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## List of issues in relation to the initial State party report of Lebanon Submitted to the Pre-sessional Working Group

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*This submission is prepared in light of the 57th Pre-sessional Working Group that will focus on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in Lebanon.*

*This document, prepared by the Arab NGO Network for Development<sup>1</sup> does not aim to present a comprehensive analysis of the economic and social rights situation in the country but rather focuses on selected issues under specific articles of the Covenant that have not been addressed comprehensively in the State party report. Accordingly, for each issue elaborated a brief situation analysis follows issues to be raised and questions to be directed to the State party.*

### **Economic and social development**

The state report initiates with a recognition of public debt that places a heavy burden on the country's economy and limits development projects in comparison to country's needs. Actually, for the 2015 draft budget, around 30.6 percent was to be allocated to public debt service, 17.2 percent for public sector salaries, 13.2 percent for electricity, 10.2 percent for retirement salaries, 6.3 percent for budget reserves and 8 percent for investment allocations such as infrastructure projects<sup>2</sup>.

With a high percentage of the budget spent on debts, it is clear that the obligation to devote the maximum available resources to the realization of economic and social rights, as noted in Article 2 (1) of the International Covenant on Economic, Social and Cultural rights is indeed violated. The debt repayments are prioritized over social expenditures that are necessary for the advancement and full enjoyment of economic and social rights. It is important to note that Lebanon remains without an official budget since 2005.

Free trade agreements signed, bilateral investment agreements with 50 countries and membership bid to WTO is presented in the State report supporting Lebanon's

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<sup>1</sup> The information included in this submission is retrieved from the Joint Submission on Economic and Social Rights that was prepared by a group of civil society organizations in Lebanon for the second cycle UPR review. Read more at <http://www.annd.org/data/item/pdf/139.pdf>

<sup>2</sup> <http://www.dailystar.com.lb/News/Lebanon-News/2015/Apr-17/294767-ministers-gear-up-for-battle-over-budget.ashx>



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free market economy approach. Yet, such economic policies implemented in Lebanon although generated growth did not contribute necessarily to job creation reflecting the problematic of the neo-liberal economic model. Between 1997 and 2009, the gross domestic product expanded at an average rate of 3.7 percent per year, employment grew by only 1.1 percent.

**Please provide comparative statistics on the budget allocated to sectors related to economic, social and cultural rights.**

**Please provide information if a priori and a posterior human rights-based impact assessments are undertaken by Lebanese government on trade and investment agreements signed. Please provide information if any inclusive national consultation is undertaken prior to finalization of these agreements, including with trade unions and civil society.**

**Please indicate whether the State party has considered alternative economic policies-trade and investment to generate more employment. Please provide plans on enhancing productive sectors in Lebanon in doing so please provide information on GDP and employment growth in the last decade in Lebanon and disaggregated data on employment levels in diverse sectors.**

## **Article 2- Non-discrimination**

State party report lists its accession to relevant international human rights treaties including CEDAW, CAT, OP-CRC under the non-discrimination clause yet acknowledges the existence of controversial issues at national level like granting nationality, or the right to own property. Indeed, the risk of statelessness and related violations on the rights of the children are apparent in Lebanon given that Lebanese law does not allow women to grant their nationality to their children when married to a foreign husband. On the other hand under the pretext of naturalization, Law 296/2001 deprives Palestinian refugees from owning property, because they do not have a recognized nationality.

**Please indicate whether steps have been planned/taken to amend discriminatory provisions in personal status laws in order to ensure that women are not discriminated against in issues related to child custody, inheritance, divorce and nationality.**

**Please provide information if any measures are planned to eliminate discrimination against the Palestinian refugees to allow them to own property and to stop related arbitrary measures that prevent the registration of property purchased before the modification of law 296/2010.**



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### Equal enjoyment of rights (art 3, 4, 5)

On gender equality, a project implemented on education field and the inclusion of the text "A married woman possesses full legal capacity to engage in commercial activities" are provided as achievements in the state report. Nevertheless, discrimination against women persist in the country given the lack of a comprehensive vision and policies. For instance the rate of woman participation in the labor market is still equivalent to 22.8% compared to 70.5% of men.

Under this section, State report acknowledges the opposition by broad section of Lebanese people and by civil society for the delays in electoral law and the extension of Parliament mandate. Indeed, it is now clear that the failure to elect a new president and the non-constitutional extension of the Parliament's mandate are significantly dangerous indicators of the deterioration of the democratic process in Lebanon and of the loss of the Lebanese people of one of their major political rights which is the right to vote and periodic elections protected by international covenants ratified by Lebanon, particularly the International Covenant on Civil and Political Rights. It should be as well acknowledged that despite the fragile security situation in Lebanon and the region, returning to the democratic path and abiding by the law remains the only way to restore security and stability, and to activate accountability mechanisms.

