

A vertical strip of red chili peppers runs along the left and right edges of the page. The peppers are densely packed and have a vibrant red color with some green stems visible at the bottom.

Human Rights Conditions in Lebanon

Civil Society Considerations in light
of Universal Periodic Review



The Arab NGO Network
for Development

This publication is a compilation of reports prepared by group of civil society organizations in light of the review of Lebanon under the first-cycle of Universal Periodic Review(2010). The organizations are mentioned inside the publication according to the report they participated in preparing or supporting.

This publication is published by ANND. The printing is undertaken in partnership with Diakonia and funded by Swedish International Development Agency(SIDA).

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Published in October 2010

By the Arab NGO Network for Development

Beirut - Lebanon

The Arab NGO Network for Development (ANND) is a regional network working on three main issues in the Arab region; development policies, democracy and socio-economic reforms, and globalization and trade. ANND members include 7 national networks and 27 non-governmental organizations from 11 Arab countries.

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Opening

The universal periodic review is one of the new mechanisms adopted by the United Nations to examine the commitment of states in implementing international covenants and conventions concerned with human rights. The Arab NGO Network for Development (ANND) considers this mechanism as a working tool for civil society organizations to hold governments accountable for their commitments, based on international laws and codes and in comparing those to the national operative laws. Civil society's role in monitoring public policies and its implementation, and comparing it to the Human Rights Charter has become one of the urgent tasks contributing to needed reforms on various political, economic, social, and educational levels. In order for civil society groups

to have an effective role in comprehensive reform processes, it is essential to work towards forming national coalitions or frameworks for cooperation that assist in increasing the number of concerned parties that can work together on reviewing the human rights conditions in specific sectors, which are covered by the Human Rights Charter and conventions. Such collaborations provide civil society's work and data with credibility. ANND is a regional platform including organizations from 10 Arab countries, and aims at reinforcing the role of civil society organizations in the Arab countries in the area of defending and advocating for economic and social rights. The network works on promoting an alternative point of view towards the mechanisms of

public policy making, through relevant analytical work directed towards influencing policy makers and the policy making process in the Arab region.

Consequently, ANND has facilitated the common work among a group of 22 Lebanese non-governmental organizations, which have produced a common report about economic and social rights. Several groups among the group have submitted sectoral reports focused on comparing international human rights covenants with operational laws and prevailing practices in certain sectors.

The booklet in your hands includes the report reviewing conditions of economic and social rights in Lebanon, in addition to a report on the rights of women, rights of persons with disabilities, and the rights of Palestinian refugees in Lebanon.

About Economic and Social Rights

The report presented around economic and social rights addresses the policies adopted by successive Lebanese governments and directed towards national challenges including chronic unemployment, poverty, limitations in productive sectors, increasing social and geographical inequalities and the lack of social protection policies. Also, the report sheds light on the rent-oriented economic policies, the trend towards privatization

and liberalization accompanied with poor infrastructure and judicial system and an administration incapable of facing emerging challenges, or meeting the citizens needs and providing them with essential services that reflect their primary rights.

Additionally, the report addresses the implications of continuous tensions resulting from repeated Israeli threats to Lebanon, thus leading to the prioritization of security and defensive aspects over the economic, social and development priorities. Indeed, the focus on the stability and security factor in light of the spread of sectarianism has led to the rise of political system that enhances sectarianism and fosters clientelism and the misuse of authority. Also, the report discusses the adoption of Paris III program as a national plan for economic and social reforms, and sheds light on the misconduct in this area whereas this plan was not subject to national discussions and does not reflect a participatory and transparent process. It was presented by the Lebanese Government to donor countries without passing through the Lebanese Parliament, which was in suspension while the Cabinet was undergoing a severe state of division following the Israeli aggression on Lebanon in summer 2006.

The report noted that the non-adoption

of public budgets, regardless of the reasons, is a blunt breach of the Lebanese citizens' rights in reviewing the national public budget, in addition to their right in holding officials accountable based on the policies reflected by the public budget. The report also highlights the gap between urban and rural areas resulting from the rigid centralization of the system. The administrative decentralization is still a point of contention in Lebanese politics and its non-implementation result in problematic in the mandate and operation of elected national authorities' and the ways of financing it.

The report also discusses the right for adequate standards of living by addressing the phenomenon of poverty and social marginalization in addition to the absence of food sovereignty as a result of the policies marginalizing the agriculture sector and threatening the food industry. It also discusses the right to decent work in light of the lack of policies that provide protection to the unemployed and enhances the creation of job opportunities. Increasing unemployment among young people threatens social and demographic stability and has dangerous implications on the national economy and productivity in general.

The report allocates a section for discussing the health and education

sectors, noting that the size of government spending on both sectors does not reflect an improvement in the quality of services. The report relates this problem to the absence of universal national policy approaches to service provision, persistent resource waste and mismanagement, and continuous favoritism and clientelism that lead to inadequate use of resources.

The report highlights the potential effects of the policies of liberalization of foreign trade and investment on economic, social and sustainable development. Such agreements are being negotiated, on bilateral, multilateral and regional levels, signed, and implemented without proper evaluation of the impact they hold on the economic and social status of the citizen.

The report concludes in referring to the violation of the right of access to information through delaying the approval of the related law that was suspended in the Parliament.

Women's Rights

The report concerning women's situation in Lebanon, which was produced by the Lebanese Women Democratic Gathering in cooperation with the National Committee for the follow-up of Women's issue, compares between all international treaties and conventions, specifically those related to women's

rights, and the Lebanese laws.

The report calls for lifting the reservations of the Lebanese government on the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and for adoption of the related optional protocol. The report recommends eliminating women-discriminating laws and texts from the Constitution and establishing laws that protect women from discrimination and violence, and approving the law relating to criminalization of domestic violence against women and girls along with mechanisms of its implementation.

The report also addresses women's involvement in politics by calling to empower women to participate in the political decision-making process, to adopt the quota principle by a minimum of 30% in elections and nominations through both candidature and results, and to fight traditional and stereotypical obstacles hindering such targeted progress.

In regards to the economic and social rights of women, the report calls for amending the Lebanese Labor Law in order to achieve full gender equality and provide equal salaries for equal work. The report also calls for the separation between the Articles of law governing women's labor, underage and child labor. It calls for amending the social security laws to ensure equality especially in

terms of motherhood and elderly social security, and to cover maternity benefits through the National Social Security Fund, including maternity leave for working women subject to its benefits.

Rights of Persons with Disabilities

The report concerning persons with disabilities, produced by the Lebanese Physical Handicapped Union, Youth Association of the Blind, Lebanese Association for Self Advocacy, Association for Deaf Children, General Union of Disabled Palestinians, and Ecumenical Disability Advocates Network, addressed the lack of universal comprehensive national vision for the rights of this social group. The report highlights the absence of inclusion standards and coordination between the concerned Ministries. The report also discusses the sectors where violation of the rights for persons with disabilities is witnessed, such as the absence of inclusion standards to establish an adequate work environment for persons with disabilities, the lack of inclusion standards in the educational curricula and school buildings, health services, as well as architectural standards in urban planning. The report notes as well the double burden on persons with disabilities from among the Palestinian refugees in Lebanon, whose rights are violated as refugees and as persons with special needs.

Rights of Palestinian Refugees

The selective report concerning civil, social, and economic rights of the Palestinian refugees in Lebanon focuses on six main rights for the Palestinian refugees in Lebanon: the right to employment, the right to ownership of properties, the right to legal personality, the freedom of travel and movement, the right to non-arbitrary detention and to fair trial, and the right to decent housing. Twenty one Palestinian, Lebanese and International organizations concerned and active on issues of concern to Palestinian refugees in Lebanon have participated in producing as well as supporting the report. The report recommends reform measures that can be implemented by the Lebanese Government within the upcoming four years. Among these recommendations is the adoption of a clear legal definition of who is a Palestinian refugee in

Lebanon, which is one of the essential recommendations addressed to the Lebanese Government. In addition, the report recommends the exemptions of Palestinian refugees from the application of the Principle of Reciprocity, which currently deprives them of many of their rights given that Palestinians currently do not enjoy the benefits of a state. It also recommends granting identification documents to undocumented Palestinian refugees, in a sustainable and irrevocable process that would ensure the dignity of this population, and their right to legal personality as well as equality with documented Palestinian refugees. Furthermore, the report stresses the need for developing clear policies for dealing with decent housing for Palestinian refugees, among many other detailed related recommendations included in the report.

Ziad Abdel Samad
Executive Director
Arab NGO Network for Development



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Joint UPR Submission on Economic and Social Rights

List of research and draft NGOs:

1. Arab NGO Network for Development
2. Lebanese Physically Handicapped Union
3. Mouvement Social
4. Union Progressive Women
5. Creadel-Lebanon
6. Rassemblement Démocratique de la femme libanaise
7. Partnership Center for Development and Democracy
8. Palestinian Organization for Human Rights
9. Lebanese Foundation for Permanent Civil Peace
10. Nahwa Al Muwatiniya
11. Norwegian People's Aid-Lebanon

List of supporting NGO's

1. Lebanese Center for Civic Education
2. Maharat Foundation
3. Lebanese Trade Union Training Center
4. Ecumenical Disability Advocates Network (EDAN)
5. The Association of Civic Responsibility
6. Lebanese Development Forum
7. Frontiers
8. Euromed Platform
9. The National Committee for the Follow up of Women's Issues
10. Christian Aid
11. Friedrich Ebert Stiftung-Lebanon

Submission to the Office of the High Commissioner for Human Rights On the occasion of the 9th session of the Universal Periodic Review 2010 [Lebanon]

Introduction: For the occasion of Lebanon's review under the Human Rights Council UPR process, this submission focuses on Lebanon's compliance with its obligations in relation to the respect, protection, and fulfillment of economic and social rights. It presents and analyses key data relating to the right to an adequate standard of living along with the right to work, the right to health, the right to education, and the right to social security. It tackles the impact of trade liberalization and its effects on economic and social rights. The report takes into consideration regional and gender disparities and includes a set of recommendations for remedial action.

General overview on the realization of economic and social rights in Lebanon

- 1. The violations of economic and social rights in Lebanon can be mainly related to the failure of economic and social policies adopted by successive governments in addressing national developmental challenges.** The latter includes chronic unemployment, poverty, weakening productive sectors, increasing inequalities, geographic disparities, and lack of social protection. **The rentier economic approaches, weakly managed privatization, and overall economic liberalization policies favored by governments, coupled with weak regulatory infrastructure and capacities, have limited the ability of the**

state to respond to the needs and necessities of various citizens.

2. The long history of political instability and violence, combined with the frequent wars with Israel, has led to further limitations on the capacities to progressively fulfill the obligations in the field of economic and social rights.

The effects of such instability have led to the focus on narrow security agendas and rehabilitation related to immediate needs instead of building comprehensive human security approaches that integrate long-term development policies. Furthermore, the progressive achievement of social and economic rights has been hindered by a political system entrenched by confessionalism and encouraging nepotism and abuse of power.

3. National priorities and policy directives within the major reform agenda - i.e. the Paris III agenda¹ - does not reflect a transparent, participatory, inclusive, and representative process. This agenda was prepared during a period when most government authorities

¹ It is worth noting that the Paris III Agenda was adopted by the donor community and is now used as road map for reforms at various levels, including economic, financial and social.

were inactive.² Moreover, the current tax policies focus on consumption rather than income, thus lacking redistributive capacity.

4. The delays in the issuance of the public budget, associated with lack of transparent and participatory frameworks for its discussion and adoption, reflects a breach of citizens' right to adequate national budgeting that reflects their social and economic needs.

5. The high tendency of centralization widens the gap between the urban and rural areas, particularly with respect to the enjoyment of economic and social rights. This violates the equity principle. Proper and effective de-centralization has been hindered by the lack of substitutive and financial authorities delegated to local municipalities. The pledge by the new government to issue a law for decentralization and local government reform is a necessity.

6. National developmental policy making lacks an inclusive participatory approach that provides for the variety of needs among the population,

² Between July 2006 and January 2007 (just after the 2006 Israeli war on Lebanon)

including specifically the needs and priorities of persons with disabilities. This includes lack of inclusion considerations in public administration processes, policies related to health, education, job creation and employment, and social security. Despite more than ten years since the passing of the law 220/2000 related to the rights of persons with disabilities, the implementation decrees of this law have not been established, thus contributing to violations of the social and economic rights of 10% of the population living in Lebanon (400,000 citizens).

