

Lebanese Republic
Chamber of Deputies
Law No. 62 of 27/10/2016
(Official Gazette No. 52 of 3/11/2016)

Law

**On the Establishment of the National Human Rights Institute Including the Committee
for the Prevention of Torture**

Single Article

The proposed law to establish the National Human Rights Institute including the Committee for the Prevention of Torture, as amended by the Administration and Justice Committee and the Chamber of Deputies, has been ratified.

This Law shall come into effect upon its publication in the Official Gazette.

Law
On the Establishment of the National Human Rights Institute
Including the Committee for the Prevention of Torture

Section I: Establishment and Organization of NHRI and CPT

Article (1)

Establishment of the National Human Rights Institute including the Committee for the Prevention of Torture

- a. Pursuant to this law, an independent commission shall be established named the "National Human Rights Institute" (hereinafter referred to as "NHRI"), that shall enjoy legal personality and administrative and financial independence.
- b. The NHRI shall include a standing committee called the "Committee for the Prevention of Torture" (hereinafter referred to as "CPT").
- c. Members of both NHRI and the Committee for the Prevention of Torture and the employees and affiliates thereof shall perform their duties with complete independence from any other authority within the framework of the provisions of this Law. The CPT shall also perform its duties and draft its reports without interference from NHRI.

Section II: NHRI Organization

Article (2)

Formation of NHRI

- a. NHRI shall be formed of ten members, five of whom shall be members of the National Prevention of Torture Committee, all appointed by a decree based on a decision adopted by the Council of Ministers for a non-renewable term of six years, from a list proposed by the following entities:
 1. One member out of six former judges to be named by the Supreme Judicial Council.
 2. One member out of six individuals with expertise in criminal law, human rights law, or public law, half of whom shall be named by the Beirut Lawyers Syndicate and half by the Tripoli Lawyers Syndicate.
 3. One member out of six individuals with expertise in international humanitarian law, half of whom shall be named by the Beirut Lawyers Syndicate and half by the Tripoli Lawyers Syndicate.
 4. Two members out of six specialists, one in psychology and the other in forensic medicine, half of whom shall be named by the Beirut Doctors Syndicate and half by the Tripoli Doctors Syndicate.
 5. One university professor out of three specialists in human rights or general freedoms, to be named by the Deans Council of the Lebanese University.

6. One member out of four members to be named by the Journalists and Editors Syndicates.
7. Three members out of twelve human rights activists, to be named by the Parliamentary Committee on Human Rights, based on nominations submitted by civil society organizations working in the field of human rights, provided that each candidate is recommended by at least three Lebanese associations.

The entities named above must submit their first proposals within a period of three months from the date this law is published in the Official Gazette; otherwise the Parliamentary Committee on Human Rights shall act in their place.

The members shall perform their duties in their personal capacities and with complete independence and shall not be restricted by directives from any authority.

- b. NHRI members shall continue to perform their duties at the end of their term until their replacements are appointed and sworn in.
- c. The Council of Ministers shall appoint the members within three months of the date the names are forwarded to it.

Article (3)

Membership Eligibility Conditions

Candidates must meet the following conditions:

1. A Lebanese citizen for at least ten years, enjoying their civil rights, and not convicted of a felony or misdemeanor of moral turpitude, and of high moral reputation.
2. Not less than thirty-five years old.
3. Not less than ten years of experience in their specialization.
4. Representation of both genders shall be taken into consideration in choosing the members.
5. The General Secretariat shall submit the candidate files to the Office of the Prime Minister.

Article (4)

Time Commitment and Exclusions

- a. Members shall devote themselves fully to their NHRI work and they are prohibited from engaging in any other work while performing their duties.
- b. NHRI members may not be chair or a member of the Ministry or of the Chamber of Deputies, chair or member of the board of directors of a public institution, chair of a municipal council, hold a party leadership position, or be a member of the syndicate councils or entities that propose members.
- c. No member may, before the passage of two full years from the end of their membership, run as a candidate for parliamentary, municipal, or mayoral elections or hold any political or administrative public position.

Article (5)

Oath of Office

NHRI members shall swear the following oath before the President of the Republic:

"I swear to God that I will perform my duties in the National Human Rights Institute honestly, faithfully, and independently, and that I, in all that I do, will act in a manner that inspires trust, seeks to make truth prevail, and protects and supports human rights."

