

**Coalition of Civil Society Groups Active in Lebanon**  
**Joint UPR Submission on Economic and Social Rights**  
**Lebanon**  
**(Review: December 2010)**

**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 9<sup>th</sup> 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 and 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. This report has been researched and drafted by the organizations listed in the Annex.

<b>General overview on the realization of economic and social rights in Lebanon</b>
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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 lead 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 lead 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 agenda<sup>1</sup>- does not reflect a transparent, participatory, inclusive, and representative process.** This agenda was prepared during a period when most government authorities were inactive.<sup>2</sup> 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, 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

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<sup>1</sup> 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.

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

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.<sup>3</sup> Non-Palestinian refugees, stateless, and economic migrants are often subject to similar conditions. Furthermore, the right to legal personality, affecting between 4,000 and 5,000 undocumented Palestinian refugees in Lebanon has been denied; they remain neither registered with the Lebanese government nor with the UNRWA<sup>4</sup>.

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

#### **I- 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 poverty<sup>5</sup>.** 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%.**<sup>6</sup> **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 month<sup>7</sup>.** Concurrently, the government continues consideration of a proposal to increase VAT (to 12%)<sup>8</sup>; a measure which is estimated to increase poverty rates to 32%<sup>9</sup>.

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%.<sup>10</sup>

<sup>3</sup> 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> .

<sup>4</sup> 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.

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

<sup>6</sup> The Human Poverty Index (HPI-1) value is 7.6% for Lebanon, ranking 33<sup>rd</sup> among 135 countries. Available at [http://hdrstats.undp.org/en/countries/country\\_fact\\_sheets/cty\\_fs\\_LBN.html#](http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_LBN.html#) .

<sup>7</sup> National Human Development Report for Lebanon (2008-2009); page 56.

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

<sup>9</sup> 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).

<sup>10</sup> Same as reference 5; page 3.

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 North<sup>11</sup>.
12. Lebanon's global integrity scorecard alerts to **high levels of corruption**<sup>12</sup>. 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.**<sup>13</sup> Public initiatives to intervene in slum areas lack institutionalization and remain inadequate and limited.<sup>14</sup>
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 leave school.<sup>15</sup> 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 decree**<sup>16</sup>, 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 camps<sup>17</sup>.
16. **The total surface area of public green spaces per inhabitant is 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"<sup>18</sup>; practical mechanisms for implementation remain lacking, while some municipal plans are of an opposing nature.<sup>19</sup> The Lebanese MDG report 2003 noted that **Lebanon will not be able to reverse environmental degradation by 2015**<sup>20</sup>.
17. **While free access to the beach is a public right according to Law 444/2002**<sup>21</sup>, 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 projects<sup>22</sup>.

***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.

<sup>11</sup> Same as reference 5; pages 6 & 7.

<sup>12</sup> 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](http://www.transparency-lebanon.org/index.php?option=com_content&view=article&id=22&Itemid=11&lang=en) .

<sup>13</sup> 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 2008-2009, UN Habitat, available at: <http://www.unhabitat.org/pmss/getPage.asp?page=bookView&book=2706> .

<sup>14</sup> "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](http://www.ucl.ac.uk/dpu-projects/Global_Report/pdfs/Beirut_bw.pdf)

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

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

<sup>17</sup> 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](http://www.amnestyusa.org/document.php?lang=e&id=ENGMDE180102007) .

<sup>18</sup> Source: Ministerial Declaration – Lebanon (2009).

<sup>19</sup> 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.

<sup>20</sup> 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.

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

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

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 CEDAW<sup>23</sup>.
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 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 Territory<sup>24</sup>, 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.

## II- 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 men<sup>25</sup>.** Furthermore, there persists low contribution by women to the economy and production, and high youth unemployment.
28. **Total unemployment rose to 9.0% in 2007** (10.1% among females compared to 8.6% among males)<sup>26</sup> 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 Lebanon<sup>27</sup>. **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 Lebanon<sup>28</sup>.** 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%.<sup>29</sup> Female participation shows high regional**

<sup>23</sup> 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>.

<sup>24</sup> 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.

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

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

<sup>27</sup> "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)

<sup>28</sup> Report by Lebanese Ministry of Social Affairs (1997).

**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.<sup>30</sup> 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 employees<sup>31</sup>.

