics.

C. FUNCTIONING OF GOVERNMENT: 2 / 12 (+1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4 (+1)

When the government is able to develop policies, they tend to be the result of negotiation among the country’s dominant political figures, regardless of formal titles and positions; meanwhile, the legislature generally facilitates these policies rather than serving as an independent institutional check on the government. The authority of the government is also limited in practice by the power of autonomous militant groups like Hezbollah and states with interests in Lebanon.
The elections of a president, parliament, parliament speaker, and prime minister since 2016 have eased the country’s political deadlock, though lengthy negotiations on cabinet appointments were ongoing at the end of 2018.

Score Change: The score improved from 0 to 1 because the elections of a president, parliament, parliament speaker, and prime minister since 2016 have eased the country’s political deadlock, though lengthy negotiations on cabinet appointments were ongoing at the end of 2018.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Political and bureaucratic corruption is widespread, businesses routinely pay bribes and cultivate ties with politicians to win contracts or avoid unfavorable state actions, anticorruption laws are loosely enforced, and patronage networks generally operate unchecked. State expenditures remain irregular, with few mechanisms for effective oversight. Institutions such as the Central Inspection Bureau and Supreme Disciplinary Board remain woefully underfunded and understaffed.

C3. Does the government operate with openness and transparency? 1 / 4

While the National Assembly approved an access to information law in 2017, it is not fully implemented, and government documents remain difficult to obtain in practice. Officials often negotiate behind closed doors, outside of state institutions, and with little regard for formal procedures. There are few practical opportunities for civil society groups to influence pending policies or legislation, though they and the media are able to discuss proposals that have been made public.

CIVIL LIBERTIES: 31 / 60 (−1)

D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16 (−1)

D1. Are there free and independent media? 2 / 4 (−1)

Press freedom is constitutionally guaranteed but inconsistently upheld. While the country’s media are among the most open and diverse in the region, nearly all outlets depend on the patronage of political parties, wealthy individuals, or foreign powers, and consequently practice some degree of self-censorship. Books, movies, plays, and other artistic works are subject to censorship, especially when the content involves politics, religion, sex, or Israel. It is a criminal offense to criticize or defame the president or Lebanese security forces. An audiovisual media law bans broadcasts that seek to harm the state, undermine foreign relations, or incite sectarian violence—with relevant provisions being broadly-worded. Authorities use such laws and rules to prosecute or—more often, harass and temporarily detain—journalists who disseminate criticism of politicians and government officials, or powerful nonstate actors.

Press freedom deteriorated in 2018, which saw intensifying legal and other harassment of journalists by state officials, and instances of intimidation by security forces. In January, a military tribunal sentenced in absentia Hanin Ghaddar, a Washington-based Lebanese journalist, to six months in prison, only to later, upon appeal, drop the charges and refer the case to a military prosecutor. In July, Beirut’s Publication Court convicted five journalists of defamation-related charges and handed down fines ranging from 1 million to 10 million Lebanese pounds ($600 to $6,600). In November, Abdel Hafez al-Houlani, a correspondent for the Syrian pro-opposition news website Zaman al-Wasl, was detained without charge after publishing an article linking the miscarriages of a number of pregnant refugee women to polluted water, and which criticized refugee aid agencies; he was reportedly released after three weeks’ detention, after paying a fine. Al-Houlani, who generally reported on refugees and their rights, had also been temporarily detained by the Defense Ministry in May in connection with his work. In December, Lebanese military personnel physically beat, harassed, and otherwise intimidated four journalists covering an antigovernment protest.

Score Change: The score declined from 3 to 2 due to an increase in legal and other harassment of journalists by state authorities.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution protects freedom of conscience, and the state does not typically interfere with the practice or expression of religious faith or nonbelief. While blasphemy is a criminal offense, enforcement varies and is
generally lax. Individuals may face societal pressure to express faith or allegiance to a confessional community. Leaders and members of different communities discourage proselytizing by other groups.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally unimpaired. Individuals are mostly free to select subjects for research and disseminate their findings. However, various laws and customary standards—including restrictions on defamation, blasphemy, and work or opinions related to Israel—deter open debate on certain issues. The state does not engage in extensive political indoctrination through education, though religious and other nonstate entities do seek to reinforce communal identities and perspectives.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion and expression of personal views are largely uninhibited. Even so, the authorities monitor social media and other communications. Individuals sometimes face arrests, short detentions, or fines if they criticize the government, the military, foreign heads of state, or other powerful entities. SMEX, a Lebanon-based digital rights group, recorded 38 prosecutions launched in 2018 in response to information posted online, a sharp increase from previous years. Most instances involved criticism of politicians, security agencies, or the president. Nonstate actors and individuals who feel that they have been harmed by critical speech may seek retribution through defamation suits or, more rarely, violence and intimidation.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

The authorities generally respect the right to assemble, which is protected under the constitution, and demonstrators have been able to mount protests against government dysfunction and lack of services in recent years. While protests over a garbage crisis in 2015 led to mass arrests and police violence that caused hundreds of injuries, assemblies since then have been more peaceful.