7. Palestinians in Lebanon constitute refugees whose social and economic rights are in stark breach; they live in abject poverty, have limited access to government's public health or educational facilities, and no access to public social services.³ Non-Palestinian refugees, stateless, and economic migrants are often subject to similar conditions. Furthermore, the right to legal personality, affecting between 4,000

³ The number of Palestinian refugees registered with UNRWA in Lebanon is currently 422,188. The hardship cases among Palestinian refugees in Lebanon is 12%, representing the highest percentage of hardship cases in UNRWA's areas of coverage; source: <http://www.un.org/unrwa/refugees/lebanon.html>.

and 5,000 undocumented Palestinian refugees in Lebanon has been denied; they remain neither registered with the Lebanese government nor with the UNRWA⁴.

8. The right to access information remains unprotected by a legal framework, which necessitates the adoption of the proposed draft law on the right to access information with effective implementation mechanisms. In addition, limited accessibility to and accountability of statistical data in Lebanon hinders proper monitoring of governmental policies. **The Economic and Social Council**, which was created under the National Accord of 1999, establishes the requirement of civil society participation in social and economic public policy making. This Council have been rid of effective mechanisms and inactivated for the last six years. Despite its advisory nature, its absence significantly limits public debates and transparency and inclusiveness of public policy. Simultaneously, official administrative infrastructure and

⁴ Efforts in the past two years by members in the Lebanese government to regularize the Palestinian refugees' situation have not succeeded in sustainably and irreversibly affording IDs to this segment of the Palestinian population in Lebanon.

capacities do not create the basis for an effective participatory process.

1- Right to adequate standards of living

9. Poverty remains a significant challenge facing the realization of social and economic rights in Lebanon. Nearly 8% of the Lebanese population lives under conditions of extreme poverty⁵. This implies that almost 300,000 individuals are unable to meet their most basic food and non-food needs. According to World Bank calculations of the upper poverty line, the poverty ratio reaches 28.5%.⁶ **Among the poorest are families headed by women, representing around 14.2% of families in Lebanon; one-third of whom are widows, 60% are without health coverage, 40% exhibit low and very low unmet basic needs, and 50% live with less than 400 USD a month⁷.** Concurrently, the

government continues consideration of a proposal to increase VAT (to 12%)⁸; a measure which is estimated to increase poverty rates to 32%⁹.

10. Government poverty eradication policies do not reach all regions of Lebanon; the percentage of households living with low and very low living conditions is 9% in Beirut, compared to 22% in Mount Lebanon, 34% in Bekaa, 42% in the North, and 45% in the South. **Furthermore, the distribution of expenditure among the population is significantly unequal.** The bottom 20% of the population accounts for only 7% of all consumption, whereas the richest 20% accounts for 43%.¹⁰

11. Regional disparities remain severe; although real per capita private consumption grew at 2.75% annually after 1997, distribution of this growth across governorates was uneven, being 5% in Beirut and 0.14% in the North¹¹.

5 "Poverty, Growth and Income distribution in Lebanon"- International Poverty Center, January 2008, available at: <http://www.undp-povertycentre.org/pub/IPCCountryStudy13.pdf>.

6 The Human Poverty Index (HPI-1) value is 7.6% for Lebanon, ranking 33rd among 135 countries. Available at http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_LBN.html#.

7 National Human Development Report for

Lebanon (20082009-); page 56.

8 This is one of requirements of Paris III in order to fill the public budgetary deficit.

9 Ghassan Diba, professor of economy, Lebanese American University. See also: "The Poverty and Equity Implications of a Rise in the VAT: A Microeconomic Simulation for Lebanon" (UNDP; May 2009).

10 Same as reference 5; page 3.

11 Same as reference 5; pages 6 & 7.

12. Lebanon's global integrity scorecard alerts to **high levels of corruption**¹². While an anti-corruption law is in place, its enforcement is lacking. Furthermore, institutionalized corruption leads to skewed allocation of resources and monopolization of several markets.

13. The proportion of slums to urban population reaches 53% in Lebanon, which adds to the existing problems of urbanization.¹³ Public initiatives to intervene in slum areas lack institutionalization and remain inadequate and limited.¹⁴

14. In many regions, children are exposed to forced work obligations due to the deterioration of living conditions; a study showed 35% of children in the Tripoli area were forced to work and

12 Lebanon's Global Integrity Scorecard, available at: http://www.transparency-lebanon.org/index.php?option=com_content&view=article&id=22&Itemid=11&lang=en.

13 This include impacts on quality of life, water resources availability, costs of infrastructures, and the future of natural, agricultural and landscape areas. Source: Country Program Document 20082009-, UN Habitat, available at: <http://www.unhabitat.org/pmss/getPage.asp?page=bookView&book=2706> .

14 "Understanding Slums: Case Studies for the Global Report on Human Settlements 2003, The Case of Beirut, Lebanon"- by Mona Fawaz and Isabelle Peillen, available at: http://www.ucl.ac.uk/dpu-projects/Global_Report/pdfs/Beirut_bw.pdf

leave school.¹⁵ The Lebanese Labor Law legalizes the work of children at age of 12 in violation of UN Convention on the Right of Child and ILO conventions (which respectively establish 18 and 16 years as age of work).

15. The violation of the right to adequate standards of living of Palestine refugees within Lebanon is severe. Their right to own property is violated by the amendment of the 1969 property decree¹⁶, which deliberately excluded Palestinians from owning, registering, or inheriting property. In addition, the **right to adequate housing of Palestinians is violated through the state's restrictions on the entry of housing material to Palestinian camps**, which is detrimental to the infrastructure and public services in those camps¹⁷.

16. The total surface area of public green spaces per inhabitant is

15 Hasnaa Hussein; field study in Tripoli; Lebanese University (published by An-Nahar newspaper 14-2007-3).

16 Decree no.11614 of 14 January 1969 and the amendment no.296 dated 3 April 2001.

17 The situation is even worse in "gatherings" or unofficial refugee camps, where inhabitants are constantly being prevented from repairing their houses or creating any semblance of permanence to their property; Source: www.amnestyusa.org/document.php?lang=e&id=ENGMDE180102007.

insufficient to ensure a healthy quality of life for urban dwellers.

While the current government indicated a commitment to “build green spaces in cities and increase natural reserves”¹⁸; practical mechanisms for implementation remain lacking, while some municipal plans are of an opposing nature.¹⁹ The Lebanese MDG report 2003 noted that **Lebanon will not be able to reverse environmental degradation by 2015**²⁰.

17. While free access to the beach is a public right according to Law 444/2002²¹, reality is different; Laws 144/1925, 4810/1966 and 444/2002 have been bypassed through decrees that have transformed the coast into private touristic and residential projects²².

18 Source: Ministerial Declaration – Lebanon (2009).

19 Plans from the municipality of Beirut to build underground parking spaces under remaining public gardens of the capital have been halted in May 2009 following public protest, but not necessarily abandoned.

20 The ministerial statement of the current government (issued in November 2009), makes reference to a range of sporadic environmental projects, including solutions to solid waste management, water, transport and energy.

21 Law 444/2002/ is the Framework Law for the Protection of the Environment.

22 According to a GIS study (2004), 41% of the Lebanese coastline is artificial, and 45% of sandy beaches are under degradation.

The Coalition calls on the Working Group and the Council to urge the Government of Lebanon to:

18. Enable the availability and accessibility of information on household resources at a finely disaggregated level that consider regional and gender disparities.
19. Give due consideration to the geographic dimension of poverty in poverty eradication programs, which would require passing and bringing into implementation the administrative decentralization law and addressing the economic and social needs of remote and difficult to reach villages.
20. Develop clear policies that empower women as a corner stone in poverty reduction and human capital development plans and implement all the final recommendations of CEDAW²³.
21. Ensure the availability and accessibility of improved water and sanitation facilities in all rural and urban areas and enhance linkage of related public expenditure and aid to

23 Concluding comments of CEDAW, 8 April 2008, CEDAW/C/LBN/CO/3 (40th session- 14 January-1 February 2008); available at: <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW.C.LBN.CO.3.pdf>.

- clear targeted policies, taking into consideration regional and gender disparities.
22. Tackle the *de jure* and *de facto* discrimination against Palestinians in Lebanon, ameliorating the conditions of the refugee camps, ending all practices that prohibit or hinder the reconstruction, development of, and free access to Palestinian refugee camps, and take responsibility for accelerating the process of rebuilding Nahr El Bared.
 23. Take a decision to grant identification documents to undocumented Palestinian refugees, in a sustainable and irrevocable process that would ensure the dignity of this population, and their right to legal personality as well as equality with documented Palestinian refugees.
 24. Ratify the UN Anti-Corruption Convention and address the root causes behind corruption, through ensuring the enforcement of the anti-corruption law and citizen participation in diminishing corruption.
 25. Update the State of the Environment report, which dates back to 2001, review the outcomes and recommendations of previous and current environmental projects,

including the recommendations of the National Physical Master Plan of the Lebanese Territory²⁴, and develop a national environmental strategy with an effective action plan and public participation in decision-making.

26. Enforce the implementation of existing environmental legislation, discuss and adopt draft laws on strategic environmental assessment, water, and ozone depleting substances, rehabilitation of quarries, protected areas, waste management, air quality, transport, and biosafety.

2- Right to work

- 27. Labor markets in Lebanon are characterized by several barriers to equality in relation to the right to work, including occupational segregation, gender gaps, and consistent unequal opportunities for women and men²⁵.** Furthermore, there persists low contribution by women to the economy and production, and high youth unemployment.

²⁴ This should include developing urban planning land management policies that ensure preservation of green and public spaces, and prevent further encroachment of public spaces by urban pressure.

²⁵ Concluding Comments on CEDAW, 8 April 2008, CEDAW/C/LBN/CO/3.

28. Total unemployment rose to 9.0% in 2007 (10.1% among females compared to 8.6% among males)²⁶ from an estimate of around 8% among those above 15 years in 2004 (9.6% among females and 7.4% among males). This includes 13.3% unemployment among Palestinians living in Lebanon²⁷. **The government's employment and labor policies still fail to tackle unemployment and obstacles to achieving the right to work.**

29. Highest unemployment levels, reaching 83%, is recorded among people with disabilities in Lebanon²⁸. Although the law 220/2000 established a quota of 3% of job places in public and private institutions for people with disabilities, it is not enforced nor respected.

30. Although women represent around 50% of Lebanon's total population, their representation

in the total labor force does not exceed 21.5%.²⁹ Female participation shows high regional disparities; 69.3% of employed females are in Beirut and Mount Lebanon, 10.6% in North Lebanon, 6.7% in Bekaa, and 13.3% in South Lebanon and Nabatiye.³⁰ The law sets maternity leave to a minimum of 49 days (as set by amendments of Articles 28 and 29 of the Lebanese Labor Law), which is still not in conformity with ILO and CEDAW standards. The law does not establish a coherent maternity leave applied in both private and public spheres, which adds to the complications of women entering and staying in the labor force. Moreover, the law does not punish employers or their agents who use their positions to sexually harass female employees³¹.

31. The highest unemployment is recorded among the 20-24 years age groups (17.3%)³². Moreover, the majority of workers in Lebanon

26 Source: <http://laborsta.ilo.org/STP/guest>.

27 «Working Unprotected - Contributions of Palestinian Refugees Residing in Camps & Some Gatherings to the Lebanese Economy» - A Report on the 2008 Household Survey & Qualitative Research - Prepared by Aziza Khalidi, ScD, Revised by Riad Tabbarah, PhD; The Right to Work Campaign for Palestinian Refugees in Lebanon - Najdeh Association (2009)

28 Report by Lebanese Ministry of Social Affairs (1997).

29 National Human Development Report Lebanon (20082009-).

30 Source: <http://www.undp.org.lb/WhatWeDo/MDGs.cfm>.

31 "A brief review of the current state of violations of women's rights in Lebanon"; available at: <http://www.inf.org.lb/windex/brief1.html#a4>.

