

A common presentation by several PWD Associations, to "the High Commissioner of Human Rights" on the occasion of the 10th session of the "Universal Periodic Review 2015"

Periodic review about the compliance of Lebanon with the obligations related to the rights of PWD

Introduction

The Lebanese Physical Handicapped Union ,the Youth Association of the Blind, the Lebanese Association for Self-Advocacy, the Palestinian Disability Forum, Darb El Wafaa Association for the PWD, Takat, the Lebanese Down syndrome Association , the Association of Visually Impaired People, Youth Friendship Club , prepared this review, within a presentation which focuses on the extent of the Lebanese government's compliance to the protection, promotion and implementation of the rights of PWD in Lebanon.

This report is based on the internationally recognized rights of PWD stated in the International Convention for their rights, issued in 2006. The report displays the current status of the rights upon the level of the Lebanese state's recognition of these rights through legislation, upon the level of the extent of the application of the rights, as well as the results arising from any defect in the first two levels. The report also includes the status of the disabled refugees' rights, in addition to some recommendations to promote and protect the rights of PWD in Lebanon.

The main defect lies in the deprivation of PWD from some of their rights in Lebanon due to non-ratification of Lebanese state on the International Convention on the Rights of PWD and for not developing the national legislation to translate the internationally recognized rights. Since signing this International Convention without ratification means an implicit recognition of the rights, and therefore doesn't exempt the state from developing its related national laws. Those rights are internationally recognized and the Convention became an international law after being ratified by more than a hundred state.

Despite having fifteen years passed after the issuance of the Law 220/2000 special for the rights of PWD in Lebanon¹, but the concerned ministries didn't issue any implementation decrees for them, due to the following reasons:

- Lack of vision, or a national policy, or a general strategy for the implementation of law and reach for having equal opportunities in society.
- The absence of the inclusive criteria for structures of these ministries, departments,

boards, and decisions; and the lack of awareness in the public sector towards the issues of disability and the rights and needs of PWD.

- The absence of disability issues for local development agendas, or the standards of the studies, public or official social statistics.
- The absence of coordination between the concerned ministries in implementing the law which wastes the opportunities for its implementation.
- The absence of the basic needs of PWD from the general budget, which makes implementation of the law in the labor, education, health and inclusive environment rights, as well as the civil and political rights aren't provided.
- Inability to access information, and the absence of transparency of the information provided by the ministries.

At the same time, the state acts negligent as for the ratification of the "International Convention of enforcing the Rights of PWD and their integrity," especially in the course of upgrading the national legislations to create the appropriate floor for its implementation.

Due to this fact, the PWD, who represent 10 percent of the population in Lebanon, equal to around 400 thousand citizensⁱⁱ, suffer from marginalization, exclusion and deprivation of their basic rightsⁱⁱⁱ; this presentation discusses the rights of: labor, education, health, non-discrimination (engineering equipping and political rights), in addition to the rights of the Palestinians and the Syrians refugees with disabilities .

Thus, there are two basic recommendations which include: request from the state of Lebanon to ratify the Convention, develop the national laws to guarantee all the rights of PWD and to legislate specific policies and perform procedures necessary to reach their rights.

Right to Education

The Universal Declaration of Human Rights states the right of each person in education. The International Convention states the rights of PWD in education through ensuring a public educational inclusive system.

The Lebanese state recognized this right in the special legislation of the rights of PWD (Law 220/2000).

At the level of implementation of this right, the Lebanese state still adopts the policy of isolating PWD who are in the age of schooling within social institutions that work as boarding schools in order to teach them. These institutions are not a part of the educational system in Lebanon and are not subject to any monitoring by the Ministry of Education. The absence of the Ministry of Education is not limited to the absence of

monitoring, however the Ministry of Education did not perform its role and responsibility in the education of PWD, in which its role is limited to organizing official exams for PWD who are enrolled in the social institutions which have education programs.

The PWD, who are enrolled in regular official schools are only one percent of PWD who are in the age of schooling, in which the Ministry of Education role in this regard restricts to facilitating their enrollment to the public schools for a prerequisite : on one hand, to have a committee or an association provide educational support for these students with disabilities, and on the other hand for the schools that are enrolling them.

