

Lebanon

Stateless Persons Access to Socio Economic Rights

- 1- Ruwad alHoukoug FR (Frontiers Right) is a Lebanese NGO specialized in the defense of marginalized groups in Lebanon, particularly stateless persons, refugees, and migrants through legal assistance, research and advocacy. Ruwad alHoukoug FR is a member of several international networks specialized in combating statelessness and protecting refugees.
- 2- The Arab NGO Network for Development (ANND) is a regional network, working in 12 Arab countries with nine national networks (with an extended membership of 250 CSOs from different backgrounds) and 23 NGO members. ANND was established in 1997 and its headquarters is located in Beirut, Lebanon since 2000.
- 3- This submission focuses on the right to education and access to health services of stateless children.
- 4- The stateless population in Lebanon is estimated at around 50 to 60,000 persons, excluding the Palestinian refugees who are also stateless and are estimated at around 400,000 in Lebanon and children born in Lebanon to Syrian refugees whose birth are not registered and are at risk of statelessness, estimated by UNHCR at 70,000 children. Children make up around 43% of the total population.
- 5- There is no legal framework for stateless persons in Lebanon. They have no legal status, hence they are the most marginalized and vulnerable population as they are legally denied the right of basic and

fundamental rights.

The Universal Periodic Review of Lebanon under the First and Second Cycles

- 6- In the two UPR Review Cycles of 2010 and 2015, Lebanon received no recommendations related to stateless persons' access to socio economic rights. On the other hand, many recommendations were related explicitly to other vulnerable groups, such as migrant workers, Syrian and Palestinian refugees
- 7- In 2010, a number of recommendations (8) related to the protection of vulnerable groups in general.
 - 1) Iran recommended the creation of additional national mechanisms to promote and protect human rights of vulnerable groups.
 - 2) Kuwait recommended that Lebanon continue the search for appropriate solutions to the challenges outlined in the report and wit which citizens are faced with regard to the full enjoyment of basic political, economic, social and cultural rights.
 - 3) Egypt recommended Lebanon to further pursue its efforts to ensure the enjoyment of economic, social and cultural rights.
 - 4) Pakistan recommended lebanon to continue its policies and programmes to improve the efficiency and quality of basic social services such as health and education for its citizens.
 - 5) Venezuela recommended Lebanon to continue consolidating social programs and measures adopted to date, that are key in fighting poverty and social exclusion, with actions that increase the provision of social services, giving priority to the most deprived sectors of society, to advance in the achievement of the highest attainable level of wellbeing for its people.
 - 6) Bangladesh recommended Lebanon to further strengthen the protection of rights of vulnerable groups
 - 7) Egypt recommended Lebanon to accelerate plans for the adoption and implementation of a national strategy for

children.

- 8) Spain recommended to ratify the optional protocols to ICESCR & ICCPR.

8- In terms of the rights to education and access to health services 5 countries made in 2010 recommendations related to these rights and to making them available to all, which may be interpreted to include all people present in the country, including stateless persons. The recommendations were as follows:

- 1) Qatar recommended that Lebanon finalizes the national action plan on education for all and improve the quality of education.
- 2) Yemen recommended that Lebanon ensure that education covers all areas of the country.
- 3) Cuba recommended Lebanon to continue applying the programs and measures aimed at guaranteeing health and education of quality for its citizens.
- 4) France recommended enabling universal health care.
- 5) Poland recommended bringing domestic law into full compliance with the Convention on the Rights of the Child.

9- In 2015, 19 recommendations were related to the socio economic rights. None was directly related to the stateless persons in Lebanon. However, as these recommendations were general or concerned vulnerable sectors or all citizens/ all children, they may be interpreted as covering the stateless persons as well.

- 1) Portugal recommended ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- 2) Saudi Arabia recommended working towards additional efforts to promote economic and social rights, to enhance in particular the right to work, education, health and housing.
- 3) Libya recommended continuing taking further steps at the legislative level, that take into consideration the recent developments and the economic and social conditions of vulnerable families and provide better protection for children.

- 4) Italy recommended improving access to quality education, health, and social services, in particular for children and women.
- 5) Venezuela recommended continuing consolidating the national policies to combat poverty and social exclusion in favour of the most vulnerable sectors.
- 6) Slovakia recommended taking adequate measures to ensure full compatibility of national legislation with the provisions and principles of the Convention on the Rights of the Child and its Optional Protocols.
- 7) Serbia recommended continuing strengthening legal and policy protections which guarantee the rights of the child, in line with the provisions of the Convention on the Rights of the Child and its Optional Protocols.
- 8) Croatia recommended improving the harmonization of national legislation with that of the Convention on the Rights of the Child.
- 9) Ghana recommended taking appropriate steps to ensure that all children of school going age have unimpeded access to education.
- 10) Albania recommended continue efforts of the Lebanese Government to improve the functioning of the education system, including by advancing the enrolment and by protecting street children from the worst forms of child labour.
- 11) 8 countries recommended establishing free and compulsory education for all children in Lebanon (Togo, Algeria, the Republic of Congo, Djibouti, Slovenia, Madagascar, Maldives, Panama).

Legislative and Regulatory Developments

- 10- In 2011, the law regulating compulsory education (law on assignment in the Ministry of Education and Higher Education) was amended. The amendment states that the basic education is compulsory, and available for free in public schools, and is a right for all Lebanese in aging schools. The conditions and regulations to

enforce this free and compulsory education will be regulated in a Decree. This Decree was not issued to date.