32 Source: <http://www.undp.org.lb/WhatWeDo/MDGs.cfm>.

work informally, including 57% of women and 62% of men.³³

32. In clear violation of the Right to Association and the Right to Decent Work, Article 7 of the Lebanese Labor Law does not cover domestic workers, farmers and agricultural workers, and workers in government and municipal administrations, as well as daily workers. Article 15 of decree 112/1959 forbids public servants from the right to free assembly and initiation of syndicates.³⁴ Such exclusion is in direct violation of the International Labor Convention number 87 of 1948 and the Lebanese Constitution³⁵.

33. The number of migrant domestic workers in Lebanon is

33 N. Yaacoub; "Statistics in ILO: Employment in the Informal Economy of Lebanon; A gender Equality and Workers' Rights Perspective", quoted in ILO County Brief "Advancing Women's employment in Lebanon" (20082009-); available at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_100280.pdf; The ILO relates that to lack of incentives to register an establishment; as owners are not entitled to any social protection and as taxes and administrative fees remain high.

34 National Human Development Report – Lebanon (20082009-).

35 The Constitution established in its preamble the commitment of Lebanon to the UN Charter and the International Declaration of Human Rights, including article 23, which establishes for the right to association for all.

estimated to be between 130,000 and 200,000 in a population of 4 million³⁶. Lebanese legislation does not provide sufficient protection for migrant domestic workers.³⁷ The system of sponsorship 'kafala' creates total dependence of the migrant worker on the employer, and de facto denies them the right to take their employer to court.³⁸ Furthermore, there are no governmental mechanisms for monitoring the employment process, the employment agencies, and employers' abuse. This has led to slavery like conditions, labor exploitation, restriction of movement, physical and sexual abuses, and an alarming rate of suicide and deaths. Moreover, the Memorandum of Understanding between the Lebanese Government and UNHCR (2003) prohibits asylum seekers and refugees from working, driving them to work in informal market and

36 ILO Issue Brief 1, "Promoting the rights of Women Migrant Domestic Workers in Arab States: The Case of Lebanon".

37 "Migrant domestic workers left unprotected despite reforms", The Daily Star, 22 December 2009 http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=1&article_id=110009.

38 "Slow Movement: Protection of Migrants' Rights in 2009"; Human Rights Watch (16 December 2009) <http://www.hrw.org/en/news/2009/12/12/slow-movement>.

subjecting them to discrimination and exploitation.

34. According to articles 86/87 of the Lebanese Labor Law, establishment of trade unions and syndicates has to be certified by the Ministry of Labor.³⁹ Moreover, the labor law, mainly through Article 105, gives the ability to the government to dissociate unions.

This reflects a stark violation of the right to association and breach of the international labor convention number 87 of 1948, which Lebanon has not ratified till date.

35. The Lebanese Labor Law allows the employer to depart from paying the minimum wage for workers between the age of 18 and 21, based on law 67/ 36 of 1967.

36. The Law on Occupational Accidents does not provide for adequate and effective compensation in cases of labor accidents, and the occupational accidents section under the Social Security law have not been implemented since its issuance in 1963. The implemented legislative decree number 36 of September

39 Ghassan Slaybi, Lebanese Trade Union Services Center, "مقارنة وخيارات من أجل هيكلية نقابية جديدة" / "Moukraba w Khayarat Min Ajel Haykaliya Nakabiya Jadida" (2006) p.14, <http://ltutc.org/mokaraba.html>.

1983 fails to adequately address rights under this area.

37. In 2005, the Ministry of Labor partially repealed restrictions prohibiting Palestinian refugees from working in 70 types of jobs, mainly manual and clerical jobs. However, the decree did not include high-status professions requiring membership in professional syndicates. It did not change a 1964 law that imposes a *reciprocity condition* on the membership in professional syndicates- a precondition for employment in professions such as law, medicine, engineering, and journalism⁴⁰. The principle of reciprocity continues to present a major obstacle to the ability of Palestinian refugees to work in Lebanon. They are unable by law to benefit from the National Social Security Fund (NSSF) allowances, despite Palestinians and Lebanese contributing equally to the Fund. **Accordingly, Lebanon**

40 World Refugee Survey (2008), available at <http://www.refugees.org/countryreports.aspx?id=2334>; it is worth noting that in practice, consecutive Labor ministers reiterated the exclusion of Palestinian refugees born and residing officially in Lebanon from the ban on manual and clerical jobs imposed on foreigners. Moreover, in order to qualify for the new jobs and professions made available, refugees need to obtain a work permit – a de facto restrictive process.

continues to violate article 6 of the Convention on Economic and Social and Cultural Rights and the Convention on the Elimination of All Forms of Racial Discrimination (General Recommendation No.30: Discrimination Against Non Citizens).

The Coalition calls on the Working Group and the Council to urge the Government of Lebanon to:

38. Establish a well-resourced well trained labor inspection unit to: (1) monitor working conditions and (2) ensure enforcement of legislation requiring employers to provide equal wages for work of equal value and (3) enforce work contracts that include reasonable working hours, daily and weekly rests, minimum wage, and legal protection from any abuse, and adequate age of work (starting work age at 18 years according to ILO Convention No. 138 on the Minimum Age for Admission to Employment and Work and UN Convention on Rights of Children).
39. Amend the Labor Law to align minimum age of work with ILO conventions, and allow for the right to association for all in line with

- the Convention on the Freedom of Association and Protection of the Right to Organize 1948 (C87).
40. Amend the labor law to (a) abolish the sponsorship 'kafala' system with regards to migrant domestic workers and replace it with a contractual system (b) operationalize supervision of the Ministry of Labour on domestic workers' employment processes and working conditions, as well as on the practice of employment agencies and (c) investigate cases of abuse and provide legal protection for domestic workers.
41. Respect the international labor standards at work and ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
42. Implement the 3% quota related to jobs for people with disabilities and develop a related national monitoring plan.
43. Address the level of monopolization of the national market that hinders the emergence of new entrepreneurs and small and medium sized businesses.
44. Develop macro-economic stabilizers and decent work strategies that incorporate plans for strengthening productive sectors, namely

agriculture, industry, and services, and provide adequate and effective responses in instances of occupational accidents.

45. Adopt the draft law proposed by Palestinian committees and organizations, in March 2010, which: (a) exempts Palestinian refugees officially registered at the Lebanese Ministry of Interior from the need to obtain work permits from the ministry of labor⁴¹; (b) gives them the benefits afforded in the Labor Law on equal foot to Lebanese laborers, including benefits of social security⁴²; and (c) exempts Palestinian refugees officially registered at the Lebanese Ministry of Interior from the application of the principle of reciprocity.⁴³

3- Right to education

46. The right to education and ensuring the accessibility and equality in opportunities and requirements of education to all is enshrined in the Lebanese Constitution. However, **the education policy in Lebanon has failed so far in achieving a public education system that**

41 Article 1 of the draft law.

42 Article 2 of the draft law.

43 Article 3 of the draft law.

secures equal access, quality, and needed capacity, despite a significant 4.4% of GDP dedicated to education⁴⁴. Low quality of education in public schools leads to de facto discrimination against students who are not able to afford private schoolings.⁴⁵

Furthermore, high illiteracy rates (38.2%) and low rates of secondary (5.0%) and university (2.9%) level achievements persist among persons with disabilities.⁴⁶

47. Despite various strategies and decisions by the government to enforce compulsory and free education for all⁴⁷, including people with disabilities, there is lack of

44 This is comparable to around 5.8% in France. Source: Lebanon's National Human Development Report (20082009-), UNDP.

45 Although the number of public and private schools are close (1,393 and 1,419 respectively), the number of students attending to private schools is much higher than public ones (591,374 and 326,503 respectively), which is highlighted by Lebanon's National Human Development Report (20082009-) by UNDP.

46 Lebanon's National Human Development Report (20082009-), UNDP.

47 The Paris III Eleventh Progress report noted that a decree related to compulsory education was drafted and is in the process of being issued. In parallel, a committee was set up to formulate the issuance of procedural decrees to enforce compulsory education at age 15. Source: www.finance.gov.lb/NR/rdonlyres/.../ParisIIIEleventhProgressReport.pdf (the report is dated December 2009).

implementation mechanisms for free provision of education.

48. Although almost all parts of the country enjoy a sufficient number of schools, **remarkable regional disparities in educational attainment persist**, which can be associated to low socio-economic conditions, high drop-out rates, and low quality of education in rural areas.⁴⁸

49. **Access to adequate higher education opportunities is not affordable for people with limited income;** the Lebanese University is weakened due to linking its administration and management to the confessional system and related considerations. Governance processes- including development of curriculum and recruitment and tenure systems- are not based on transparent competence criteria. This status quo severely hinders the right to access adequate higher education.

50. **Although Palestinians are entitled to the same education as Lebanese, when Lebanese schools and universities enroll their students, priority is given to**

⁴⁸ Lebanon's National Human Development Report (20082009-), UNDP.

Lebanese candidates. According to the Department of Palestinian Affairs, only around 20% of the Palestinian refugees have had access to the Lebanese education system.⁴⁹ Moreover, refugees without residency permit are not allowed to sit for public exams.

The Coalition calls on the Working Group and the Council to urge the Government of Lebanon to:

51. Enhance the quality of public education, developing a new unified curriculum, introducing a drop-out prevention program, establishing and implementing quality-oriented strategies especially for public schools in rural areas, and adapting the school environment to the basic needs of children and people with disabilities, while working towards banning double shifts in schools.

52. Introduce active learning modules on values of citizenship and environmental awareness, and implement a comprehensive strategy to transform religious education into education of religious culture.

53. Focus reform efforts on increasing

⁴⁹ Tahri, M. and De Donato, M. "Refugees also Have Rights!", Euro-Mediterranean Human Rights Network (Sept. 2000).

and maintaining enrolment rates, reducing and reinserting dropouts, giving incentive premiums for teachers to serve in poor areas, establishing continuing education programs for teachers, and expanding maintenance of the existing educational infrastructure.

54. Ensure the access of excluded groups to education, including the refugees.
55. Launch an effective and time-bound reform program of the Lebanese University system that addresses issues of access, curriculum, tenure-ship, governance, management, and administration.

4- Right to health

56. The Lebanese health care system is insufficient; its main feature remains the absence of a coherent and sustained health policy.⁵⁰
57. Lebanon's public hospitals are inadequate in quantity and quality. While the majority of the population relies on private hospitals, the Ministry of Health is supposed to cover the hospitalization expenses for Lebanese of limited income and

⁵⁰ Nabil M. Kronfol and Rashid Bashshur, "Lebanon's Health Care Policy: A Case Study in the Evolution of a Health System Under Stress", p.377 (1989).

in need of access to private hospitals (where the cost is much higher than that in public hospitals). Lack of adequate supervision, corruption, and inter-ministerial mismanagement increases the proportion of hospitalization within the total budget of the Ministry of Health, and increase the citizens who are rejected access to such governmental support. **Consequently, Lebanese with limited income and most Palestinians lack access to private hospitals due to related high costs.**

- 58. The relatively high per capita expenditure on health (11.3% of total government expenditure in 2006)⁵¹ does not explain the unequal access to healthcare nor the persistent regional disparities in the distribution of health coverage.** The highest percentage of citizens with health insurance is in Beirut and Mount Lebanon (59.1% and 53.8% respectively) and the lowest is in Nabatieh (31.5%).⁵² There is a widening gap between the rising costs of healthcare and the financial

⁵¹ WHO World Health Statistics 2009, Health expenditures section, p.110 available at: http://www.who.int/whosis/whostat/EN_WHS09_Table7.pdf

⁵² Lebanon's National Human Development Report (20082009-), UNDP; page 146.

means available to patients.

59. The Health insurance system is not efficient, as half of the Lebanese population remain uninsured (53.3%)⁵³.

The unattended financial imbalance of the National Social Security Fund (NSSF) is another crucial factor, depriving even those under its coverage from certain benefits and timely reimbursement of their expenses. **Moreover, the Lebanese government has failed to put in force law 220/2000 on complete coverage of persons with disabilities through the disability card issued by Ministry of Social Affairs.**

60. Pharmaceutical drugs are also a problematic issue, as rising prices (overall expenditure on medication reached USD 800 million in 2008) continue to inflate health expenses while counterfeit and spoiled drugs are inadequately policed.

