

## I. Background and framework

1. This submission reviews important developments and violations relative to the right of workers in Lebanon whether addressed in the conclusions and recommendations of the UPR Working Groups issued in January 2011 (A/HRC/16/18) or omitted.
2. In 2010, Lebanon accepted many recommendations relating to the economic and social conditions, mainly tackling poverty, health and education shortages in addition to some aspects of labor rights' violations relating to domestic workers and Palestinian refugees' rights. Nevertheless, only an increase in rights' violation was witnessed.
3. In fact, as a main constituent of the economic and social rights, labor rights still lack the main standards rendering it decent and suffers from serious violations and limitations; this is caused by the absence of any comprehensive approach from the Lebanese government towards job creation, productive sectors and especially social protection.
4. Despite the growth which occurred more than once (especially between 2008 and 2009)<sup>1</sup>, it did not positively reflect on all Lebanese equally and did not reach all society segments or all Lebanese regions. Therefore, they were unable to neither fight poverty and reduce the social and economic disparities between the Lebanese, nor reconfigure the middle class which constitutes the stability pillar in Lebanon.
5. Around 1.5 million Lebanese people out of 5.9 million population (projected as for December 2015) lives below the poverty line<sup>2</sup>. As a strategic response, Lebanon focuses on National Poverty Targeting Program, yet intergenerational transfer of poverty cannot be addressed by targeting only specific segments of the society and improving the income of the poorest families. Poverty can best be addressed by ensuring the full enjoyment of the economic and social rights.
6. The poverty levels are the lowest in Beirut where 7.6% of the population live in extreme poverty and the total poverty is 5,18%. Nonetheless, the percentage of extreme poverty in the Northern Mount Lebanon Governorate reached 17.75% and the total poverty percentage reached 52.27%; the South comes in the second position between the governorates of Lebanon in terms of the severity of poverty and the percentage of extreme poverty reaches 11.64% and the total poverty 42.21%<sup>3</sup>.
7. In the past years, GDP growth rate dropped from 8.5% in 2009 to 2.0% in 2014<sup>4</sup>. While the government justifies that solely as a result of the Syrian crisis repercussions on tourism, services and others, it is evident that the Government was absent for the past years and that the economic and social decisions and mostly lack of decisions led to the current situation.
8. The Syrian crisis has added more to the social problems; and the cons of the governmental performance interacted as a result of the lack of adopting a policy towards them and the chaos of the situation which left its effects on the labor market in Lebanon. There is no accurate knowledge today of the number of the refugees and their distribution and categories.

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<sup>1</sup> Future newspaper, "the economic future", April 22, 2010 - No. 3631, Page 12.

<sup>2</sup> Government of Lebanon and United Nations, Lebanon Crisis Response Plan (LCRP) 2015-2016 available at: [file:///C:/Users/Admin/Downloads/4-LCRP\\_Brochure\\_eng.pdf](file:///C:/Users/Admin/Downloads/4-LCRP_Brochure_eng.pdf).

<sup>3</sup> The Human Face of Poverty in Lebanon,, a study issued by the American University of Beirut, 2009

<sup>4</sup> Ministry of Foreign Affairs and Emigrants, Lebanese Republic, National report submitted to the Arab Human Rights Committee, September 2014, p.1.

9. The period between the first Universal Periodic Review (in 2010) and the second one (in 2015) is characterized by the lack of reliable, up-to-date and disaggregated statistics and data regarding economic and social rights in Lebanon. This results in the adoption of inadequate policy measures which does not take into consideration the real needs and priorities. Furthermore, the Economic and Social Council as a platform for the private sector and civil society to providing advice on economic and social policies, remain paralyzed.

10. One cannot overlook the fact that the main reasons that led to the economic and social policy failure are the absence of the concept of human rights for citizens and the lack of a developmental approach leading to both justice and equity.

### **Recommendations:**

**11. Adopt a holistic approach to development and a national strategy for protecting and developing productive sectors including agriculture, industry and services;**

**12. Adopt a new and comprehensive approach to poverty reduction reducing inequalities at various levels, enhancing national productive sectors for employment generation;**

**13. Ensure that up-to date and reliable disaggregated data regarding the economic and social rights enjoyment are available and accessible in Lebanon;**

**14. Activate the Economic and Social Council to re-launch economic and social policy dialogue and ownership and engaging all concerned stakeholders.**

## **II. Implementation of human rights obligations**

### **i. Right to Work**

15. The right to work is still subject to the successive governments' hesitation and doomed by a retrogressive mentality that could not eliminate the tyranny of the social groups on each other. The governments still have not put the necessary legislations to address gaps in Labor Law as per the international and Arabic ratified agreements. They did not reconsider the Lebanese Labor Law with respect to the application of the minimum wage on persons under the age of eighteen. All studies confirm that the wage is at the level of poverty line and the government overlooks the establishment of a fund for unemployment and implementing the Labor law and Social Security Law on the construction workers; in addition to the right of employees to establish their own unions respecting the International Convention No. 87 related to the freedom of joining unions and the right of employees to establish their own unions.