Article (6)

Election of Chairman and Members of NHRI Office

- a. After being sworn in, the members will meet at the invitation of the oldest member or at a request made by three members, and shall select by secret ballot a chairman, secretary, and treasurer from among the members (from outside the CPT) for a non-renewable term of six years.
- b. CPT members shall meet and select a chairman from among them that shall legally be the NHRI vice chairman.

Article (7)

Bylaws and Ethical Norms

- a. Within two months of being sworn in and with a two-thirds majority, the members of the first NHRI shall establish bylaws and a fiscal system including the detailed norms and rules observed by its organization and work flow, to be approved by a decree adopted by the Council of Ministers.
- b. In accordance with the principles set out above, NHRI shall establish the ethical norms to be observed by all of its members, employees, and hired staff, and by representatives of associations and all persons working with NHRI in performing its duties.

Article (8)

Position Vacancies

If for any reason a membership position becomes vacant a year prior to the conclusion of the term, NHRI shall announce the vacancy and its chairman shall, within a week, inform the Council of Ministers and the entity concerned with proposing the nomination. The Council of Ministers shall appoint the alternate within three months of the date of being informed in accordance with Article 2 of this Law.

The alternate shall complete the remaining term.

Article (9)

Member Immunity

- a. With the exception of a felony apprehended in *flagrante delicto*, criminal cases may not be filed and no criminal procedure, including arrest, may be instituted against a NHRI member throughout their term except with NHRI permission and after hearing the member against whom the complaint was made, without said member participating in the vote.
NHRI shall issue its decision within two weeks from the date it is informed by the competent judicial authority of the request to lift immunity, under penalty of the permission being deemed to be implicitly granted.
- b. No NHRI employee or delegate may be prosecuted in a criminal case, and no criminal procedure may be instituted, including arrest, throughout their period of work with NHRI for acts related to this work except with NHRI permission.
NHRI shall issue its decision within two weeks from the date it is informed by the competent judicial authority of the request to lift immunity, under penalty of the permission being deemed to be implicitly granted.
- c. NHRI offices may not be searched and no judicial or administrative procedure may be instituted with respect thereto except after obtaining its approval.

The executive authorities may not issue a decree to suspend or stop NHRI's work under any circumstances, including states of emergency and war.

Article (10)

Non-dismissal of Members

- a. No member may be dismissed from NHRI, except in the following cases:
 1. If their health or mental state prevents them from performing their duties.
 2. If a final ruling is issued convicting them of a felony or misdemeanor of moral turpitude; their membership shall be legally suspended upon issuance of an indictment or any ruling against them for the aforementioned crimes.
- b. Dismissal decisions shall be issued by NHRI with a two-thirds majority and the concerned party shall be sent a notification of the decision within three days from the date of issuance.
- c. Dismissal decisions may be appealed before the State Shura Council within two months of the decision notification date.

Article (11)

NHRI and CPT Meetings

NHRI and CPT shall meet at least one per month, or as often as needed, at the invitation of the chairman of each. The meetings of each shall be legal with the attendance of at least an absolute majority of the members. The decisions of each shall be adopted with a proportional majority.

Any member who is absent from three consecutive sessions shall be deemed to have legally resigned.

Article (12)

NHRI Committees

In addition to the committee established pursuant to this law, NHRI may establish committees of its members to perform permanent or specific duties, as specified under its bylaws.

Article (13)

Hiring and Contracting

a. NHRI shall be assisted by an administrative mechanism headed by a full-time executive director.

CPT shall also be assisted by its own administrative mechanism headed by an executive director.

b. Appointment rules and duties shall be specified in the bylaws.

c. The administrative mechanism shall be subject to the bylaws.

Article (14)

Requests for Information

NHRI and CPT may contact Lebanese or foreign authorities and agencies and request it be provided with documents or information it deems useful for the sound performance of its

duties. The concerned Lebanese authorities and agencies shall respond to the request without delay.