The Coalition calls on the Working Group and the Council to urge the Government of Lebanon to:

61. Reform the health system in order to establish a health policy that

prioritizes protection of the citizen in need of health services, preserves the right to adequate information in the health sector, and promotes a stable and long-lasting partnership between the public and private health sectors.

62. Strengthen the regulatory role of the state in the health sector, define the role of the different public and private stakeholders, monitor their performance thus rooting out corruption and waste, and enhance the effectiveness of the administrations maintaining the right to information in the health sector, such as the National Health Information Center.

63. Ensure the availability, accessibility, and quality of health services provided by public hospitals and primary health care centers in rural areas. Develop a unified, sustainable, and equitable health care insurance scheme covering all the population living in Lebanon, starting by reforming the NSSF and expanding the Ministry of Health Medical Card protection scheme to all citizens, not just retirees.

⁵³ Lebanon's National Human Development Report (20082009-), UNDP; page 146.

5- Right to social security

64. Although social spending⁵⁴ is high in Lebanon, it is not undertaken based on a comprehensive national social strategy. Therefore it does not provide progressive realization of the right to social security for all citizens. The legal framework related to social security lacks a comprehensive law addressing retirement.

65. Overall, most of social spending is focused on safety nets programs. Yet, still the share allocated to poor households remains inadequate and limited. In addition, safety net programs do not cover social security for the elderly and unemployed.

66. The effectiveness of safety nets is undermined by the lack of coordination between the various providers. Most of the benefits financed through the Ministry of Social Affairs are provided

⁵⁴ Social spending on education, health, pensions and social assistance accounted approximately for 30% of primary expenditures in 2007; social assistance being less than 20% of this amount as indicated in IMF Country Report 09131/ available at <http://www.imf.org/external/pubs/ft/scr/2009/cr09131.pdf>.

by a range of welfare institutions and non-governmental organizations contracted by the Ministry, resulting in extensive overlaps and waste of resources.

67. Besides unequal pay, discrimination against women in work is reflected through inadequate maternity leaves⁵⁵, and lack of acknowledgment of the care economy within the conceptual framework of the social security law. Maternity leaves for workers in the private sector are not covered by the social security system, thus increasing the potential for discriminatory practice by employers against women (including low employment of women and tendency for hasty release).

68. The rights of foreign workers are linked to the principle of reciprocity by law (Lebanese Law on Social Security of 26/09/63); **thus foreign workers- even ones with legal residence and work permits- do not have access to social security and health insurance.** The current legal framework leads as well to **the exclusion of Palestinian**

⁵⁵ This despite the Law no. 207 issued on May 26, 2000 amending articles 2629-28- and 52 (1) of the labor law; Source: <http://www.lnf.org.lb/windex/brief1.html#a4>.

workers from the social security system as they cannot meet the principal of reciprocity.⁵⁶

The Coalition calls on the Working Group and the Council to urge the Government of Lebanon to:

69. Develop a comprehensive social strategy, including an approach integrating comprehensive social security, development, and human rights. Such a strategy should address social infrastructure, social stabilizers within macro-economic policies, a special strategy to protect the unemployed, and a calculation of the added-value of the care economy and decent work.
70. Create a coordinated system involving all the social service providers, to prevent overlap and administrative waste. Establish a comprehensive and effective retirement insurance law and provide a comprehensive scheme for elderly health insurance.
71. Amend the social security law to abolish discriminatory practice against women, and enforce the established laws that secure women's fair treatment in regards to maternity leave, and meet the ILO laws and

⁵⁶ Tahri, M. and De Donato, M.; "Refugees also Have Rights!", Euro-Mediterranean Human Rights Network (Sept. 2000).

CEDAW standards in this regards.

72. Amend the labor law to allow foreign workers benefit from social security coverage.
73. Tackle the *de jure* and *de facto* discrimination against Palestinians in Lebanon with respect to social security rights and amend Article 9(4) of the Social Security Law to ensure that all Palestinian refugees receive social security benefits.

6- Trade liberalization and its effects on economic and social rights

74. **Lebanon continues to neglect its obligations under national and international law when negotiating trade liberalization agreements, with no a priori assessment of their expected impact on economic and social rights.**
75. **The Lebanese industrial sector had witnessed damage to the consumer and producer as a result of unilateral tariff liberalization in the year 2000⁵⁷,**

⁵⁷ These challenges include technical barriers, lack of protection against dumping, inability to effectively enforce the VAT at the borders, administrative obstacles, and limitations of budget that is available to the sector.

while Lebanon continues to negotiate lock-in as well as further liberalization of the industrial sector under international agreements (including WTO accession), despite warnings from direct stakeholders, including the association of industrialists.

76. While the GDP share of agriculture has been in constant decline since 1995 (7.3% in 1995, 6.9% in 1998, 6.7% in 2006 and finally 6.1 % in 2007⁵⁸), and given the significant number of families that benefit directly or indirectly from agriculture, continued liberalization of trade in agricultural products without proper agricultural policy at the national level threatens the right to food security and sovereignty as well as the right to work.

77. Further liberalization of the services sector, or locking in the status quo of regulatory frameworks under the General Agreement on Trade in Services of the WTO, without proper prior reform, poses a threat to Lebanese competitive capacities within that sector. It also threatens the job opportunities in services, which

⁵⁸ Source: <http://ec.europa.eu/trade/issues/bilateral/data.htm> (visited July-October 2009).

in turn may lead to an infringement of the right to work. The government is currently negotiating services commitments under GATS while no effective assessment and national consultations have been undertaken. It is worth mentioning the report of the UN High Commissioner on Human Rights (2002), which stressed that “the adoption of any deliberately retrogressive measures in the liberalization process that reduces the extent to which any human right is protected constitutes a violation of human rights”⁵⁹.

78. The mélange of trade liberalization contracts threatens the scope of Lebanon’s policy space and limits future governments’ abilities to regulate or to take other measures to promote or protect human rights and social systems. This gives rise to concerns regarding essential elements of livelihood and provision of basic services.

The Coalition calls on the Working Group and the Council to urge

⁵⁹ Report of the UN High Commissioner on Human Rights (25 June 2002) “Liberalization of Trade in Services and Human Rights”; Point 11 of the report; E/CN.4/Sub.29/2002/.

-
- the Government of Lebanon to:**
79. Ensure that (1) trade liberalization processes negotiated by the Lebanese government do not lead to the entrenchment of discrimination (2) agricultural-related trade agreements contain special safeguards that protect human dignity and the right to food security and sovereignty (3) undertake corrective procedures and supportive tools for temporary periods in order for Lebanese production to be able to compete at the regional and international levels and (4) exercise the right to re-impose Quantitative Restrictions in instances of import surges and to protect rural livelihoods and development.
 80. Ensure the availability and accessibility to quality basic services to all, and the respect of labor rights when signing trade agreements
 81. Undertake an effective and sector-wide study of the regulatory frameworks in the various services sectors prior to signing liberalization commitments under GATS, and secure the flexibilities available under the GATS in relation to the services sector, ensuring Lebanon's right to make fewer commitments that are sensitive to Lebanon's development situation.
 82. Ensure that Lebanese trade policy takes place within the framework of an overall development strategy that is not purely economic in nature, but one which considers social, environmental, health, education, and cultural factors as well.
 83. Ensure a participatory approach when negotiating and signing trade agreements, thus engaging different stockholders and interest groups including, civil society, through dissemination of concrete information before, during, and after the signing of trade agreements.
 84. Reactivate the Lebanese Committee on the Accession of Lebanon to the WTO and reform its mechanisms to ensure consistency of consultations and widening of the scope of involved stakeholders.



Joint UPR Submission on Palestinian Socio-Economic and Civil Rights

List of researching, drafting and information consolidation committee: - in Alphabetic Order

- 1. Joint Christian Committee for Social Services -JCC**
- 2. Najdeh Association**
- 3. Norwegian People's Aid (NPA) Lebanon**
- 4. Palestinian Cultural Club–Chatila Camp**
- 5. Palestinian Human Rights Organization – PHRO**
- 6. Right to Play International – Lebanon Office**
- 7. Shahed Association for Human Rights**
- 8. Women Programs Association – Ain El Hilweh Camp Center**

The Following NGOs contributed by information and supported this report by signing it: - in Alphabetic Order

- 1. Arab NGO Network for Development (ANND)**
- 2. Arab Resource Center for Popular Art 'Al-Jana'**
- 3. Ard Al-Tofoula Association**
- 4. Association for the Development of Palestinian Camps 'Inaash'**
- 5. Center for Refugee Rights 'Aidoun'**
- 6. Child and Youth Center**
- 7. Developmental Action Without Borders 'Nabaa'**
- 8. Fraternity Association for Social and Educational Work**
- 9. Frontiers Center**
- 10. General Union of Palestinian Women – Lebanon Branch**
- 11. Ghassan Kanafani Cultural Foundation**
- 12. Health Care Society**
- 13. Human Development Center**
- 14. Lebanese Women Democratic Gathering**
- 15. National Association for Social Medical Care & Vocational Training**
- 16. National Association for Vocational Training and Social services**
- 17. National Institution for Social Care & Vocational Training**
- 18. Palestinian Arab Women League**
- 19. Palestinian Disability Forum**
- 20. Popular Aid for Relief and Development**
- 21. Social Communication Center 'Ajial**
- 22. Thabit Organization for The Right of Return**
- 23. Women Humanitarian Organization**

Joint NGO Submission to the Office of the High Commissioner for Human Rights on the occasion of the 9th session of the Universal Periodic Review on Lebanon

November 2010

**Selective Submission on
Palestinian Socio-Economic and
Civil Rights in Lebanon**

1. This submission has been researched and drafted by the following organizations Norwegian People's Aid – Lebanon (Wafa El-Yassir, Country Director), Palestinian Human Rights Organization, (Ghassan Abdullah, General Director), The National Institution for Social Care & Vocational Training (Kassem Aina, General Director), The National Association for Vocational Training and Social services (Sukeina

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2. This submission focuses on six key civil, economic and social rights of Palestinian refugees in Lebanon: The Right to Work, the Right to Own Property, the Right to Legal

Personality, the Right to Freedom of Movement, Arbitrary Detention and Right to Fair Trial, and the Right to Adequate Housing. It draws on reports prepared and published by the presenting coalition of NGOs, and suggests measures for redress which can be implemented by the Lebanese government within the coming 4 years.

3. Lebanon has been a reluctant host to Palestinian refugees since 1948. The question of naturalizing refugees is one of the most contentious political issues in Lebanon today used to justify the lack of basic human rights denied to Palestinians even though the Lebanese constitution stated in its preamble on paragraph B that "Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Right. The Government shall embody these principles in all fields and areas without exception." Furthermore, Article (2) of the Lebanese Code of Civil Proceedings states that: "in the case of a conflict between national and international law, the latter shall prevail."

4. Palestinian refugees in Lebanon are divided into three categories: 1) Registered Refugees with both UNRWA¹ and the Lebanese Authorities; 2) Non Registered Refugees (NR) which are only registered with the Lebanese Authorities²; 3) Undocumented Refugees (Non-ID) who are not registered neither by UNRWA nor the Lebanese Authorities (see section III of the report).
5. Despite that Palestinian refugees have been residing in Lebanon for 62 years, however, the Lebanese legislator did not define who the Palestinian refugee in Lebanon is. The Lebanese legislation addresses Palestinian refugees sometime as foreigners, sometime as a "special category of foreigners", and sometime as Palestinian refugees.
Our first recommendation for the Lebanese Government is to

1 Note that UNRWA registration means that the Palestinian refugee registered with UNRWA can benefit from UNRWA services and this has nothing to do with enjoyment of rights

2 There are approximately 30,000 refugees not registered with UNRWA because they do not fit the definition in UNRWA's mandate of who is entitled to register. UNRWA definition states that "persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict". This category was displaced from Palestinian after the conflict.

adopt a clear definition, in law, of who is a Palestinian refugee in Lebanon.