16. The activation of the role of the institution and providing the financial budgets to do what is required from it can only be achieved through a policy adopted by the Lebanese government; just as the commitment to apply equality in wages between men and women so that the wage will be the same for the same work, along with emphasizing on prohibiting hiring children and juvenile, as well as establishing social, educational, and professional projects, and the

implementation of the 3% quota of the jobs for the persons with special needs, in addition to developing a national control plan in this area.

17. In addition to the activation of the Department of Labor inspection in the Ministry of Labor, scrutinizing the institutions that do not declare their workers and also increasing the number of boards of arbitration, appointment of its members, and accelerating mechanisms of action and issuing provisions, as well as improving the conditions of the workplace, providing the necessary protection of the dangers resulting from them, and promoting the concept of adopting the collective contract.

### **Recommendations:**

**18. The firm application of the Labor Law in terms of ensuring the rights of workers and improving the conditions of work;**

**19. Introduce amendments to the Labor Law in accordance with the international principles and commitments.**

### **ii. Unemployment**

20. The unemployment rates continued to increase due to the decrease of growth rate and the impact of the Syrian crisis on the Lebanese economy. Today, the number of Syrian refugees in Lebanon is around 1115988<sup>5</sup>. Many of these refugees are skilled workers and are subject to exploitation by Lebanese employers; long working hours with low wages, without any social benefits.

21. Unemployment increased from 8.7% in 2008 and reached 20% in 2013<sup>6</sup>. This rate is expected to rise especially among youth. In fact, the State should provide 35,000 job opportunities each year to university and institute graduates. Only 9,000 job opportunities are available. The remaining graduates emigrate or become unemployed.

### **Recommendations:**

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<sup>5</sup> UNHCR, "2015 UNHCR country operations profile-Lebanon", available at: <http://www.unhcr.org/pages/49e486676.html>.

<sup>6</sup> Ministry of Foreign Affairs and Emigrants, Lebanese Republic, National report submitted to the Arab Human Rights Committee, September 2014, p.2.

- 22. Strict implementation of labor laws in force especially with regards to following up on establishments and companies hiring non-Lebanese employees without work permits and under unfair work conditions on the basis of equal pay for equal work;**
- 23. Hire to fill vacant positions in public employment;**
- 24. Support productive agricultural and industrial sectors through imposing taxes on consumption to protect local production.**

### **iii. The Wage**

25. The minimum wage in Lebanon settled at 675 thousand LL only, and the political, commercial-financial powers refused the proposal of the former Minister of Labor Charbel Nahas of integrating the transportation allowance with the base salary. The minister's proposal was at that time to have a minimum wage of 890 thousand LL including the transportation allowance. The last amendment of the minimum wage was in 2012 and the commission of the cost of living index did not meet enough over the past years to control price inflation.
26. In the public sector, the Trade Union Coordinating Body failed to enforce a correction to the series of ranks and salaries that have started to worsen since 1996 as the teachers used to work extra hours in exchange for giving them 5 additional degrees on their salaries. In 2005, the government canceled 4 degrees and the teachers and employees did not get any increases.
27. The Labor Union estimates the inflation rate in 2015 to be 38% according to its criteria for the cost of living indices which assume putting an increase on the minimum wage.

### **Recommendations:**

- 28. Setting a date for obligatory sessions of the cost of living index and ensuring the participation of trade union such as the Trade Union Coordinating Body in the index meetings;**
- 29. Determining more efficient standards to measure price indices and unifying them among the state, employers, and trade unions;**
- 30. Find an implementation mechanism of Article 46 of the Labor Law "The minimum pay assessed shall be rectified whenever economic circumstances render such review necessary", according to Article 44 of the same law that states that "The minimum pay must be sufficient to meet the essential needs of the wage-earner or salary-earner and his family...";**
- 31. Impose a control of the prices specially for the basic materials.**

### **iv. Social Security**

32. The social protection system in Lebanon is still limited to the narrow approach of social security which in itself is suffering of main gaps and shortages whether on the legal and regulatory framework levels or implementation level.