Section III: Duties and Powers of NHRI and CPT

Article (15)

Definition of the Duties of NHRI and CPT

- a. NHRI shall work to protect and strengthen human rights in Lebanon in accordance with the standards set out in the Lebanese constitution, the Universal Declaration of Human Rights, international agreements and treaties related to human rights, and the Lebanese laws consistent with these standards, in addition to performing the special duties set out herein. In performing such, NHRI may communicate independently with international and local bodies concerned with human rights.
- b. In particular, the NHRI is tasked with the following duties:
 1. Monitor the extent of Lebanon's adherence to human rights and international humanitarian law and write and publish special or periodic reports thereon.
 2. Contribute independently to the necessary reports on the Lebanese state.
 3. Give opinions on all matters on which NHRI is consulted by the competent authorities or initiatives with regard to respect for human rights standards.

NHRI may, of its own initiative, give opinions on all legislation, decrees, decisions, and drafts thereof, and the policies followed in this regard.

4. Receive the complaints and reports submitted to it related to human rights violations, and contribute to remedying such complaints through negotiations and mediation or through the courts.
 5. Contribute to spreading a culture of human rights and stimulate the implementation and development of educational programs on human rights.
- c. The Committee for the Prevention of Torture shall work within NHRI to protect the rights of persons who have been detained or deprived of their liberty, in accordance with the provisions of this Law and Lebanon's commitments under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "OPCAT").
CPT shall undertake, as defined by OPCAT, the tasks of the national prevention mechanism to protect the rights of persons who have been detained or deprived of their liberty, and shall be an independent legal entity on everything related to torture and the prevention of torture.
- d. Both NHRI and CPT, each within their competencies, shall write a unified report containing its annual program and accomplishments and the challenges faced. NHRI shall submit a unified report to the Office of the President, the Office of the Speaker of the Parliament, the Office of the Prime Minister, and the President of the Supreme Judicial Council, and shall be published in the Official Gazette. Discussion of this report shall fall to the Chamber of Deputies.
The report shall be careful not to contain any personal or detailed information revealing the identity of the victims or witnesses without their consent.

Part I: Duties and Powers on Monitoring, Evaluation, and Writing Reports

Article (16)

Monitoring and Evaluating and Drafting Reports

a. NHRI shall follow and evaluate the state of human rights and international humanitarian law in Lebanon and write and publish as required the special or periodic reports thereon. NHRI may, for example, but not limited to, undertake the following activities:

1. Follow and evaluate the laws and all decrees and administrative decisions, and the acts and failure to act of all public authorities, centralized and decentralized, and the entities that perform a public service or have a public benefit, and assess them in accordance with human rights standards.
2. Monitor and document violations of human rights and international humanitarian law during periods of armed conflict and follow up using all available means to limit impunity.
3. Write general reports and special reports on specific instances of violations, including recommendations.

NHRI shall strive to organize discussions on the reports with the relevant authorities as well as with institutions, citizens, and the media.

b. Provide independent advice in presenting and writing the required reports on the Lebanese state pursuant to international or regional agreements, propose independent recommendations thereon, and follow their implementation in cooperation with all concerned authorities, institutions, and agencies. NHRI may urge the concerned departments to present the required reports at the specified times and within the required rules.

Part II: Special Powers and Duties on Receiving Complaints and Contributing to their Remedies

Article (17)

Receiving Complaints and Contributing to their Remedies

NHRI shall receive reports and complaints related to human rights violations in Lebanon from any natural person or legal entity, Lebanese or non-Lebanese, and it may investigate the facts and evidence related thereto, and contribute to their remedy.

Article (18)

Rules on Submitting Reports and Complaints

a. NHRI bylaws shall include details, rules, and conditions for submitting complaints and reports that insure the seriousness of the complaint or report, and the soundness of the person filing the complaint or reporting the information, and the confidentiality of correspondence if required.

b. Neither NHRI nor any of its members nor any of its employees are entitled to reveal the name and identity of any person filing a complaint or reporting the information without their prior written permission, even after the case has reached the competent judicial or disciplinary bodies.

Article (19)

Investigation

- a. Immediately upon receipt of a complaint or report, NHRI shall task one or more of its members to be rapporteur(s) to conduct and supervise the investigation processes and to complete the declared information using all available means.
- b. The rapporteur may collect all the information available personally, and the competent executive, administrative, and judicial authorities and all entities must cooperate with them at their request.

If the concerned authorities do not cooperate within a period of no more than two weeks from the date of the report, they may consult the competent entities to undertake the appropriate measures.