1- The right to work

6. In June 2005, the Lebanese minister of labor took a step towards affording the right to work for Palestinians in Lebanon by lifting, through a ministerial decree³, the ban on nearly 70 manual and clerical jobs. Consecutive Labor ministers since 2005 reiterated the exclusion of Palestinian refugees born and residing officially in Lebanon from the ban on manual and clerical jobs imposed on foreigners.
7. This initiative did not end legal discrimination against Palestinians in Lebanon, as it did not include independent or high-status professions requiring, by law, membership in professional syndicates. In Lebanon, there is up to 30 syndicated professions including lawyers, doctors, pharmacists and engineers. Generally, to be member of a syndicate, either Lebanese nationality is required or the principle of reciprocity is to be applied. As

3 These decrees have to be re-issued at the beginning of each year, and can be easily revoked.

- Palestinians have no State, the principle of reciprocity is interpreted as to deny them the right to adhere to the syndicate.
8. Moreover, in order to qualify for the new jobs and professions made available, refugees need to obtain a work permit. The work permits constitute a *de facto* restrictive process because of the bureaucratic technicalities and the prohibitive fees charged for a permit which has deterred both the refugee employee and the employer who share the cost of the fees.
 9. Also, their rights won't be enhanced with a work permit, seeing that they are still not eligible to receive social services. Legally working Palestinians pay social security taxes, but are ineligible for any benefits as this falls under the reciprocity principle.
 10. While recognizing that Palestinian refugees in Lebanon are non-nationals, the protracted and non-temporary nature of their residency in Lebanon – more than 60 years – does not justify the limitations imposed on Palestinian refugees' right to work as non-nationals (Art. 2 para. 3 of the International Covenant on Economic, Social and Cultural Rights) and constitutes, therefore, a discriminatory practice in violations of Article 2 para. 2 of the ICESCR, and of article 26 of the International Covenant on Civil and Political Rights, aimed at preventing discrimination.
 11. Any other reasoning put forth by the Lebanese government is a violation of article 6 of the covenant and undermines (and has undermined in practice) the dignity of Palestinian refugees in Lebanon. Current Lebanese State legislation is also in violation of Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) which affords "the right to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favorable remuneration" (para. i). Article 5 of the CERD is to be applicable to non-nationals as per Article 1, paragraph 2, which is construed so as to avoid undermining the basic prohibition of discrimination (General Recommendation No.30: Discrimination Against Non Citizens para. 2).

12. **Our recommendation is for the Lebanese Government to adopt the draft law proposed by Palestinian committees and organizations, in March 2010, which:**

- a. Exempts Palestinian refugees officially registered at the Lebanese Ministry of Interior from the need to obtain work permits from the ministry of labor⁴; and**
- b. Gives them the benefits afforded in labor law on equal foot to Lebanese laborers, including benefits of social security⁵; and**
- c. Exempts Palestinian refugees officially registered at the Lebanese Ministry of Interior from the application of the principle of reciprocity.⁶**

2- The right to own property

13. In 2001, the Lebanese legislator amended the 1969 legislative decree concerning the obtainment of real estate property by non-Lebanese

4 Article 1 of the draft law.

5 Article 2 of the draft law.

6 Article 3 of the draft law.

(decree no. 11614 of 14 January 1969). The amendment No. 296, dated 3 April 2001, prohibited ownership of realty of any kind "by any person who does not hold citizenship from a recognized State, or to any person where such ownership contravenes the provisions of the Constitution concerning naturalization".

14. Prior to the amendment, Palestinians, like foreigners, had the right to own up to 5000 square meters outside of Beirut and up to 3000 square meters in Beirut, without the need for a permit. The 2001 law deliberately excluded Palestinians from owning real estate property, as they are the only foreigners not having a "nationality of a recognized state". Property owned by Palestinians before 2001 was no longer inheritable. Property bought and paid for, fully or partially (in installments), before the 2001 legislative amendment, was no longer eligible for registration at the national registrar or Cadastre Office.⁷

15. The Lebanese 2001 legislation is a violation to article 5 of the Convention

7 Registration at the Cadastre Office – not the contract – generates real estate rights in the Lebanese legal system.

on the Elimination of All Forms of Racial Discrimination (CERD), which guarantees in its paragraphs 5 and 6 the right to everyone, without distinction based on nationality, the right to own property and the right to inherit. While, Article 1 (2) of the CERD allows signatory states to make “distinctions, exclusions, restrictions and preferences between citizens and non-citizens”, the law only singled out the Palestinian refugees and not all non citizens.

16. **Our recommendation to end discrimination in realty ownership is for the Lebanese Government to amend the 2001 law to allow the Palestinian refugees to own real estate property.**

3- The right to legal personality

17. 5000 Palestinian refugees in Lebanon are not registered with the Lebanese government, nor with the UNRWA.⁸ These refugees currently residing in Lebanon originate from the West Bank and Gaza, and were denied renewal of their documents

⁸ According to statistics published by the Palestinian Liberation Organization (PLO), the Danish Refugee Council and the Palestinian Human Rights Organizations (PHRO).

by the countries which gave them these documents initially. Their descendents born in Lebanon from a Palestinian or Lebanese mother are undocumented.

18. Without any proof of existence, they are unable to access basic health services, education, humanitarian aid or the employment market, and are denied civil, social and economic rights, including owning cars or motorbikes which require registration. Registration of marriages of undocumented males and registration of newborns to undocumented males, are impossible.
19. The Lebanese Ministry of Interior had begun issuing special papers for temporary residence to undocumented Palestinians in 2008, which are no longer valid⁹. Issuance was discontinued until early 2010, following protests and demonstrations in December 2009 by undocumented Palestinians and human rights organizations. Till date, efforts by Lebanese authorities to regularize their situation have not succeeded in sustainably and irreversibly affording

⁹ Temporary residence is valid up to one year, then the undocumented Palestinian has to re-apply if the authorities were accepting applications.

IDs to this segment of the Palestinian population in Lebanon.

20. Moreover, the purpose of the special papers for temporary residence is only to identify the holder and to allow him or her to move without the fear of getting arrested and thrown in jail, but it does not permit them to work, register in schools and universities, or receive healthcare or register marriages.
21. The right to identity is a fundamental human right, and a pre-requisite for the enjoyment of civic, economic and social rights as stipulated in article 11 of the ICCPR.
22. **Our recommendation is for the Lebanese Government to take a decision to grant identifications documents to undocumented Palestinian refugees, in a sustainable and irrevocable process that would ensure the dignity of this population, and their right to legal personality as well as equality with documented Palestinian refugees.**

4- The right to freedom of movement

CAMPS IN SOUTH LEBANON

23. Differing from other Palestinian refugee camps over the Lebanese territories, camps in southern Lebanon¹⁰ are besieged and fenced all around with very narrow and limited number of entrances and exits. For instance Rashidieh camp population is more than 27,500 registered refugees¹¹, all passing through one entrance–exit check point. Restrictions are imposed on these camps at night starting from 9 p.m. Every entrance to and exit from the southern camps, beyond this time, is subjected to registration from the Lebanese Army. In 2009 the Lebanese Army worked on building a wall around the eastern side of Ain Al Hilweh camp, which increased the isolation of the camp from its surroundings.

10 The three camps in Tyre: (Rashidieh Camp: one entrance – exit, Burj Al-Shamali Camp: one entrance-exit and Al Buss Camp: one entrance and one exit). The two camps in Saida (Ain Al Hilweh: four entrances-exits, and Mieh w Mieh Camp: one entrance – exit)

11 UNRWA, Lebanon, Camps' Profile, Rachidieh refugee camp, March 29, 2010 <http://www.unrwa.org/etemplate.php?id=141>

24. Palestinian refugees in Lebanon who travelled abroad and succeeded to obtaining foreign nationality lose the privileges of residency in Lebanon and are treated as foreigners. They are obliged to obtain military permits for visiting family in the South Lebanon camps, significantly hampering their freedom of movement.
25. Restrictions on the freedom of movement put psychological pressure on the people living inside the camps. In times of tension and local feud in the camps, such restrictions endanger the life of the inhabitants of the camps.

NAHR EL BARED CAMP

26. Since the end of the war of the Lebanese Army against "Fateh Al Islam" Group in September 4th, 2007, in Nahr Al Bared camp in Northern Lebanon, the Lebanese Army strictly controls the entrance and exit of Palestinians to the camp, including to the *new camp* - area adjacent to the old camp area - where some refugees are still living, and to which other refugees were displaced from the *old camp* area.
27. Palestinian refugees inhabitants of

the camp, or previous inhabitants of Nahr El Bared who were displaced, and any other Palestinian refugee including staff of humanitarian NGOs, need military permits to enter to the camp's adjacent area. The Lebanese army procedure to deliver the permits is without guidelines or clear policy. Practically, the camp is isolated from the neighboring areas, family relations are interrupted and economic activity are hampered. This has frustrated first and foremost the inhabitants of the new camp area, and constrained their freedom of movement which has become dependent on the Lebanese army.

28. When arguing the restrictions imposed on the freedom of movement of Palestinian refugees in Lebanon, Lebanese authorities put forth fighting crime and fundamentalism growth inside the camps. The Lebanese logic is that of security and permanent emergency. But from our experience as NGOs working in the camps, such restrictions are not affecting the movement of those accused of crime. To the contrary, the spread of fundamentalism is benefiting from the frustration and marginalization of the Palestinian

refugees communities, due in part to Lebanese authorities' restrictions and isolation policy.

29. **Our recommendations for the Lebanese Government is**

- a. **To facilitate the entrance and exit of Palestinian refugees residing in Lebanon to all camps, as to respect the fundamental right to movement, including by ending the military treatment of camps and the military imposed restrictions, and removing fences around camps; and**
- b. **To halt the military permit system for entrance to Nahr El Bared camp.**

5- Arbitrary detention and right to fair trial

30. During the war of the Lebanese Army against "Fateh Al Islam" Group in 2007, and accordingly after its end, hundreds of Palestinian refugees were subjected to arbitrary arrests and detention under the pretext of their belonging to Fateh Al Islam and other fundamentalist groups. The majority of the arrests took place

without a proper judiciary order (most of them took place at Lebanese Army checkpoints). All detainees were 'interrogated' after their arrest and denied legal representation while in military custody. The majority of the arrested Palestinian refugees have been, since 2007, under arbitrary detention, without a fair trial. Others were tried before the military court.

31. Several local and international human rights organizations documented cases¹² of arbitrary arrests and detention, torture and ill-treatment as well as two cases¹³ of deaths during the detention period and investigation.

32. Under Lebanese law, Articles 425 of law no. 90/83, Lebanese citizens who cannot afford a lawyer are provided with one by the State. Also,

12 Torture in Lebanon: Time to break the pattern, report published in October 2009 by Al Karama Organization for Human Rights http://en.alkarama.org/index.php?option=com_docman&task=doc_download&gid=140&Itemid=222

13 Conditions of Palestinian refugees detained in relation to Nahr Al Bared Camp incidents, report published in August 2007 by the Palestinian Human Rights Organization – PHRO, http://www.palhumanrights.org/Nahr_El-Bared/ENG/A%20Report%20on%20the%20Conditions%20of%20Palestinians%20Detained%20in%20Relation%20to%20Nahr%20El-Bared%20Camp%20Incidents-ENG.pdf

Article 426 of the same law offers foreign nationals legal aid under the reciprocity principle. This means that Palestinians are excluded from the legal aid because they are not citizens of a recognized state that could have the same treatment for Lebanese. This makes Palestinian refugees unprotected by the law and more vulnerable to ill-treatment, torture, and violation in their basic rights before the law.

33. The arbitrary arrest and detention of human beings is a breach of article 9 of the International Covenant on Civil and Political Rights (ICCPR). Committed Torture and ill-treatment during the detention and investigation is a violation of article 7 and article 10 of the ICCPR and article 2 paragraph 2 and article 11 of the Convention against Torture (CAT). The status of keeping the detained Palestinian refugees without a fair trial, or delaying their trial, is a violation of article 14 of the ICCPR.
34. **Our recommendations for the Lebanese Government is**
 - a. **Immediately release every detainee, not criminally involved, in compliance with the international legal precept that everyone charged with a penal offence has the right to be presumed innocent until proved guilty and ensuring a fair trial for those proven guilty in an impartial and independent court of law, taking into consideration that any confession obtained under duress is considered null and void; and**
 - b. **Afford serious and immediate assistance in ensuring legal representation, regular family visits, health and medical care to all detainees; and**
 - c. **Open immediate investigations to ascertain the circumstances that led to cases of death among Palestinian detainees and clarify uncertainties besetting any case for the purpose of imposing a fair punishment for negligence until such regrettable incidents no longer take place, which would preserve the right to life, freedom and personal safety**

6- The right to adequate housing

35. After the destruction of Nahr El Bared camp in 2007, eleven¹⁴ camps remain, where the estimated population of registered refugees in Lebanon is 422,188¹⁵, 53%¹⁶ of them are living in the existing camps whose area in total does not exceed 11 km². For instance, Ain Al Hilweh camp in Saida, the largest camp in Lebanon, accommodates 47,500 Palestinian refugees in less than 1km² area, while the Lebanese national population density average¹⁷ is 359 persons/ km².
36. The size of the camps hasn't changed since their establishment in 1949, although four generations were born through the six decades of refuge.