- 11- In the last 10 years, the Ministry of Education and Higher Education is issuing yearly circulars regulating the enrollment of stateless children "of Lebanese origins" and/or "born to a Lebanese mother" (last 3 years) in public schools, facilitating their access to education. Similarly, circulars concerning stateless persons sitting in public exams are being issued regularly.
- 12- In 2014, the Ministry of Public Health issued a circular to all Primary Health Centers reminding them to abide by the laws. The circular included a prohibition to "omit from providing vaccination to any child under any pretext".
- 13- In 2016, the Minister of Public Health issued a circular concerning the full coverage of hospitalization of elderly who are above 64 years old. The circular does not clearly specify that the beneficiaries should be Lebanese. However, the preamble thereof mentions that the circular was issued to alleviate the financial burden for Lebanese citizens. As such, this medical coverage of old people is exclusive for Lebanese.
- 14- In 2011, the Ministry of Public Health issued a circular on vaccination, reminding its local representatives at Caza level of the duty to provide vaccination to all children that are living in their geographic area, including refugees, regardless of their nationality.
- 15- In 2020, with the outbreak of Coronavirus, the Ministry of Public health issued several circulars on prevention and isolation. The circulars mentioned "people" "individuals" and at some times the term "citizens" instead of "Lebanese citizens", which may be interpreted as including all the population living in Lebanon.

Lebanon's International Obligations

- 16- Lebanon is party to the core human rights treaties, including the instruments that guarantee the rights to education and health, namely the ICESCR, CERD, the Convention on the rights of the Child, CEDAW and the Convention against Discrimination in Education.
- 17- Lebanon is not a signatory of the conventions concerning statelessness and the status of stateless persons (1954 Convention on the Status of Stateless Persons and 1961 on the Reduction of Statelessness).

Lebanese Legal Framework

Right to Education

- 18- The law regulating the basic education (Decision 407 dated 7/8/2000) states in its Article 3 that one of the conditions for enrollment in public elementary schools is that the child is Lebanese. Same for the public secondary schools, regulated by the Internal Bylaws of public schools (Decision 590 dated 19/6/1974), students have to submit an ID or Civil Status Extract.
- 19- The law regulating the public exams (Decree 5697 dated 15/6/2001) imposes the submission of an ID or a recent Civil Status Extract.
- 20- Article 90 of the Internal bylaws of the public schools state that non-Lebanese students may be accepted at public schools only if there are vacant places at the school. There are no specific rules and conditions for these students. It could be deduced that these students have to submit foreign identity documents.
- 21- The law on free and compulsory clearly mentions that the compulsory and free education is for Lebanese students.

- 22- These provisions rule out the stateless persons since they are explicitly limited to Lebanese and request the submission of identity documents.
- 23- In practice, public schools are admitting stateless children both of Lebanese and non-Lebanese origins, based on circulars issued by the Ministry of Education. These circulars do not have the force of the law and may be overturned by the Ministry at any time.
- 24- Stateless children may sit for public exams, on par with all other students. Like all other students, they have to provide newly issued documents. Stateless students provide a new identification certificate by the mukhtar and a document from the General Security called "Residence Visa Summary" that is issued after General Security conducts an investigation about the legal status of the family.

Right to Health Care

- 25- The law regulating the hospitalization in public hospitals (Decree 16662 dated 22/6/1964) states in Article 1, that the Ministry provides treatment, tests and health care in its health care centers to: needy Lebanese; needy foreigners living in Lebanon on condition of reciprocity; and needy people of unidentified nationality or who have no nationality, provided that they submit an ID and prove that they are needy.
- 26- The same law states in Article 2 that any person who is a victim of an emergency or a disease that requires an immediate treatment should be admitted and treated on the costs of the government. After the emergency care, conditions will apply as to the admission in public hospitals.
- 27- Article 3 states that the Ministry provides compulsory and free tests for non-Lebanese suspected of having tuberculosis and leprosy. Article 5 states that non-Lebanese may benefit of the Ministry's

services if they are suspected on contagious diseases, as a precautionary measure until healed of their serious disease and to protect others from contagion.

28- Article 6 provides that non-Lebanese may benefit of all vaccinations provided by the Ministry.

29- The law on medical ethics, Law 288 dated 22/2/1994, states that the doctor should treat any patient, regardless of their race, nationality or political opinions.

30- In practice, stateless persons are not being admitted in public hospitals or on the cost of the Ministry of Public Health. However, in the recent years, stateless individuals born to a Lebanese father or mother are being admitted on the cost of the Ministry, upon an exceptional authorization by the Minister of Public Health. This measure is not based on any written decision and may be overturned by any of the ministers. The authorization is not automatic or systematic and is given on case-by-case basis, depending on the severity of the case and the financial situation of the concerned family. However, not all stateless persons are aware of this possibility, and many do not go to hospitals because they lack the financial means and cannot afford a private hospitalization.

31- Stateless children may obtain vaccination and all primary health care at the Primary Health Care Centers network in the country. However, most of the stateless families are not aware of this right and do not vaccinate their children or resort to primary health care centers.

Recommendations

32- Lebanon should fully implement its obligations under the international instruments it ratified that grant the right to education and health to all individuals on its territory regardless of their

nationality or if statelessness.

- 33- Lebanon should amend the laws regulating the access to education and health to include stateless persons explicitly in these laws, legalize and regularize clearly their access to these rights.