

**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**

Presentation of the Commitments and the Obligations concerning People with Disability

1. 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 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.

2. 2. Relevant international and national law

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

¹ Law 220 issued on 29 May 2000

- 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 CESCR.

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 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. Right to Work (article 6 CDESCR, 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 quota into consideration whereas a rising number of private companies are committed to this quota through initiative promoted by CSOs.⁴ 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.

⁴ "Diversity at Workplace" manual how to hire PwD, targets employers, (LPHU and disseminate by AlNahar Newspaper,2007-2009).

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

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 CESC, 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 in the field of education of the needs aof 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.

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

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

- 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 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.

⁸ Waw Magazine, p.3-12, December 2009

- 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 benefits from the health services ensured by the disability card⁹. However, 20% of PwDs are holders of this card and have to provide additional legal 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 don’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 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

⁹ Unavailing Disability Card... and not applicable law", Waw magazine, p.3-12, August 2007.

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

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.

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 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.

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

¹² ¹⁴Law 25/2008 modified by Law 59/2008, Article 91 and 92.

¹³ Waw Magazine, p.3-13, July 2009

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

¹⁵ Waw Magazine, November 2009

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

- 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 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.

¹⁷ Statistics from Palestinian disability Forum in Lebanon, 2009.

- 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 foe Architects, Beirut-LPHU 2009

Annex

List of organizations participated in the preparation of this report

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