14 Originally, in 1949, the number of the camps was 16. Three camps were destroyed during Lebanon's civil conflict (Nabatieh camp in south Lebanon, and Dikwaneh and Jisr el-Basha camps in the Beirut area). A fourth (Gouraud in Baalbek) was evacuated many years ago. The Fifth is Nahr El Bared Camp that was destroyed in 2007 during the clashes between the Lebanese Army and the "Fateh Al Islam" Group.

15 UNRWA, Lebanon, facts and figures, March 29, 2010, <http://www.unrwa.org/etemplate.php?id=65>

16 UNRWA, Lebanon, camp profiles, March 29, 2010, <http://www.unrwa.org/etemplate.php?id=73>

17 Lebanon, August, 19 2008, Centre de ressources sur le developpement local, March 29, 2010, <http://www.localiban.org/spip.php?rubrique42>

- Consequently, housing in Palestinian refugee camps is compressed with no privacy, no outlook, narrow alleys, no places for children to play, no green spaces, a high percentage of humidity, non-entry of sun light and the impossibility for business to grow in the camp. Many families, still live in ribbed iron huts and no protection from extreme temperatures in winter or summer.
37. The Lebanese Army restricts the entry of building material, furniture and medical equipment to most camps in Lebanon, the restriction being thoroughly enforced around South Lebanon camps. Such procedures prevent Palestinian refugees from repairing or fixing their houses as well as from improving the camps' infrastructure. This has led to increasing deterioration of houses and infrastructure (electricity, water supply and sewage networks), and worsening the already overcrowded, unsanitary and squalid camps.
38. 31,000 Palestinian refugees lost their homes and means of living consequently to the 2007 Nahr El Bared conflict. They were displaced and remain in displacement in

inadequate barracks housing in the adjacent area to the camp set up by the UNRWA. Some of them live in temporarily in rented houses in Nahr El Bared camp neighborhood, and others moved to other Palestinian camps. The alternative housing available to the community of displaced Palestinian refugees does not fulfill their right to decent housing.

39. **Our recommendation for the Lebanese Government is**
- a. **To develop clear policies that tackle the adequate housing standard for Palestinian refugees (population versus areas); and**
 - b. **To involve the municipalities around the camps in consolidating the infrastructure of the camps and linking it to that of the municipalities; and**
 - c. **To allow building material to enter the camps for the maintenance and reconstruction of houses, and to equally allow for furniture and medical equipments to enter; and**
 - d. **To compensate Nahr El Bared camp inhabitants for their displacement and the loss of their houses and economic activities, due to the war; and**
 - e. **Take all measures for accelerating the rebuilding of Nahr El Bared camp and facilitating the return of its inhabitants.**



Joint UPR Submission on Women's Rights

List of research and draft NGOs:

- 1. Lebanese Women Democratic Gathering**
- 2. National Committee for the Follow-up on Women's Issues**

Introduction

1. This report is elaborated by the Lebanese Women Democratic Gathering and the National Committee for the Follow-Up on Women's Issues, two non-governmental organizations (NGOs) involved with others in the elimination of discrimination against women in different fields.
2. The Lebanese Women Democratic Gathering is a secular women's NGO that was founded in 1976 as per notice 25/A.D. It works with democratic forces to achieve full gender equality in all fields and combat violence. It takes international bills and treaties as its reference.
3. The National Committee for the Follow-Up on Women's Issues is a non-governmental association that was founded in 1996 as per notice 71/A.D. It seeks to achieve full gender equality in all social, cultural and political fields, taking the Lebanese Constitution and all international conventions as its reference. In cooperation with women's and civil organizations, the national committee drafted three shadow reports which were submitted to the CEDAW committee in 2005 and 2008 respectively.
4. The Lebanese Women Movement's struggle for the elimination of discrimination against women in all political, social and economic fields has been incessant. It has not stopped demanding the Lebanese government to lift discrimination off women. Despite its achievements by lobbying the government, particularly in the wake of the Beijing Conference after which the Lebanese State signed the CEDAW with some reservations on Articles 9, 16 and 29, the road to full gender equality in Lebanon is still long. Lebanese women still encounter many challenges, especially in the

Lebanese laws relevant to women's lives, i.e. the Nationality Law, the Penal Code, the Civil Status Law... These are the articles against which Lebanon voiced its reservations.

5. This report focuses on the status of women in Lebanon by relying on and comparing all international instruments, in general, and the instruments relevant to women's rights, in particular, on one hand and the Lebanese laws on the other.
6. The Lebanese Constitution does not include any discriminatory text against women. It affirms the equality of all citizens before the law without any distinction. In paragraph "b" of its preamble: **"Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception..."**. This preamble is of constitutional value, based on the explicit text in the decision issued by the Constitutional Council on 12/9/1997 (official gazette, Issue No.44, on 18/9/1997). The text read: "Since the principles in the preamble

of the Constitution is an integral part of it and **enjoy a constitutional value just like the provisions of the Constitution."**

7. Lebanon concluded several international bills and conventions, among which is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is regarded as the most significant and universal framework that enables the implementation of gender equality, pursuant to Law No.572 promulgated on 24/7/1996. Lebanon voiced its explicit reservations towards clause (2) of Article 9 which has to do with granting women equal rights with men with respect to the nationality of their children; clause (1) of Article 16 in its paragraphs on equality in rights and responsibility in marriage, maternity, guardianship, wardship, trusteeship and adoption of children, as well as equality in the right to choose a family name; and clause (1) of Article 29 on the referral of disputes among State Parties on the interpretation or application of the Convention to the International Court of Justice. This reservation deprived women in Lebanon from

international protection, and it tampers with the essence and spirit of the convention.

- 8. Recommendation:** Lifting the reservations off CEDAW and concluding the optional protocol annexed to it.
9. It is note-worthy that Lebanon concluded other conventions directly relevant to women’s rights, the most of important of which are:
01. Convention on the Political Rights of Women of 1953 (concluded in 1955)
 02. UNESCO Convention against Discrimination in Education (concluded in 1964)
 03. Night Work Women’s Convention of 1948 (concluded in 1977)
 04. Convention Concerning the Employment of Women on Underground Work of 1937 (concluded in 1946).
 05. Employment Policy Convention of 1964 (concluded in 1977)
 06. Lebanon approved of the Beijing Declaration which calls on the State to take the initiatives and carry out defined procedures to abolish the

existing discrimination against women and modify their status in society.

- 10. Concept of discrimination against women:** Article 1 of the Convention clearly stipulates that the purpose of the convention is the elimination of discrimination in all public domains, whether political, economic, social, cultural or civil, including public and private aspects. In its general recommendation No.19, the CEDAW committee underlined that gender-based violence, i.e. violence against a woman because she is a woman or that that affects women disproportionately, regardless if perpetrated by a public authority or an individual or an organization or an institution, falls in the scope of definition stipulated in the article. However, in Lebanon, no real political will has been crystallized to abolish discrimination and violence against women, which increase discrimination against them, namely the women who are marginalized, refugees, displaced, with additional needs, as well as women supporting households, foreign domestic female workers, female farmers and domestic workers, etc... Even though Lebanon

concluded many international human rights conventions, they have not entered into force yet, nor have they have been translated into applicable laws or decisions, even with respect to the CEDAW clauses which Lebanon has no reservations against. This renders women in Lebanon excluded from international as well as national protection.

11. Recommendation: Enforcing the convention by clearing the Constitution and all laws and legislations of the texts discriminating against women, in accordance with the clauses and provisions of international human rights conventions; and drafting laws protecting women from all kinds of discrimination and violence against them.

12. Female refugees in Lebanon from different walks of life suffer from accumulating discrimination, based on the refugee status and the resulting social and economic lack of protection, overlapping as well with the gender-based discrimination. The status of refugee women in Lebanon is marked by the breach of their civil rights since Lebanon does not implement the Casablanca Protocol which called for non-

discrimination between refugees and citizens in civil rights. Moreover, the status of refugees is also denoted by the plurality of authorities involved in their status on the security and services protection level. As of 2003, Lebanon has witnessed an increase in the number of Iraqi female refugees, in addition to the women refugees from Sudan and Somalia, as well as Kurdish refugees. Nevertheless, the main category of women refugees in Lebanon are Palestinian women who have been here for the longest time since they came to Lebanon in the wake of the 1948 Nakba. Currently, statistics (UNRWA- the government- PLO Commission) point out that the number of Palestinian refugees registered in Lebanon constitutes around 10% of the Lebanese population. They are suffering from aggravating pains due to their exclusion from their homeland and due to the oppressed livelihoods in exodus as a result of the methodological discrimination exercised against them in Lebanon.

13. Recommendation: Concluding the convention relating to the Status of Refugees and the Casablanca Protocol which guarantees non-

distinction between refugees and citizens in civil rights.

1- Women's Civil Rights

- 14. Nationality Law:** The Lebanese Nationality Law (Decision No.15, dated 19-11-1925), which was amended by the law issued on 11-1-1960, still deprives the Lebanese woman married to a non-Lebanese to pass her nationality to her family (husband and children) since nationality is exclusively linked to the blood tie from the father's side only. This law undermines women's full citizenship and exposes their children and spouses to a series of civil, social and economic problems, as they are treated as foreigners in terms of residency and work permit, and they are denied all rights.
- 15. Recommendation:** Absolving the Lebanese Nationality Law from the articles that discriminate against women and amending it to guarantee complete gender equality without any exceptions.
- 16. Penal Code:** The Lebanese Penal Code, promulgated in 1943, discriminates in some of its provisions against women:
- a. Article 562, known as "Honor Crimes", gives the males in a family the mitigating excuse in case they kill a woman in the family, from the descendants or ascendants. This encourages violence against women to the extent of murder.
 - b. Moreover, the Penal Code rules out in its provisions the case of raping a wife in articles 503 and 504, on the basis that this is her obligation that is mandated by the marriage contract. The code is lenient with a woman rapist to the extent that he is not sued nor punished in case of an existing marriage contract between the perpetrator and the victim (Article 522).
 - c. Furthermore, the Lebanese law discriminates between men and women in the provisions on adultery, in terms of the conditions of adultery, the sanction, rules of evidence and the invalidity of the public lawsuit (Articles 487, 488 and 489).
 - d. Regarding prostitution, the Lebanese law that prohibits secret prostitution on one hand, permits the exercise of prostitution within

- certain regulatory conditions for brothels and the work of prostitutions on the other. The law punishes pimps and women exercising harassment. It also sanctions whoever seduces a women or a minor into fornication.
- e. With respect to provisions on abortion, the Lebanese law is among the strictest laws. It punishes a woman who aborts deliberately by imprisonment from 6 months to 3 years. It punishes the person who conducts abortion or attempts it with the woman's consent by imprisonment from one to 3 years. The sanction is more severe in certain cases, where it ranges from 4 to 10 years, according to circumstances. However, it entitles the benefit from the mitigating excuse in case of abortion to preserve honor. The Lebanese law permits curative abortion within exceptional conditions. In fact, banning abortion does not reduce its exercise but pushes women towards secret abortion by incompetent people and in unhealthy methods, threatening the safety of women and leading to their death in some cases.
- 17. Recommendations:**
- Abolishing article 562.
 - Incriminating the rape of a wife.
 - Abolishing Article 522 from the Penal Code.
 - Not incriminating adultery and maintaining its prohibition (by adopting it as a reason for divorce in the Civil Status Law).
 - Adopting strict measures in monitoring and punishing sex traffickers.
 - Addressing the reasons pushing women towards prostitution by combating discrimination, poverty and violence against women and enabling them vocationally.
 - Amending the provisions regulating abortion and not incriminating it.
- 18. Law on Land Trade (on the rights of the wife of bankrupt man):** Provisions of articles 625-626-627 and 628 (relevant to a wife's proof her properties and money when her spouse goes bankrupt) discriminate between men and women. The Lebanese law sets constraints on the wife's money in case her spouse is declared bankrupt, as per the Law

on Land Trade. They are constraints that are exclusively imposed on the wife.