33. On a parallel note, some branches of the Social Security are still not implemented.

34. There is a necessity to move to an elderly retirement system as provided for in Article 49 paragraph (1) in the Social Security Law: “Until adopting legislation on elderly security, a fund for the end of service indemnity shall be established...”. It is clear from this text that the end of service’s indemnity has a temporary feature and that a more comprehensive one on elderly retirement should be established.

35. There is a need to implement the rest of the branches of the security stipulated in the law in Article 7, paragraph (b) that is related to the “Branch of Work Emergencies and Professional Diseases”. This branch of social security has not been implemented yet despite the fact that 52 years passed since the promulgation of the law calling for it. Today, implementation of work emergency and professional diseases security depends partially on the Law on Work Emergencies No. 25 issued on 4/5/1943 and amended by the decree No. 136 on Sept. 16, 1983.

36. Lebanese are still deprived of a comprehensive health insurance. In fact, Lebanon pays 12% of the national income on health which is a high percentage compared to what the citizens are getting from the contributions if they really get them; therefore, there is a necessity to find a comprehensive health insurance for all citizens by unifying the security funds (one fund and one management) and by defining a specified plan to support and provide health coverage for all citizens.

37. Another branch of the Social security which has still not being activated is the educational allowances branch based on Article 46 on “Family and Educational Allowances”. Paragraph (b) of article 46 states that the condition to benefit from the educational allowances and their value will be specified by a decree taken by the Lebanese Council of Ministers upon the proposal of the Minister of Labor based on the approval of the administration.

38. When it comes to maternity leave, an amendment of articles 28 and 29 of the Lebanese Labor Law occurred on April 15, 2014. It ensured that the maternity leave is extended to ten weeks. This amendment was done according to article 26 clause (1) of the Social security Law. Nevertheless, this has caused an imbalance and a threat to women’s work since it is the employer and not the Social Security who should pay the full wages of the leave.

39. According to the current state of law, an insured woman cannot secure her husband except in two conditions (1) the insured husband is 60 years at least (2) the husband is not capable of providing his own living because of a physical or mental disability. This is a discrimination since a working man can secure his wife in case she is unemployed. Therefore, an amendment of Article 14 paragraph (c) should be made by adding “or unemployed” to ensure the equality between men and women on this matter.

40. In Lebanon, the unemployment rate reached 20% in 2013<sup>7</sup> and higher among youth. Unemployment level increases with level of education, with around 14 percent of university graduates and 15 percent of those with secondary education unemployed, versus lower rates for lower education. Unemployment by gender was estimated in 2010 at 18 percent for women, double the rate for men (a total of 11 percent)<sup>8</sup>. It is imperative for the government to ratify the International ILO Convention No. (44) 1938, on the Indemnities or Benefits for the Unemployed against Their Will and establish an unemployment fund.
41. Though a progressive was achieved by the amendment of law 128/2010, which allowed Palestinian refugees to benefit from the end of service indemnity, they still do not benefit from all social security's indemnities knowing that they pay all related fees. They are still deprived of the family compensation, comprehensive health and maternity leave security.

#### **Recommendations:**

- 42. Support the draft law aiming to move from the end of service indemnity system, under Article 49 of Social Security Law, to the “Retirement and Social Protection” (elderly system); this draft law that was adopted by the joint parliamentary committees on 27/1/2008;**
- 43. Ensure a comprehensive health coverage system to all Lebanese citizens;**
- 44. Effectively implement the educational allowances provided for by Social Security and adopt the relevant executive decrees;**
- 45. Application of Article 26 of the Social Security law regarding the burden of maternity leave benefits;**
- 46. Amend par. (c) of Article 14 of the Social Security Law to allow a working woman to secure her unemployed husband as it is the case for a working man;**
- 47. Ratify the International ILO Convention No. (44) 1938 on the Indemnities or Benefits for the Unemployed against Their Will and establish an unemployment fund;**
- 48. Amend law no. 128/2010 and issue relevant executive decrees in order to allow Palestinian refugees to benefit from all their social security rights and especially allow Palestinian women to benefit from maternity leave contributions.**

#### **v. Foreign Domestic Workers**

49. First cycle review included refugees and migrants as a priority issue for Lebanon, with overall 25 recommendations received on the subject. Yet, the immigration policy in Lebanon still

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<sup>7</sup> Ministry of Foreign Affairs and Emigrants, Lebanese Republic, National report submitted to the Arab Human Rights Committee, September 2014, p.2.