The Ministry of Education has taken only one step during the past four years in developing a strategic plan for the educational integration for PWD, however this plan wasn't submitted to the Cabinet to be adopted and work upon it, after allocating a budget for its implementation.

Due to this fragility in the legislation and in implementation, PWD who are enrolled in social institutions for education suffer from being denied their fundamental natural right that is to live with a family, particularly that their families and their parents are alive, however, the terms of the institution subjects that they get separated from their families and stay isolated in institutions. This deprives the parents from their right in choosing the type of education for their children. It also deprives them from the possibility of living in their local communities during all their education time in the institutions. In addition, they receive a fragile quality education compared to their peers who are learning in the public educational system.

PWD who are not enrolled in these social institutions which provide educational opportunities, are deprived of their basic right in education, where they are excluded from regular schools in their local communities, while not having any specialized social institutions which offer education programs for PWD.

In this case, a lot of parents choose the priority to exercise their right in raising their children within the family, rather than the conditioned education of their children which separates them from their family. As a result, a large number of children with disabilities are uneducated, especially in distant areas from the capital, or from the center of the country.

This fact is due to: the absence of clear and specific policies in the legislation for the implementation of the right to education without violating other rights, and failure of the Ministry of Education to take responsibility in the education of PWD, and the non-transfer of the Ministry of Social Affairs the budget dedicated to the education of PWD within the social institutions and programs which support the education within the public

educational system and in regular schools.

Recommendations:

- The Lebanese state should recognize the right of PWD within the inclusive public educational system of PWD.
- The Ministry of Education becomes liable for the education of PWD within the public education system and in the public schools within the local communities.
- The state should allocate a budget to achieve an inclusive educational system and inclusive schools to ensure the education for PWD on equal basis with others.

Right to health

Despite the adoption of Law 220/2000, full health coverage, and rehabilitation services at the expense of the state, and the law was followed a circulation by the Ministry of Public Health on January 7, 2010. However, the fact of having PWD access health services remains dire, despite the high cost for health in Lebanon, however the coverage standards remain low.

It is noted that providing access to services is discretionary and favoritism and not covered by the concerned ministry by big percentages, along with the apparent discrimination in dealing with PWD as they are finalizing the required transactions, which results in having big numbers of this card holders not accessing these services only after having paid big amounts^{IV}. In addition, there exists the failure to provide rehabilitation, physical, or occupational, and other therapies only in low rates. Also, it is noticed the lack of any awareness impact related to services, or rehabilitation of medical staff towards the needs of PWD, which results in the incapability of the medical staff to deal with various needs, which may cause new disabilities, or multiple disabilities; not to mention the moral and psychological harm and human abuse. Despite the formation of a "health, rehabilitation and support" committee under the law, however they haven't acted nor convened for once; which indicates absence of serious intents of the relevant ministries to implement the law^V.

Recommendations

- Provide rehabilitation treatments in all centers contracting with the ministry over all Lebanese territories, in addition to conduct a comprehensive medical survey, according to the international definition, for the PWD, their disabilities and needs.
- Bind the public and private hospitals and health centers to include the inclusive standards, both in terms of engineering and automated equipping or at the level of communication systems.

- Educate and train the medical staff and employees in hospitals in all units about the needs of PWD and how to deal with them in all circumstances.

Right to work

The Universal Declaration of Human Rights states that everyone has the right to work, to free choice of type of work and to the protection against unemployment.

The International Convention on the rights of PWD states that every PWD has the right to work and to make a living from a work that he gets chosen to or accepted freely in an inclusive and open labor market, and make the access possible.

The Lebanese state recognized in the special legislation for PWD rights (Law 220/2000) with the right of PWD to work. But the law proceeded with the employment of PWD in special centers for them, in addition to their employment in institutions within the labor market. The law only focused on employment through imposing a certain percentage of employment both in the public and private sectors without subjecting measures and providing support to make the labor market and its institutions inclusive for PWD.

At the implementation level, the state failed to implement the law, especially through employing only a certain percentage of PWD in both the public and private sectors due to the absence of any support to work institutions in order to become inclusive and suited to employ PWD, as well as the absence of rehabilitation programs for PWD to enable them to perform jobs required in the labor market.