19. Recommendation: Amending the articles to achieve equality between spouses in the Law on Land Trade.

20. Domestic violence against women and girls: The Lebanese law is void of any text incriminating domestic violence. The Lebanese legislator addressed the issue of harm and other forms of violence in the framework of the general law (Penal Code) which does not take into account the particularity of a household, which is a breach of women's human rights. Hence, in accordance with General Recommendation No.19 issued by the CEDAW Committee, a group of civil society organizations established the "National Coalition against Domestic Violence". A complete draft law was prepared and submitted to the Cabinet to protect women from all forms of gender-based violence and consider domestic violence a crime that should be sanctioned by the law. The proposed law shall be applied to cases of domestic violence against females, by suggesting several

protection mechanisms, such as: establishing a special family court; appointing a family public prosecutor; maintaining the confidentiality of trial and investigation; training the judicial police to receive violence victims; issuing a protection decision that prevents the perpetrator of violence to harm a woman; establishing a governmental financial fund to aid victims; obliging the perpetrator of violence to undergo rehabilitation sessions; and ensuring alternative residence for the a woman who falls victim of violence. As a result of the lobbying by this coalition on the Lebanese government, the Cabinet endorsed this draft-law in April 2010 and referred it to the Parliament.

21. Recommendation: Enacting the law with the mechanisms leading to its implementation by the Parliament to incriminate domestic violence against women and girls.

22. Civil status laws in Lebanon are a form blatant discrimination against women, which is quickly transformed into the most heinous images of violence against them. The family is based on an authoritative hierarchy headed by men who discriminate against women

in rights and obligations, but it differs from one confession to another. Yet, discrimination against women takes place among the different religions. Among the most prominent fields of discrimination:

- a- In marriage: Women's legal capacity is incomplete** and the condition of having a guardian in marriage.
- b- Husband's authority** in marriage. The family in most laws is based on man's leadership of a family, along with the resulting obligations (obedience).
- c- In divorce and marriage termination:** inequality in the reasons of divorce and marriage termination, and unleashing the right of men to utter it, while strictness is adopted in responding to a woman's right to ask for it.
- d- In custody and guardianship: A father and some males in the family enjoy the privilege over the mother in the right of guardianship of children. And the impact of the custody provisions** on the mother and the children without taking into account the child's interest, where a woman's right to the custody of her children does not stand anymore in case she is married. She might also be forced to give up her financial rights to keep her children.
- e- Polygamy (multiple wives)** which is entitled by some Islamic sects.
- f- Inheritance rules** which discriminate between both genders in law and in reality.
- g- Alimony:** Verdicts issued on alimony do not take into account that the sums do not fulfill the minimum needs of a family.
- h- Violence against women:** including the non-codification of the marriage age, the man's right to reprimand his wife, which is not regarded as a sufficient reason to ask for divorce.
- i- Trusteeship:** The males in the family have privilege over the mother in the trusteeship over children.
- j- Right to litigation** and the ability to afford it, as the fees and cost of litigation increase and differ, which is a means to pressure women.
- k- Dowry and dot: Management**

and investment of the dowry and the dot is up to the husband.

Recommendation: Drafting a binding unified civil personal status law based on the following principles:

- 1- Freedom of belief and religion
- 2- Equality in rights, obligations and responsibilities between men and women in one family, with women regarded as supporters of their families along with men.
- 3- Ensuring children's interest.

23. Political Participation. Regarding women's participation in political decisions, it is still weak though Lebanon has legally consecrated political rights since 1953. However, this did not result in healthy representation of women, whether on the Legislative and Executive Powers or on the level of parties. We can observe almost total absence of women from planning and decision-making positions. This is the result of several obstacles, starting with the electoral laws based on confessional distribution of spoils, adoption of confessional quota with the majority system, as well as the adoption of larger constituencies, passing through the traditional social

infrastructure and the distribution of roles between both genders, frailty of democracy, consolidation of the systems based on tribal, clan and confessional structures, ending with the economic hurdles amidst increase in women's unemployment and their non-possession of wealth that qualifies them to participate.

Recommendations:

- Enabling and training women to participate on the level of political decision-making.
- Enacting the principle of quota by not less than 30% in appointments and elections via candidacy and the results together, which allows women to exercise their political rights and access decision-making posts.

2- Women's Economic and Social Rights

Labor Code: The Lebanese Labor Code excludes in its provisions some categories, such as domestic workers, male and female farmers and wagers working in agricultural institutions. Moreover, the provisions relevant to women are merged with those on minor juveniles (Chapter 2 of the Labor Code,

Articles 21-30). The law also stipulated that the maternity leave should be 49 days minimum, and it is not defined as a maternity compensation (Article 28). This leave is not unified between the private and public sectors. The period stipulated in the Labor Code differs from that stipulated in the Employees' Law (decree 112/59). Furthermore, abortion is regarded as sick leave and not seen as delivery (Article 28 of the Labor Code). Regarding the wage, even though the Lebanese Law provides for equal remuneration between both genders, the lack of laws deterring discrimination in pay between men and women in the private sector encourages disparities between wages of men and women.

Recommendation:

- Clearing the Labor Code of the provisions discriminating against women to guarantee full equality between men and women.
- Separating the provisions of the Labor Code governing the employment of women from those governing juveniles and children.
- Drafting a special regulation in the Labor Code to protect the male and female farmers and domestic workers, whether men and women and from different

nationalities.

- Setting a clear mechanism to achieve equal pay for equal work between both genders and adopting strict deterring punishments.

24. Income tax reduction: A mother does not benefit from additional tax reduction for her children, except in limited cases, such as the death of the father or disability of the father due to a complicated problem that prevents him from carrying out paid work. However, the father benefits from additional reduction for children in all cases.

25. Recommendation: Equality between a father and a mother in benefiting from family reduction in the income tax.

Social Security Law: Until now, it does not acknowledge maternity as a social job that reproduces human resources for the society that has to put up with its burdens and not lay them on women. The maternity leave in the private sector is still paid by the employer and not by the National Social Security Fund (NSSF), which renders working married women subject to lay-off and encourages employers not to hire women. It is noteworthy to

point out the discrimination between the insured man and insured woman regarding the maternity benefits. To get the maternity benefits, an insured woman faces an additional condition, i.e. she has to be subscribed to NSSF for more 10 months at least before the delivery due date. Moreover, article 50 of the Social Security Law stipulates in its 1st paragraph that every employed woman who is subject to the end-of-service compensation system, either mandatorily or by choice, has the right to earn her end-of-service compensation in case she gets married and leaves work because of this marriage during the 12 months following her marriage. Clause 2 of Article 16 stipulates that for an insured woman or one of her family members to make use of the maternity benefits, the insured woman has to be a subscriber in NSSF for 10 months at least before the delivery due date. This is an additional unjustified condition. On the other hand, the wife of an insured man is entitled to the maternity benefit 3 months after her husband starts work. With respect to family allowance, Article 47 of the law provides for the father's benefit from family allowance with some exceptions. In case the husband does not benefit from the family allowance,

the law entitles the woman to earn the family allowances for her children; however, it restricted this right at a certain stage as per a decision by NSSF that exploited the lack of explicit text that treats men and women on the foot of equality in terms of benefits.

Recommendations

- Applying the maternity benefits in NSSF and having it bear the maternity leave for working women benefiting from its compensations.
- Enhancing maternity leave measures, ensuring the possibility of nursing and day-care, in accordance with international and Arab conventions, as well as provisions of Article 11 (paragraph 2) of the convention.
- Abolishing Article 50 of the Social Security Law.
- Promulgating the legislation on old-age benefits mentioned by the social security according to the draft submitted by the Economic Social Council. It should include all the male and female workers.
- Unifying the subscription period between the insured man and woman to make use of the maternity benefits, as per the

convention that enhances equality in work (Article 11, paragraph 1, clause (e)).

- Setting a clear mechanism for monitoring and inspection in the social security to protect working women in the private sector; and adopting strict deterring measures on the other hand.



Joint UPR Submission on the Rights of Persons with Disabilities

List of research and draft NGOs:

- 1. Lebanese Physical Handicapped Union**
- 2. Youth Association of Blind**
- 3. Ecumencial Disability Advocates Network**
- 4. Lebanese Association for Self-Advocacy**
- 5. Palestinian Disability Forum**
- 6. Parents Association of Deaf Children in Lebanon**

Presentation of the Commitments and the Obligations concerning People with Disability

Introduction

As part of the Universal Periodic Review (UPR) undergoing by the Human Rights Council for Lebanon. A group of Lebanese CSOs (Lebanese Physical Handicapped Union, Youth Association for the Blind, Lebanese Association for Self-Advocacy, Palestinian Disability Forum, Parents Association for Deaf Children in Lebanon, Ecumenical Disability Advocates Network (EDAN) prepared the following paper.

This contribution reports on the Commitment of the Government of Lebanon (GoL) to the rights of people with disabilities (PWD). It presents and analyzes the official statements concerning the right of PwD Work, Education, and Health,

non-discrimination (Accessibility and Political rights); in addition to the rights of Palestinian disabled refugees.

1- Relevant international and national law

National law

Even though 10 years have passed after the issuing law 220/2000 on the rights of PWD in Lebanon¹, relevant ministerial decrees that enforce the execution of the law have not yet been ratified.

Challenges

- Lack of a national strategy that enforce to ratify the law and provide equal opportunities in the society.
- Lack of inclusive criteria within state apparatus. Mainly in ministries and public institutions. Rights and needs of PwDs have to be mainstreamed within public

¹ Law 220 issued on 29 May 2000

policies, strategies and public administration. Within decision making process.

- The local development initiatives do not include disability issues, further conducted surveys did not allocated a suitable focus on the issue related to disability.
- The lack of inter-ministries coordination towards the implementation of the law. This hinders any opportunities to ratify the law and issue the decrees.
- National budgeting framework does not allocate resources to boost the adoption of inclusive criteria. This persists as important challenge towards access of PwDs to work, education, health, accessibility, civil and political rights. In this context a study conducted within the Lebanon Budget project at LPHU outlined that the resources needed to make all public schools accessible does not represent more than 0.8% of the overall budget of the ministry of public education per year.
- Lack of Access to information and lack of transparency persist and important challenge. Available

data on PwDs has to be updated. Yet GoL did not fully ratify the UN Convention on the Rights of Person with Disability and their Dignity. It claims that more time is needed to align local regulations accordingly. Even though there are legal protections on the books, they are not being enforced for persons with disabilities. GoL the government is not living up to its own laws. Lebanon is not yet a Party to the UN 1951 Convention relating to the Status of Refugees or to its 1967 Protocol.

Lebanon is, however, a State Party to the following relevant international human rights treaties, among others: The International Covenant on Civil and Political Rights (CCPR) and the International Covenant on Economic, Social and Cultural Rights (CESCR). It has not yet signed or ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Relevant customary international law obligations enshrined in the Universal Declaration of Human Rights (UDHR) include article 1, providing that "All human beings are born free and equal in dignity and rights", and article 7 UDHR on non-discrimination. Lebanon must uphold these binding obligations in addition to its treaty obligations under

the CCPR and CESC. In this situation, PwD who constitute 10% of the Lebanese population, which equals 400 thousand citizens² live in a marginalized situation that deprive them from their basic rights³. Accordingly the immediate ratification of the CRPD and enact relevant decrees of law 220/2000.

2- Right to Work (article 6 CESC, article 23 UDHR)

Right to Work (article 6 CESC, article 23 UDHR)

Law 220/2000 introduced a quota of 3% of employment that has to be respected in both public and private sectors. A system of incentives and penalties , including exemption from certain types of taxes, for cooperating employers has been developed. Yet public institutions didn` t take this cotta into consideration where as a rising number of private companies are committed to this quota through initiative promoted by CSOs.⁴

² Statistics done by National Inclusion Network in Lebanon, 2006; and Emergency program and Relief programs findings in LPHU, July 2006.