<sup>8</sup>Lebanon MDGs Report 2013-2014 available at <http://www.cdr.gov.lb/study/mdg/MDGR2013-2014e.pdf>.

needs to be revised, as the 1962 Law regulating the entry, exit and stay of foreigners is outdated and does not take into consideration the flow of migration in the 21<sup>st</sup> century.

50. While Lebanon took note of the recommendations on the revision of sponsorship system, the continued practices of the sponsorship system, a form of modern slavery, continues to create additional violations to the right of migrants in Lebanon. In 2013 a code of conduct was developed between the ILO, OHCHR and the union of agencies in relation to migrant worker facilitation. The code of conduct includes guidelines on the rights and obligations of migrant workers, the agencies, and employers; in addition to the other guidelines in relation to the contracts and the language facilitation.

51. Lebanon adopted amendments to the Penal Code to include the crime of trafficking, designating penalties for the traffickers, and providing compensations to the victims.

52. However, Law No.164 was not implemented properly. There were only a few numbers of convictions since adopting the law in 2011 in spite the broad scope of the problem in the Lebanese community especially amidst the 250,000 foreign workers in Lebanon<sup>9</sup>.

### **Recommendations:**

**53. Reconsidering laws, policies, and regulations to remove each and every conflict with the new anti-trafficking law; such as cancelling the visa regime of the artists that is practiced on the foreign working in the domain of entertainment, and the sponsorship regime for the foreign immigrant domestic workers, since both systems have an obvious contradiction with the law of human trafficking no. 164, and both of them facilitate trafficking of thousands of women annually to Lebanon and expose them to the control of the employers for the period of their contract<sup>10</sup>;**

**54. A serious follow-up for the violations of labor rights, and the necessity of initiating legal action against criminals including employers and recruitment agencies (migrant domestic workers in the first place).**

### **vi. Trade Union Freedoms**

55. The Lebanese law differentiates between establishing associations and parties on the one hand which require only notifying the administration and trade unions on the other hand subjected to the registration regime.

56. The demand for the establishment of a trade union should be presented to the Ministry of Labor which consults the Ministry of Interior. The laws impose a constant supervision and

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<sup>9</sup> The United Nations Special Rapporteur on contemporary forms of slavery, Gulnara Shahinian - See more at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12034&LangID=E#sthash.XHLbdIQ2.dpuf>[http://www.ohchr.org/Documents/Issues/Slavery/SR/A.HRC.15.20\\_en.pdf](http://www.ohchr.org/Documents/Issues/Slavery/SR/A.HRC.15.20_en.pdf)

<sup>10</sup> See the 2006 report of the UN Special Rapporteur on Trafficking, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/109/71/PDF/G0610971.pdf?OpenElement>; the 2011 U.S. Trafficking in Persons Report, available at: <http://www.state.gov/g/tip/rls/tiprpt/2011/164232.htm> ; and the 2008 Kafa shadow report on trafficking presented at the 40<sup>th</sup> session of CEDAW committee, available at: <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Kafa.pdf>.

guardianship of the Ministry of Labor on the work of trade unions which eliminate any independence of the trade union action.

57. Non-Lebanese have the right to join unions provided that they have a work permit; however, they cannot run for elections or vote but they can mandate a Lebanese delegate to represent them in the trade union.

58. As for the civil servants, the Lebanese law in the personnel system Decree No. 112 prohibits the civil servant from joining trade unions, striking, or instigating civil servants to strike.

#### **Recommendations:**

**59. Ratification of Convention No.87 of the Trade Union Freedoms and Action;**

**60. Adopt a notification regime for the establishment of a trade union and guarantee the independence of trade unions from the guardianship of the Ministry of Labor.**

#### **vii. National Employment Office:**

61. The National Employment Office (NEO) was created by the decree-law No.80 on 27/6/1977, which gave the office the task of providing job opportunities for Lebanese citizens whether in Lebanon or abroad. However, this law was violated with the proliferation of recruitment agencies for domestic workers which later expanded and started bringing foreign workers leading to competing with the Lebanese labor.

62. Nowadays, private institutions act illegally to perform the tasks of the NEO. Thus, NEO's ability to explore the needs of the labor market is limited.

63. In addition, this office is suffering from a huge shortfall in funding its budget where it cannot achieve studies that are a fundamental part of its mission.