Article (20)

Investigation Results Procedures

NHRI shall, in light of the results of the investigation, decide to file the complaint, or attempt to resolve the cause of the complaint through negotiation or mediation with regard to everything relating to a personal right, or submit the reports to the offices of the public prosecution which must inform NHRI of the progress of the investigation they perform as a result, or assist the party lodging the complaint to submit the necessary requests before the relevant authorities.

NHRI shall adhere to the duty to preserve the confidentiality of the investigations as provided under the Code of Criminal Procedure.

Part III: Special Powers and Duties to Contribute to and Improve Human Rights Education

Article (21)

Human Rights Education

NHRI shall contribute to spreading a culture of human rights and international humanitarian law and stimulate the implementation and development of human rights educational programs. NHRI may, for example, but not limited to, undertake the following activities:

- a. Urge the Ministry of Higher Education and all public, official, and private educational entities to work together and include in their educational programs theoretical and applied subjects on human rights and international humanitarian law, and to develop these subjects and the related educational aids.
- b. Participate in promotional and media programs and campaigns on the standards and ways of respecting human rights and international humanitarian law.
- c. Prepare studies and organize conferences, seminars, and training courses for the various official and private entities in all subjects within its competencies, including the security forces.
- d. Issue, publish, and distribute books and publications in all subjects within its competencies.

Part IV: Duties and Powers of the Committee for the Prevention of Torture

Article (22)

Special Definitions

- a. In this law, "torture" shall mean any act undertaken or instigated or agreed to explicitly or implicitly by an official employee or any person acting in their official capacity;
which produces intense pain or suffering, physically or emotionally;
is inflicted intentionally by a person, especially to obtain from them or from a third person, information or a confession, or to punish them for an act they committed or are suspected of committing, whether personally or by another person or to frighten them or force them – personally or another person – to do or not do a given act; or
when such pain or suffering is inflicted for any reason based on discrimination of any kind.

The above definition does not include pain or suffering arising from, concurrent with, or accidentally resulting from penalties provided under law.

- b. For the purposes of this law, "deprivation of liberty" shall mean: Any form of detention or imprisonment of persons or placing them under surveillance in a public or private detention location wherein such persons are not allowed to leave as they wish, under an order from a judicial or administrative authority or other official entity.
Places of deprivation of liberty are considered to be – for example but not limited to – prisons, detention locations, police stations, jails, juvenile centers and institutions, ports, airports, hospitals, and psychiatric hospitals in Lebanon where there are persons deprived or who can be deprived of their liberty, whether subject to the supervision of the Directorate General of the Internal Security Forces, General Directorate of General Security, General Directorate of State Security, Customs Police, Ministry of National Defense, or the Ministry of Justice (hereinafter referred to as "places of deprivation of liberty").

Article (23)

CPT Powers to Visit Places of Deprivation of Liberty

- a. CPT, or a delegate authorized thereby from among its members and any accompanying employees or contractors, shall have the absolute authority to enter and visit all places of deprivation of liberty and their facilities and installations in Lebanon without exception, with the goal of protecting the persons located therein from torture and other types of cruel, inhuman, or degrading treatment or punishment, and from arbitrary detention. It shall cooperate and communicate with the relevant authorities to enforce and improve the laws and regulations related to detainees and places of deprivation of liberty.
- b. CPT or a delegate authorized thereby from among its members may:
1. Make periodic or surprise visits at any time to places of deprivation of liberty without prior announcement and without need for any permission from any administrative or judicial authority of any kind or any other entity.
 2. Conduct group or private interviews with willing persons who have been deprived of their liberty, away from any surveillance, and with the presence of a translator, if required.

3. Meet any other person it believes might provide relevant information or assistance it views as necessary, and exercise its unrestricted power to obtain information confidentially as required by CPT's work. CPT shall not publish any of this information without the consent of the source or person with the information.
4. Receive complaints or requests to meet from those mentioned above and conduct any inspection or medical examination.

Article (24)

Cooperation with Entities and Experts

- a. Within the framework of performing its duties, CPT may work with civil society entities active in the field of persons deprived of their liberty.
- b. It may also request the assistance of experts who are not its employees and such persons may, when required, accompany CPT or a delegate authorized thereby from among its members on their visits to places of deprivation of liberty, provided that the requirements of national defense and public safety are observed in this area.