The rehabilitation policy and providing job opportunities for PWD still relies on the financial support by the National Employment Office for the rehabilitation of PWD for non-required jobs in the labor market, offer them opportunities in specialized centers or protected workshops.

As a result of this defect in the legislation and practices, a lot of PWD are unemployed not due to the high rate of unemployment in the community, but to the presence of legislative barriers and the absence of policies that eliminate the discrimination against PWD in searching for jobs, finding a job, apply for it and hold to it. Among the most important results of the exclusion of PWD from the labor market is the extreme poverty and social marginalization. But on the other hand, the private sector in Lebanon is taking individual initiatives to employ PWD and to rehabilitate the workplace.

This fact is due to the absence of a clear policy in the legislation to provide job opportunities for PWD within an accessible and inclusive labor market for PWD, the absence of procedures which aid the work institutions to become inclusive and capable of employing PWD, and the absence of rehabilitation programs and rehabilitation linked to the requirements of the labor market.

Recommendations

- The Lebanese state must adopt a policy to secure the right of PWD in the work within an inclusive, open and accessible labor market for PWD.
- The state should allocate a budget to support the work institutions which took the decision of hiring a PWD to enable these institutions to perform the necessary adjustments and to provide enhanced or alternative devices which guarantee the PWD to perform his job at the institution.
- The state must plan and implement vocational, social and health rehabilitation programs to enable PWD to enroll in the labor market, get jobs and hold to them.

Non-discrimination

The physical, economic and cultural discrimination against PWD affects them at various levels, and is considered prevalent. Discrimination is double and dual against women with disabilities, as well as the children with disabilities suffer to access the minimum rights. We are interested to focus in this report on the levels of the engineering equipping and political rights.

1. Engineering Equipping

Although the International Convention and national legislation bind the public and private institutions to perform the required engineering equipping with what guarantees the free movement and access of PWD, however the concerned ministries didn't perform the required procedures nor did it issue the applied decrees yet; the civil studies showed the possibility of equipping at a low cost; and civil surveys showed the scarcity of engineering equipping for places of public use^{VII}, after the state has missed its chance in equipping of what was destroyed in the war of July 2006 in an inclusive manner which respects the human rights. This is due to the conflict of powers of the concerned ministries and public departments in engineering equipping, which hinders any serious movement towards law enforcement. As well as, the absence the engineering equipping chapters from the general budget of the buildings, public and private places of public use; thus depriving the local administrations in the regions from the required financial liquidity for equipping, and keep it restricted to the individual or civil initiatives.

Recommendations

- Develop the legislations through the introduction of basic amendments related to the inclusive constructed environment without excluding any of the disabilities and makes the environment equipped for everyone.
- Adopt clear clauses in the general budget, and within all ministries the chapters of the engineering equipping and the information technology assistance which are needed by

PWD visually, auditory and mentally.

2. The right to participate in public and political life

The Universal Declaration of Human Rights states that everyone has the right to participate in the management of public affairs of his country, either directly or through freely chosen representatives ... through genuine periodic elections, equal public voting between the voters and through secret voting or through a procedure that guarantees the freedom of voting.

The International Convention on the Rights of PWD states their right participate in political and public life through ensuring the possibility to participate efficiently and fully in the political and public life in the public and political life on equal basis with others.

The Lebanese state didn't recognize in the special legislation of rights of PWD (Law 220/2000) against the right of PWD to participate in public and political life. At the same time, it did not deny them this right. However, the law stated procedures which contribute to facilitate the participation, in which it stated the performance of engineering modifications for all places special for public use. If this was implemented, shall contribute in providing access for PWD to the voting locations during the elections.

At the application level, a decree was issued by the Cabinet and circulated by the Minister of Interior to facilitate the participation of PWD in the general elections. Nevertheless, there are obstacles that prevent many PWD from exercising their right to participate and to vote. This applies to all types of public elections whether to elect the representatives of the people or to elect the representatives of the local community within the municipal councils or to elect syndicate councils and others.

This fact is due to: the non-recognition of the Lebanese state of this right within the special legislations on the rights of PWD or through other legislations, and the non-application of engineering adaptation standards for public places, and non-execution of any procedures for PWD to access the special elections information, in addition to non-execution of procedures which guarantee the free and secret voting for PWD.