31. The highest unemployment is recorded among the 20-24 years age groups (17.3%)<sup>32</sup>. **Moreover, the majority of workers in Lebanon work informally, including 57% of women and 62% of men.**<sup>33</sup>

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.<sup>34</sup> Such exclusion is in direct violation of the International Labor Convention number 87 of 1948 and the Lebanese Constitution<sup>35</sup>.

33. **The number of migrant domestic workers in Lebanon is estimated to be between 130,000 and 200,000 in a population of 4 million**<sup>36</sup>. **Lebanese legislation does not provide sufficient protection for migrant domestic workers.**<sup>37</sup> 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.<sup>38</sup> 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 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.<sup>39</sup> 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.

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<sup>29</sup> National Human Development Report Lebanon (2008-2009).

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

<sup>31</sup> “A brief review of the current state of violations of women’s rights in Lebanon”; available at: <http://www.lnf.org.lb/windex/brief1.html#a4>.

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

<sup>33</sup> 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” (2008-2009); available at: [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_100280.pdf](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.

<sup>34</sup> National Human Development Report – Lebanon (2008-2009).

<sup>35</sup> 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.

<sup>36</sup> ILO Issue Brief 1, “Promoting the rights of Women Migrant Domestic Workers in Arab States: The Case of Lebanon”.

<sup>37</sup> “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](http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=1&article_id=110009).

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

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

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 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 journalism<sup>40</sup>. 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 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 labor<sup>41</sup>; (b) gives them the benefits afforded in the Labor Law on equal foot to Lebanese laborers, including benefits of social security<sup>42</sup>; and (c) exempts

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<sup>40</sup> 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.

<sup>41</sup> Article 1 of the draft law.

<sup>42</sup> Article 2 of the draft law.

Palestinian refugees officially registered at the Lebanese Ministry of Interior from the application of the principle of reciprocity.<sup>43</sup>

### **III- 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 secures equal access, quality, and needed capacity, despite a significant 4.4% of GDP dedicated to education**<sup>44</sup>. **Low quality of education in public schools leads to de facto discrimination against students who are not able to afford private schoolings.**<sup>45</sup> Furthermore, high illiteracy rates (38.2%) and low rates of secondary (5.0%) and university (2.9%) level achievements persist among persons with disabilities.<sup>46</sup>

47. Despite various strategies and decisions by the government to enforce compulsory and free education for all<sup>47</sup>, including people with disabilities, there is lack of 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.<sup>48</sup>

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 Lebanese candidates.** According to the Department of Palestinian Affairs, only around 20% of the Palestinian refugees have had access to the Lebanese education system.<sup>49</sup> 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 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.

<sup>43</sup> Article 3 of the draft law.

<sup>44</sup> This is comparable to around 5.8% in France. Source: Lebanon's National Human Development Report (2008-2009), UNDP.

<sup>45</sup> 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 (2008-2009) by UNDP.

<sup>46</sup> Lebanon's National Human Development Report (2008-2009), UNDP.

<sup>47</sup> 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](http://www.finance.gov.lb/NR/rdonlyres/.../ParisIIIEleventhProgressReport.pdf) (the report is dated December 2009).

<sup>48</sup> Lebanon's National Human Development Report (2008-2009), UNDP.

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



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.

#### **IV- Right to health:**

56. The Lebanese health care system is insufficient; its main feature remains the absence of a coherent and sustained health policy.<sup>50</sup>

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 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)<sup>51</sup> 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%).<sup>52</sup> There is a widening gap between the rising costs of healthcare and the financial means available to patients.

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

<sup>50</sup> 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).

<sup>51</sup> WHO World Health Statistics 2009, Health expenditures section, p.110 available at: [http://www.who.int/whosis/whostat/EN\\_WHS09\\_Table7.pdf](http://www.who.int/whosis/whostat/EN_WHS09_Table7.pdf)

<sup>52</sup> Lebanon's National Human Development Report (2008-2009), UNDP; page 146.

<sup>53</sup> Lebanon's National Human Development Report (2008-2009), UNDP; page 146.

## **V- Right to social security:**

64. **Although social spending<sup>54</sup> 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 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 leaves<sup>55</sup>, 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 workers from the social security system** as they cannot meet the principal of reciprocity.<sup>56</sup>

### ***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 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.

## **VI- 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.**

<sup>54</sup> 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 09/131 available at <http://www.imf.org/external/pubs/ft/scr/2009/cr09131.pdf>.