A number of protests took place with little disruption in 2018, including against political paralysis, corruption, and controversies and irregularities related to the parliamentary elections. However, Lebanese military and security services personnel used excessive force against participants in a December protest in the capital, which was apparently inspired by France’s “gilets jaunes” or yellow vests, antigovernment demonstrations.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Nongovernmental organizations (NGOs) tend to operate freely in Lebanon, though they must comply with the Law on Associations, which has not been thoroughly updated since 1909, and other applicable laws relating to labor, finance, and immigration. NGOs must also register with the Interior Ministry, which may oblige them to undergo an approval process and can investigate a group’s founders, officers, and staff.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Individuals may establish, join, and leave trade unions and other professional organizations. However, the Labor Ministry has broad authority over the formation of unions, union elections, and the administrative dissolution of unions. The state regulates collective bargaining and strikes, and many unions are linked to political parties and serve as tools of influence for political leaders. Public employees, agricultural workers, and household workers are not protected by the labor code and have no legal right to organize, though they have formed unrecognized representative organizations in practice.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 1 / 4

Lebanon’s judiciary is not independent. Political leaders exercise significant influence over judicial appointments, jurisdiction, processes, and decisions, which are also affected by corruption and undue influence of other prominent people.

F2. Does due process prevail in civil and criminal matters? 1 / 4
Due process is subject to a number of impediments, including violations of defendants' right to counsel and extensive use of lengthy pretrial detention. Due process guarantees are particularly inadequate in the country's exceptional courts, including the military courts, whose judges do not require a background in law and are authorized to try civilians and juveniles in security-related cases. In practice, military courts have asserted jurisdiction over cases involving human rights activists and protesters in addition to those focused on alleged spies and militants.

The reach of military courts drew international attention in 2018, after a military tribunal convicted the US-based Lebanese journalist Ghaddar of defamation. She appealed, and following an international outcry from press freedom advocates the tribunal reversed the conviction, ruling that it did not have the authority to prosecute a civilian. The case was then handed to a military prosecutor, who could potentially refer it to a civilian court, though no further developments were clear by year’s end.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Prisons and detention centers are badly overcrowded and poorly equipped, and the use of torture by law enforcement, military, and state security personnel remains a problem. Since 2017, torture has been an offense under the criminal code, and evidence extracted under torture has been barred from admission at trial. However, Lebanese legislators have not yet criminalized other forms of ill-treatment and confined the definition of torture to specific situations related to investigations and trials. And, even with respect to torture, prescribed penalties remain insufficient and subject to a statute of limitations.

The presence of a variety of armed militias and terrorist groups in 2018 continue to undermine security in Lebanon, and acts of targeted violence that can also endanger civilians occasionally take place. In January 2018, a member of the Islamist political and militant group Hamas was injured in a car bombing severe enough to destroy his vehicle.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The country’s legal system is meant to protect members of recognized confessional communities against mistreatment by the state, but mutually hostile groups have engaged in discriminatory behavior toward one another in practice—and people who do not belong to a recognized community have difficulty obtaining official documents, government jobs, and other services.

Despite some legal protections, women are barred from certain types of employment and face discrimination in wages and social benefits. LGBT (lesbian, gay, bisexual, and transgender) people face both official and societal discrimination and harassment. In July 2018, an appeals court ruled that same-sex intercourse was not illegal, though a rarely enforced law banning “sexual intercourse against nature” remains on the books. And although NGOs may work to uphold the human rights of LGBT people, with social acceptance being more common in certain urban areas such as Beirut, authorities in May 2018 did detain the organizer of Beirut Pride and reportedly released him only after he signed a pledge to cancel the event, which he then upheld.

There were approximately 1.5 million Syrian refugees in Lebanon as of 2018, about a third of which were not registered with relevant UN agencies. Syrian refugees have faced arbitrary arrests and other forms of harassment and most live in poverty, partly due to limitations on refugees’ employment options. In April, Human Rights Watch (HRW) reported that at least 13 Lebanese municipalities had evicted some 3,600 Syrian refugees from their homes from 2016 through the first quarter of 2018. In July, attackers burned Syrian refugees’ tents and property at a camp near town of Al-Muhammara.

About 450,000 Palestinian refugees were registered in Lebanon as of 2014, but a 2017 survey conducted by the Lebanese government reported that only 175,000 remain in country. They also face longstanding restrictions on economic activity, contributing to widespread poverty, unemployment, and underemployment.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Citizens enjoy constitutional and legal rights to freedom of movement, though it is extremely difficult to transfer one’s official place of residence for voting purposes. Other impediments to internal movement include de facto sectarian boundaries or militia checkpoints in some areas and curfews on Syrian refugees in many
municipalities. Migrant workers can lose their legal residency if they are dismissed by or leave their registered employer. Restrictive social customs in some communities allow men to control female relatives' movements and employment outside the home.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Lebanese law protects citizens' rights to own property and operate private businesses, but powerful groups and individuals sometimes engage in land-grabbing and other infringements without consequence, and business activity is impaired by bureaucratic obstacles and corruption.

Refugees, including longtime Palestinian residents, have few property rights. Women have weaker property rights than men under the religious codes that govern inheritance and other personal status issues in Lebanon, and they often face family pressure to transfer property to male relatives.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Because the religious codes and courts of each confessional community determine personal status law in Lebanon, an individual's rights regarding marriage, divorce, and child custody depend on his or her affiliation, though women are typically at a disadvantage to men. Women cannot pass Lebanese citizenship to foreign husbands or children.

In 2017, the parliament repealed Article 522 of the penal code, which allowed rapists to evade criminal prosecution if they subsequently married their victims for a period of at least three years. However, the change did not affect a similar article related to sex with a minor, and spousal rape is still not a criminal offense.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Communal affiliation can either enhance or restrict an individual's economic opportunities in a given area, company, or public-sector entity, depending on which group is in a dominant position. Individuals must also contend with political patronage and clientelism, layered on top of communally enabled corruption, in the public and private sectors.

Refugees and migrant workers are especially vulnerable to exploitative working conditions and sex trafficking. The authorities do not effectively enforce laws against child labor, which is common among Syrian refugees, rural Lebanese, and segments of the urban poor.