Recommendations

- Legislations must guarantee the right of PWD to participate, on an equal basis with others, in public and political life.
- The Lebanese state must adopt inclusive standards to ensure the participation of PWD in the electoral processes, whether to run as candidates or vote.
- The Lebanese state must take procedures that ensure PWD vote independently, freely

and confidentially.

Rights of Refugees with disabilities

1. The rights of Palestinian refugees with disabilities

Most Palestinian refugees with disabilities, estimated six thousand persons, live in Lebanon, living in difficult economic conditions, deprived of most of the rights, and the unemployment rate is estimated 90 percent^{viii}. The Law on the Rights of PWD 220/2000 special for rights of Lebanese PWD doesn't include them even if it was implemented. And they rely basically in providing their needs on the offerings of UNRWA, and other international organizations.

Difficulties

In education, the right of Palestinian refugees with disabilities is limited to having the basic official education and relying on "UNRWA" schools, since they are considered foreigners, which fail to apply the educational inclusiveness in curriculum or in the means of dealing by the educational staff with the needs or the spatial environment, taking in consideration that these schools are rented and most of them weren't built as schools.

In health and rehabilitation, they are deprived from the right to benefit from the official health services considering they are foreigners, and they obtain what "UNRWA" and some NGOs offer them, which are considered fragile, scattered and non-sustainable services. As well as, the prevention and rehabilitation programs do not own the appropriate resources for continuity, and to work on the level of overall development, for reasons related to complicated legal status, in which these programs are overwhelmed by the temporary relief work form.

At work, they are denied under a ministerial decrees and strict laws imposed on the Palestinians in general, from most of the jobs and from obtaining jobs opportunities, which increases the burden of disability.

In the environment and housing, Palestinian refugees in Lebanon are deprived of the right to own property outside the camps, where they live in deteriorating conditions inside them with absence of any engineering equipping.

Recommendations

- Prevent and prohibit all forms of discrimination against Palestinian refugees with disabilities, and ensure that they have equal opportunities to participate in social and economic life with integrity; while ensuring the application of the law 220/2000 for them

as well.

- Not regard the Palestinian refugees as foreigners in the Lebanese educational and official institutions, and similarly treat them on equal footing with the Lebanese students and trainers in those institutions.
- Allow the Palestinian refugees with disabilities to benefit from the health services and offerings and rehabilitation services which are available in the official health institutions, which Lebanese PWD benefit from.
- Annul the unfair decisions against the Palestinian refugees related to them being deprived from a big number of jobs, and allow them to work on equal footing with the Lebanese PWD.
- Initiate immediately to the reconstruction of Nahr el-Bared camp inclusively according to standards which respect the needs of PWD, and in accordance with the civil engineering inclusive studies, which demonstrates the potential of its implementation.
- Seek the development of Arab fund for support for Palestinian refugees, with the diminish of UNRWA aids to them, particularly the medical assistance.
- The establishment of a supreme committee which constitutes from representatives of the Lebanese government, the Palestinian Authority, and "UNRWA"; to work on management of affairs for Palestinian refugees with disabilities in Lebanon, and secure their rights.

2. Rights of the Syrian refugees with disabilities

During the past four years, Lebanon transformed to the most concentrated spot for refugees in the world ^{ix}, in which no district is empty of Syrian refugees whose numbers of those registered with UNHCR increased more than one million and two hundred thousand persons, whereas, the number of those non-registered is estimated around one million persons. Most of the refugees are women and children, whereas the percentage of PWD is more than 10% among them, including a big number of war injured persons.

In statistics, UNHCR application form is a non-specialized form, which does not observe the type and degree of disability, and depends heavily on the statements of the refugees themselves (disability and needs) and not on the remarks of trained specialists.

In education, children refugees with disabilities are deprived of alternative educational programs, within randomized which through is provided official and contractual educational services, where the main refuge is focused, due to the absence of appropriate equipment, adapted curriculum and the trained educational staff.

In health and rehabilitation: the budgets which cover medical care, hospitalization and treatment of chronic and incurable diseases was reduced to minimal limits gradually over

the past year, whereas the periodic reports did not note any specialized rehabilitation actions for PWD.