Article (25)

Requests for Information

- a. To enable it to perform its duties, CPT is entitled to obtain any information from the concerned entities especially regarding:
 1. Number and locations of places of deprivation of liberty.
 2. The full identity of all persons deprived of their liberty, their detention location, date their detainment began, the period of detainment, and the legal basis for detention.
- b. CPT may examine the content and progress of the complaints, allegations, or defense presented to the judicial, disciplinary, or administrative authorities wherein testimony is given of being subjected to torture or a form of cruel or degrading treatment or punishment. Every judicial or disciplinary decision issued in cases of torture or a form of cruel or degrading treatment or punishment shall be reported to CPT by the entity issuing the decision, within a month of the date of issue.
- c. CPT shall not be bound to submit any information to any entity, unless it finds that such is in the interest of protecting the rights of persons deprived of their liberty. The files and information related to CPT shall be confidential and may only be disclosed with a decision from CTP.

Article (26)

Making Observations, Recommendations, and Suggestions

- a. CPT shall make its observations, recommendations, and suggestions with regard to places of deprivation of liberty and the conditions of persons deprived of their liberty. It shall submit them to NHRI and to the relevant authorities, with the aim of improving the conditions and circumstances of deprivation of liberty and the treatment of persons deprived of their liberty, and of protecting them and redressing their being subjected to torture and other types of cruel, inhuman, or degrading treatment or punishment.
- b. With regard to persons arbitrarily detained, CPT shall notify the relevant administrative and judicial authorities of their situation, in order that the latter will

undertake the appropriate legal and judicial measures in this regard leading to placing a limit on the illegality of their detention.

- c. CPT shall, through NHRI, give its opinion and present observations, recommendations, and suggestions on draft laws and proposed amendments to laws in effect related to the treatment of persons deprived of their liberty, their detention, the conditions of places of deprivation of liberty, and fair trial procedures.

Article (27)

Obligatory Cooperation of the Authorities

- a. The relevant legislative, executive, judicial, and administrative authorities and all entities must cooperate with CPT and facilitate its work with the aim of assisting it complete its duties.
- b. CPT has the right to communicate directly with the UN Subcommittee on Prevention of Torture and provide it with information as needed, and it may also meet with it periodically or as needed.

Section IV – NHRI Budget and Finances

Article (28)

NHRI Budget and Financial System

- a. NHRI shall enjoy administrative and financial independence and shall be subject to the subsequent oversight of the Court of Audit.
- b. NHRI shall have a private annual budget under a special item in the budget and it shall be sufficient to cover NHRI's expenses and activities.
NHRI shall prepare a draft budget and its chairman shall send it to the Minister of Finance by the deadline in accordance with the rules provided under the Public Accounting Law.
- c. A special item shall be noted in the NHRI budget on CPT that sufficiently covers all of its activity, and shall not be less than a quarter of the NHRI budget.
- d. A private account shall be opened for NHRI at the Bank of Lebanon and the NHRI chairman shall be responsible for contracting and monitoring its expenses in accordance with the rules provided in the Public Accounting Law. At the end of the fiscal year, a table of bank credits shall be sent to the Ministry of Finance certified by the NHRI chairman. The provisions of the Public Accounting Law shall apply to this table.
 1. NHRI accounts shall be subject to internal audit and independent audit by auditing and accounting firms in accordance with Article 73 of Law No. 326 of 28/6/2001 (Law on the Public Budget of 2001).

Article (29)

NHRI Funding

NHRI revenues shall consist of:

- a. Allocations made thereto in the budget.
- b. Donations, gifts, any financial support from local and international entities, and any other resources, provided that such funds are not subject to restrictions that are not in line with NHRI's independence and that the laws currently in force are observed.

Article (30)

Member Allowances

The chairman, deputy chairman, and members of NHRI shall receive lump-sum monthly compensation specified by a decision issued by the Council of Ministers, based on a proposal by the Minister of Justice.

Section V: Closing Provisions

Article (31)

Details of Implementation

The details of implementation of this Law shall be determined when necessary by decrees issued by the Council of Ministers based on a proposal by the Minister of Justice.

Article (32)

Closing Provisions

This Law shall come into effect upon its publication in the Official Gazette.