64. Furthermore, the administrative body of the employment office is under-staffed. Today, 26 employees and 3 contractors are serving it while they should be around 107 employees<sup>11</sup>.

#### **Recommendations:**

**65. Increase the NEO's share of the state budget to support studies;**

**66. Fill the vacancy of the NEO's staff;**

**67. Implement effectively the laws and close all recruitment offices;**

**68. Give NEO the power of approval on the non-Lebanese work permit;**

**69. Develop a governmental plan linking between the National Employment Office from one side and the universities and institutes on the other hand to guide students towards the majors needed in the labor market.**

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### **viii. Labor Arbitration Boards:**

70. Article 77 of the Lebanese Labor Law established a Labor Arbitration Board, for each governorate, to deal with labor disputes. These are divided to three main areas: disputes arising from the assessment of the minimum pay, disputes arising from labor emergencies and disputes arising from dismissal.

71. The Labor Arbitration Board has the urgency character but is not considered as an urgent court since its procedures are normal ones; it is taking years to make a judgment reflecting the slow procedures.

72. The long time needed by the court to adjudicate reflects the weakness of the administrative and judicial system structure which is unable to withstand the pressure of lawsuits. In addition, it is worth noting that employees' representatives are unaware and incompetent when it comes to the protection of employees rights. This has serious consequences on their right.

### **Recommendations:**

**73. Give the Ministry of Labor the power to adjudicate disputes that do not exceed 15 million LL;**

**74. Train the representatives of workers, the representatives of employers, and the judges on the Labor Law;**

**75. Train the investigators of the Ministry of Labor on methods of investigation and the laws.**

### **ix. Agricultural Workers**

76. The agricultural policy in Lebanon is characterized by its circumstantial nature, the implementation of the fragmented projects, the absence of a comprehensive national plan for agricultural development, and the deprivation of agriculture from evolved and adapted legislation. This keeps Lebanon without (a) a rural law sponsoring relations and disputes that affect land investment, (b) inheritance regulations that expose land to the continuous disintegration ignoring the agricultural labor and agricultural worker and (c) the continuous violation related to the deprivation of workers in agriculture from benefiting from rights provided by the 1946 Labor law.

77. One of the most significant recognized rights are the right to benefit from the Social Security Law and take part of trade union organization. This was coupled by the non-recognition of the related ILO and related to the agricultural work.

78. A worker in the agricultural sector has to resort to the Ottoman laws and to the Obligations and Contracts Code issued in 1932 (very general provisions).

## **Recommendations:**

- 79. Issue legislations on the agricultural sector and activate the agricultural guidance, animal and plant quarantine, supervision, and laboratories;**
- 80. Promote the role of the Agricultural Institute and the Green Project;**
- 81. Work on reducing the cost of production, improving the product quality, promoting agricultural export support project, the introduction of new support projects to help small farmers and food industries;**
- 82. Evaluate and reactivate the role of agricultural cooperatives, develop a practical mechanism to agricultural loans, enhance the National Bank for Agricultural Development Law and create insurance for risks and agricultural disasters that affect the agricultural sector.**

### **x. Rights of Palestinian Workers in Lebanon**

83. With regard to the work of the Palestinian refugees in Lebanon, an amendment to the Labor Law No. 129/2010, specifically Article 59, occurred; it exempted them from work permit fees and reciprocity. Nevertheless, obtaining work permit keeps them in unstable situation especially that it should be renewed annually.

84. In addition to that, Palestinian refugees have to pay all fees of the social security knowing that they only benefit from the end of service indemnity; all of that restrict their entry to the labor market. Palestinian refugees are still deprived of the family compensation, comprehensive health and maternity leave security.

85. They are still deprived of work in so-called "liberal professions" which necessitates them to join trade unions. The Lebanese law does not consider them as refugees although they sought asylum in Lebanon 67 years ago, they are still treated as foreigners in terms of joining trade unions. The latter did not modify their regulations according to the amendment of the law 129 / 2010 which had cancelled reciprocity and "practice in his native country" requirements.

## **Recommendations:**

- 86. Amend the law 129/2010 and issue executive decrees which cancel the work permit and grant Palestinian refugees the right to join and practice liberal professions;**
- 87. Amend the law 128/2010 and issue executive decrees to allow working Palestinian refugees to enjoy their full rights in the Social Security and especially ensure maternity leave benefits for the working Palestinian refugee women;**
- 88. Amend the laws regulating liberal professions in line with the labor law in terms of complete abolition of reciprocity as well as abolish the practice of the profession in the original condition of the country.**