At work, refugees are deprived from working, so they count on the financial and in-kind assistance offered by the donors.

In shelter and housing, most of the refugees with disabilities live in random camps with a total absence of engineering equipping. They are either as hostages in off-hand shelters or camps which lack the minimum limits of safety and hygiene standards.

Recommendations

- In statistics, it's important to determine the degree and type of disability and the additional needs of refugees with disabilities according to specialized and standardized forms, by the UNHCR team and partner organizations and associations.
- In education, ensure access and participation of children refugees with disabilities in synonymous educational programs, through adapting the curriculums gradually from the lower to the upper grades.
- Consider the PWD an actual priority to ensure their right to access medical centers which contract with the UNHCR and provide appropriate treatment for them.
- At work, rehabilitation of the refugees with disabilities within specialized programs, especially those who have recent disabilities as a result of the war.
- Equip shelters according to a mechanism of moving engineering equipment, to ensure the right of access for the refugee with disability to the services equally with the refugee who doesn't have a disability.

Signing on behalf of the Disability Forum in Lebanon

Lebanese Physical Handicapped Union represented by its President Ms. Silvana Lakkis

Lebanese Physical Handicapped Union
Lebanon, Beirut, Ras Beirut Raouche, Salah aldin Street,
Rida Building - second Floor
Tel/Fax: (+961) 1 807366/367,
P.O.Box:155473
Email:Lphu.lphu@gmail.com

Youth Association of the Blind
Lebanon,Beirut, Karakul El Druze Area, Tadmor Street,
Zahera Building, First Floor.
P.O.Box: 113/5487 Beirut - Lebanon
Tel/Fax: (+961) 1 364 259 / 368 221
Email: info@yablb.org

Lebanese Association for Self Advocacy
Lebanon,Beirut,Tawfik Tabarah Street,
Toufic Tabarah Center, Sixth Floor
Tel/Fax: (+961)1748876
Email: ourvoice.lb@gmail.com

Palestinian Disability Forum
Lebanon , Beirut , Mar Elias Camp
Mar Elias Camp Entrance, Ground Floor
Tel: (+961)1818815
Fax: (+961)1705422
Cell : (+961)3358918
Email:jamal_elsaleh@hotmail.com

Darb El-Wafaa Association for PWD
Tel: (+961)3093539

Takat
Tel: (+961)3123900
Email: takat11@live.com

The Lebanese Down Syndrome Association
Lebanon ,Beirut ,Zareef ,Sanayeh
Toufic Tabbara Street ,Toufic Tabbara Building
Telephone : (+961)1735738
Email: info@lebanesedownsyndrome.org

The Association of Visually Impaired People
Lebanon , Beirut , Airport highway
Sahel Hospital , Sahrl Center, Fourth Floor Block B
Cell : (+961)3314172

The Youth Friendship Club
Cell : (+961)3958825
Email: naji.y69@hotmail.com

ⁱ Law no. 220, issued on 29.05.2000

ⁱⁱ According to the statistics of “Inclusivity network in Lebanon”-2006, and according to the results of work of “emergency program-relief project” at LPHU during the migration of July/August 2006

ⁱⁱⁱ “Together towards inclusiveness” an awareness guide about the rights of PWD in inclusive environment, education, health and work (Beirut-media unit at LPHU, 1st : 2008)

^{iv} Useless card, unapplied law” magazine Waw, edition. 13, August 2007, health file for PWD, pages 3-12

^v Law 220/2000 and its implementation, a study prepared by researcher Sameyya Bou Hosn for LPHU 2009 (wasn’t printed)

^{vi} Progress towards an inclusive environment-an approach, which depends on the architecture engineering and budget (Beirut: Lebanon budget project-LPHU and researches and consultations institution, 1st: 2008)

^{viii} “Reconstruction ad inclusive environment” a field survey regarding the application of special engineering standards ad characteristics for PWD in the process of reconstruction (Beirut-media unit at LPHU, 1st : 2008)

^{viii} Palestinian embassy in Lebanon, paper work presented to the regional workshop “Towards a decent job for everyone”, Beirut 2014
IX Weekly and periodic reports for UNHCR