³ "Together towards Inclusion", Training manual about right of person with disability in inclusive environment, education, work, and health (Beirut-LPHU 2008).

⁴ "Diversity at Workplace" manual how to hire PWD, targets employers, (LPHU and disseminate by AlNahar Newspaper,20072009-).

Worthy to note that unemployment rates among PwD are 83%.

Challenges

- Unavailability of inclusive environment and well accessibility, which denies so many PwD to go out of their houses independently and burdens PwDs who want to work with additional financial burdens.
- Limited mobility for PwDs due to the lack of accessible public transportation which worsens access to employment for many working PwDs and put more additional burdens on their expenditures. This violates the law 220/2000 which ensures that 15% of public transportation has to be equipped with accessible means.
- Access into education is still limited due to the lack of integration of inclusive criteria in both academic curriculum and public schools. Further appropriate vocational training for PwDs (physically, visually and hearing impaired and mentally challenged). this systematic deprivation of PwDs from access into education is a key factor in hindering the

development of their productivity and creativity.⁵

- Access into appropriate safety nets is not guaranteed for working PwDs; Private insurance companies exclude them for its services. Disability plays a crucial negative role in employers preferences for recruitment.

Lack of updated data on the living conditions of PwDs and in unemployment studies. Most of the available data is produced by CSOs engaged in the advocacy for inclusive development and mainstreaming of PwDs' rights and needs.

Recommendations

- Mainstreaming of the inclusion standards within the state machinery (Ministries, public institutions, policies and strategies).
- Allocate resources towards boosting the creation of jobs suitable for PwDs and investing in creative industries. .
- Abide by law 220/2000 in integrating accessibility measures educational institutions, workplaces, public

places, and public transportation.

- Abide by 3% employment quota and develop a monitoring system with the ability to ensure the implementation of this quota in both private and public sectors.
- Conduct multi-purposes survey on the living conditions of PwDs in order to generate a comprehensive national disability index.
- Create a inter ministerial committee to work on the implementation of all regulations of law 220/2000 in close collaboration with CSOs advocating for the rights of PwDs.

3- Right to Education (article 13 CESCR, article 26 UDHR)

Ten years after the issuing of law 220/2000⁶, access into education is still limited and inclusive standards are not integrated within the networks of public schools and educational institutions. However a minor number of schools (public & private) are in the process of adapting their infrastructures towards more accessibility for PwDs. More progress is also needed in raising awareness of human resources working

⁵ Dr. Majid Abed Algheni "PWD and Vocational Training in Lebanon" study – legislation and implementation, LPHU, 2009.

⁶ part seven that PWD have the right in education and equal opportunities and doesn't consider disability as an obstacle to this service

in the field of education of the needs of PwDs and on inclusive criteria and values⁷.

Challenges

- Ministry of education does not have a proper strategy to implement the part of law 220/200 that ensures access to education for PwDs.
- Lack of updated data on the educational attainment of PwDs, challenges facing their access into education (transportation, buildings, human resources, equipments, pedagogic tools and resources suitable with the need of PwDs),
- Absence of the adapted curriculum that response to the needs of PwDs (hearing and visually impaired) as curriculums are not updated since 1997. In rarely cases parents pay excessive costs in order to ensure quality education in private schools that possess inclusive criteria⁸.
- Lack of capacity building initiative aiming to build the capacities of human resources (administrative and academic staff) working in both public and private schools on the

⁷ Beirut 2009, National Inclusion project final report (YAB, Lebanese Down syndrome Association, LPHU).

⁸ Waw Magazine, p.312-, December 2009

needs of PwDs and the appropriate pedagogic approach to adopt.

- Lack of official adoption of inclusion strategy in educational institutions, as government still allocates funds towards "residential institutions" that avoid the social interaction of children with disability with their peers.

Recommendations

- Ministry of education has to elaborate a national inclusion strategy in order to abide by law 220/2000 and ensure an equal access to education for all peoples and especially for the marginalized groups as PwDs. This strategy should elaborate an action plan towards the full adaption of public educational institution in order to enclose accessible infrastructures and enhance the awareness of its human resources on the rights and needs of PwDs. Mainstream of inclusion values and standards within curriculum and pedagogic approach.
- Elaborate a national strategy to reform the current residential institutions towards total inclusion of PwDs within societies as as

stated in the UN Convention for the Right of Persons with Disability.

4- The Right to Health (CESCR article 12)

Even though law 220/2000 was issued, and the related decree issued by the Ministry of health on 7 January, 2010, to put the “complete health coverage” and the “coverage of the re-habilitation for the PWD” in action. Health services provided for PwDs are still weak despite the high public expenditures allocated to health expenses incurred on health in Lebanon, yet the criterion of coverage is low.

Challenges

- Absence of inclusive standards within the framework of the Ministry of Health that delays the full implementation of decrees related to the Law 220/2000.
- Holders of disability cards still lack a full and equal access into health services. In many cases PwDs have to pay bribes in order to benefit from the health services ensured by the disability card⁹. However, 20% of PwDs are holders of this card and have to provide additional legal

9 Unavailing Disability Card... and not applicable law”, Waw magazine, p.312-, August 2007.

documents in order to get access into covered health services.

- Weak provision of rehabilitation, occupational and physiotherapy for PwDs which increase their deprivation from basic health care services.
- The leniency with hospitals regarding the integration of protection and prevention measures and inclusion standards.
- Lack of capacity building and raising awareness initiatives targeting medical and para-medical staff on the needs and rights of PwDs. In spite of the formulation of a “Health, Rehabilitation, and Support” committee by law 220/2000. This committee is still ineffective and doesn't hold any meetings, which reflects the lack of official commitments towards full implementation of law 220/2000.¹⁰

Recommendations

- Mainstreaming of inclusion standards within the framework of responsible institutions (ministries, National Social Security

10 Sameya Bou Hasan, “Law 220 and its implementation” study, LPHU 2009.

- Fund, Hospitals)
- Issuing of decrees defining mechanism ensuring full access of PwDs to health services (surgeries, rehabilitation and operational therapy). Conduct an overall medical mapping, for the distribution of PwDs. Capacity building for
 - Enforce public and private hospitals and medical centers to include the inclusive standards in accessibility, technology and communication system.
 - Awareness and training of the related employees in the hospital and all its departments on the needs of PWD and the way to deal with these needs.
 - Activate the work of the "Health, Rehabilitation, and Support" committee, and develop committee branches that should commit to apply the third part of Law 220/2000.

5- Non - discrimination (Accessibility, Political Rights)

5.1. Accessibility

Despite that law 220/2000 states that public and private institutions should conduct the needed

Architectural modification to promote accessible environment and to ensure that PWD are able to use them independently, but the responsible Ministries did not implement the required mechanism while the relevant decrees are not issued yet. The urban planning studies showed that the possibility of architectural accommodation in this respect represented very little in terms of expenses¹¹. Other studies have shown the lack of accessibility in public places as prevalent¹². The government failed after the 2006 war in ensuring accessibility during the reconstruction process that could provide accessible houses and public places.

Challenges

- Not issuing the relevant decrees of law 220/2000.
- Absence of inclusive standards in the framework of all responsible Ministries, its administrations, and the relevant institutions; which does not encourage public employees to deal with the inclusion topic.
- The responsible Ministries and the other official administrations are in conflict with the suggested accessibility standards; which slows the progress in issuing the relevant decree.
- Absence of a line within the national

- budget allocated to the accessibility of public buildings; therefore local entities like municipalities do not have the funds for it leaving it up to personal or civil society initiatives.
- Impossibility of reaching /accessing information about inclusive environment by PWD, or by the organizations that advocate for this issue.

Recommendations

- Issue all relevant decrees of law 220/2000, which encourages an inclusive environment and accessibility; preparing the applicable mechanisms to issue inclusive laws parallel to the UN Convention on the Right of People with Disability.
- Modify the draft of the decree pertaining to inclusive environment that prevents excluding any kind of disability.
- Allocations of funds in the national budget and that of all the Ministries' which is allocated to accessibility as well as a provision on the required technology that is needed by the visually, auditory and intellectually disabled
- Forming a coordinating and executive committee linked with

the Prime Minister's office and to be specialized in the accessibility issue.

5.2. Right to political participation, right to vote (article 25 CCPR, article 21 UDHR)

In Lebanon the right to vote is well known and accepted through Law 220/2000, the Boutros committee project 2007¹³¹¹, Election Law 25/2008¹², decree 2214/2009, and Law project that was suggested by Minister Baroud 2010. The Ministry of Interior and Municipality issued nine circulars that require the government and the heads of municipalities to promote the implementation of Law 220 and facilitate the voting process for PwD's, also issuing an incentive to the municipalities to provide adequate facilities for the voting process. Still PwD's faced and will continue to face marginalization and exclusion during the election process¹³.

11 National Committee for Lebanese Election" Judge Fouad Botros, *Alsaafir* Newspaper, 2007.

12 Law 252008/ modified by Law 592008/, Article 91 and 92.

13 Waw Magazine, p.313-, July 2009

Challenges

- Unavailability of comprehensive statistics for PWD voters, which prevents responsible Ministries to know where they can be found during the Day of the elections.
- Inability of the responsible Ministries to accommodate polling stations in Lebanon, despite that the status of the polling stations were clear according to the comprehensive mapping of it¹⁴.
- Not using a unified ballot, the Braille method, explanations for the persons with an intellectual disability, and sign language for the hearing impaired.
- The municipalities didn't commit to the decisions that were taken by the Interior Ministry regarding possible modification for polling stations based on inclusive standards. Also volunteers were not provided to assist PWD voters¹⁵.
- The number of polling stations in Lebanon is 4667, 63% of which are in schools, 8% are partially accessible while 0% are fully accessible. The remaining stations register from 1 till 5 on the

14 Field Survey on Lebanese Polling Centers" findings, LPHU 2009.

15 Waw Magazine, November 2009

accessibility standards scale¹⁶.

Recommendations

- Encourage responsible Ministries (Work, Interior and Municipalities, Education, and Social Affairs) to accommodate all polling stations based on the inclusion standards, relevant studies and in accordance to section 4 of Law 220/2000.
- Improving the inclusive standards to include visual, auditory and intellectual disability criteria.
- Article 92 from the Election Law 25/2008, that addresses PWD voters should be modified to include the PWD as a voter or as a public employee during the elections.

6- Rights of Palestinian Refugees

Most Palestinian disabled refugees, numbering to 4200 persons¹⁷ in Lebanon live in dire economic situations, deprived of their basic rights; whereas law 220/2000 for PWD does not include them, even if it's ratified. They mainly depend on UNRWA and other international

16 "Field Survey on Lebanese Polling Centers" findings, LPHU 2009

17 Statistics from Palestinian disability Forum in Lebanon, 2009.

organizations²⁰ like the Rights Movement for Palestinian Disabled Persons.

Challenges

- In education, the Palestinian refugees get elementary education in UNRWA schools as foreigners, but the schools cannot apply inclusive education, or deal with children with disability, and the schools are rented, and were not originally built as schools.
- In health and rehabilitation, they are disqualified from health services since they are foreigners and they only get medication from UNRWA, which is unreliable and untimely in providing this service. Rehabilitation and prevention programs are also not sustainable since they don't contain the proper equipment, thus taking on an emergency and relief feel.
- They are denied access to employment due their refugee status.
- Palestinians are also not eligible to own any home or building outside the camp, where they live a miserable life away from any accessible environmental.

Recommendations

- Prohibit any kind of discrimination against Palestinian disabled refugees, and ensure that they have equal opportunities in social and economic life; ensure that law 220/2000 includes them as well.
- Not considering the Palestinian refugees as foreigners in the Lebanese schools.
- Allowing Palestinian disabled refugees to benefit from health and rehabilitation services, the same way that Lebanese PWDs do. Negating unjust decisions against disabled Palestinian refugees, as for example lack of access to employment.
- Re-start the building process at Nahr el Bared, according to inclusive standards and based on the civil and architectural studies provided¹⁸.
- Form a higher council including members from the Lebanese Government, the Palestinian authority, and UNRWA; that will work on ensuring the right of disabled Palestinians in Lebanon.

¹⁸ Naher Elbared Refugee Camp – Inclusive Accessible Design – Standards' Guide for Architects, Beirut-LPHU 2009