<sup>55</sup> This despite the Law no. 207 issued on May 26, 2000 amending articles 26-28-29 and 52 (1) of the labor law; Source: <http://www.lnf.org.lb/windex/brief1.html#a4>.

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

75. **The Lebanese industrial sector had witnessed damage to the consumer and producer as a result of unilateral tariff liberalization in the year 2000<sup>57</sup>**, 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 2007<sup>58</sup>), 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 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”<sup>59</sup>.

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 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 places 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.

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<sup>57</sup> 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.

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

<sup>59</sup> 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.2/2002/9.

## LIST OF RESEARCHING AND DRAFTING NGOs

### **Arab NGO Network for Development**

Address: Wata El Mseitbi, Boustani Str, Zoheiri Bldg, 3<sup>rd</sup> Floor  
P.O.Box: 14/5792 Mazraa 1105 2070 Beirut, Lebanon  
Tel: 00-961 1 319366  
Fax: 00-961 1 815636  
E-mail: [annd@annd.org](mailto:annd@annd.org)  
Website: [www.annd.org](http://www.annd.org)

### **Lebanese Physically Handicapped Union**

Address: Kornich Al Mazraa, facing Russian Embassy, Rifai Bldg, 1<sup>st</sup> Floor  
P.O Box 15 5473, Beirut, Lebanon  
Tel: 00-961 1 307366  
Fax: 00-961 1 307365  
E-mail: [info@lphu.com](mailto:info@lphu.com)  
Website: [www.lphu.com](http://www.lphu.com)

### **Mouvement Social**

Address: Badaro – Siège Social, Badaro, Street 185, Mouvement Social Building  
Tel: 00-961 1 383718  
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E-mail: [mouvementsocial@mouvementsocial.org](mailto:mouvementsocial@mouvementsocial.org)

### **Union Progressive Women**

Address: P.O.Box 11-2893 Beirut Wata Musseitbeh, Jabal Al-Arab St  
Tel: 00-961 1 366736  
Fax: 00-961 1 366736  
E-mail: [wafaabed@yahoo.com](mailto:wafaabed@yahoo.com); [upwlebanon@yahoo.com](mailto:upwlebanon@yahoo.com)

### **Creadel-Lebanon**

Address: Doris-Maksoud Bldg, 1<sup>st</sup> Floor, Bikaa  
P.O.Box: 11/3410 Beirut  
Tel: 00-961 8 373212  
E-mail: [creadel\\_lib@hotmail.com](mailto:creadel_lib@hotmail.com)

### **Rassemblement Démocratique de la femme libanaise**

Address: Karkon Drouz, Alma'aniyi School, Hammoud and Rayyes Bldg, 1<sup>st</sup> floor  
Tel: 00-961 1 370120  
Fax: 00-961 1 370189  
E-mail: [rdfl@inco.com.lb](mailto:rdfl@inco.com.lb)

### **Partnership Center for Development and Democracy**

Address: Kornich Al Mazraa, Columbia Center, Block B, 3rd floor  
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Fax: 00-961 1 303911  
Email: [pcdd@pcdd.org](mailto:pcdd@pcdd.org)  
Website: [www.pcdd.org](http://www.pcdd.org)

**Palestinian Organization for Human Rights**

Address: Mar Elias Camp for Palestinian Refugees

P.O.Box: 114/5004 Beirut - Lebanon

Tel : 00-961 1 301549

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Website : [www.palhumanrights.org](http://www.palhumanrights.org)

**Lebanese Foundation for Permanent Civil Peace**

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**Nahwa Al Muwatiniya**

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**Norwegian People's Aid- Lebanon**

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**Lebanese Center for Civic Education**

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**Maharat Foundation**

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**Lebanese Trade Union Training Center**

Address: Badaro Street, Akiki Bldg, 2<sup>nd</sup> Floor

Tel: 00-961 1 375936

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**Ecumenical Disability Advocates Network (EDAN)**

Tel: 00-961 3 498818

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**The Association of Civic Responsibility**

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E-mail: [mmrad10@hotmail.com](mailto:mmrad10@hotmail.com)

**Lebanese Development Forum**

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**Frontiers**

Address: Tayouneh, Tarik Saida alkadimi, besides Beirut mall

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