**Please provide information regarding the measures undertaken to prevent gender discrimination in the labor market and related enforcement measures and remedies put forward in case of non-compliance.**

**Please describe the measures taken to address traditional stereotypes that are impediments to the equal participation of women in political, economic, social and cultural life.**

**Please elaborate on gender wage gap in Lebanon. Please provide information on measures taken or envisaged to further enhance the representation of women in decision-making positions in public and private sectors.**

**Please update the Committee on the measures taken and the progress, if any, on elimination of informal economy in Lebanon and indicate if any measures are planned to address the gap that the Lebanese Labor Law does not cover domestic workers or workers in the rural areas, most of them being women.**

**Please indicate how the extension of the Parliament mandate and adoption of new electoral reform impact the realization of economic and social rights in Lebanon. Please indicate how the political instability endangers legislative actions necessary to advance enjoyment of economic, and social rights.**

**Right to work and freedom of trade union activity (art 6, 7, 8)**

State party report presents accession to ILO and Arab Labor organization conventions as an indicator to commitment to update its Labor Law. Accordingly relevant measures are listed regarding specific labor rights related issues, including maternity leave, working hours, child labor etc.

Yet key issues for the realization of the right to work were not tackled including the issue of minimum wage in Lebanon. Accordingly despite Lebanon's obligation to ensure employment with remuneration that enables workers and their families to enjoy an adequate standard of living as stipulated in article 7 (a) (ii) of the Covenant; the minimum wage in Lebanon is now settled at 675,000 Lebanese pounds only. Political, commercial and financial authorities refused the proposal submitted to fix a minimum wage amounting to 890,000 Lebanese pounds including the transportation allowance. The last amendment to the minimum wage was made in 2012, and the cost of living indicator committee has not held enough meetings in the last few years to assess the inflation in prices. According to the General Confederation of Labor, the inflation rate for 2015 is estimated at 38% according to its standards of the cost of living indicators. These indicators suppose an increase of the current minimum wage.

Furthermore, while a progress relative to the maternity leave occurred after the amendment of articles 28 and 29 of the Lebanese Labor Law by the Law № 267 issued on April 15, 2014, a gap remains as the employer is required to pay the full wages during maternal leave and not the social security fund.

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. 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; they are still deprived of the family compensation, comprehensive health and maternity leave security.

While the collective dimension of the right to work is addressed in article 8 of the Covenant, which enunciates the right of everyone to form trade unions and join the

trade union of his/her choice as well as the right of trade unions to function freely, the Lebanese labor law restricts the full enjoyment of this right. It distinguishes between the freedom to form associations and political parties and the formation of syndicates and unions; as the former require only a notification, while the latter requires authorization. Accordingly, the application to form a union is submitted to the Ministry of Labor which consults with the Ministry of Interior. Moreover, laws in force require that unions' activities remain under permanent monitoring and supervision of the Ministry of Labor.

**Please update the Committee on the levels of unemployment and underemployment disaggregated by sex and rural/urban areas. Please also explain the impact of Lebanese employment policy on reducing unemployment, especially among the most disadvantaged and marginalized groups and individuals in Lebanon. Please also provide information on the imposition of penalties as elaborated in paragraph 41 and cases that fines were given for the violation of Labor Law and lack of preventive safety measures. Please elaborate on redress mechanisms provided for the victims.**

**Please provide information on the levels of minimum wage in recent years in Lebanon, and indicate whether that rate is regularly reviewed. Please also explain if the current minimum wage rate allows for a decent living for workers and their families.**

### **Right to social security**

With regard to social security, the State party report lists different schemes applied in Lebanon and refers to a symposium organized with a view to providing social security coverage for all Lebanese without exception, updating the concept and philosophy of social security and establishing a pyramidal administrative structure consistent with the needs of workers and conducive to the achievement of comprehensive and sustainable development in keeping with international labor standards.

**Accordingly please provide information on reforms taken since the symposium and measures provided to ensure universal health coverage in Lebanon. Please provide information on the progress achieved in reforming the social security system in the State party.**

**Please inform the Committee of the percentage of the population not covered by social security. Provide disaggregated data particularly for vulnerable groups, people with special needs and the elderly.**

### **Protection of the family, mothers and children**

State party report presents the 2014 bill on domestic violence. Nevertheless, it should be noted that there has been intensive campaigning demanding amendments to the final version of the law as the final text adopted do not ensure Lebanon's full respect and protection of women's rights. For instance, the final approved bill is no longer specific to women and women's protection is limited to the title and does not apply to the content. Moreover, the newly-approved law proposal enumerates only a limited number of family violence crimes and does not cover all crimes mentioned in the Penal Code. The new clause in Article 3 establishes the religious concept that intercourse is a "marital right" in a civil law applicable to all Lebanese, and only criminalizes the harm that comes with the act of coercion and not the coercion per se. The final text excludes children from the scope of protection when custody does not belong to the mother, according to the personal status laws. This means that a child who pays a visit to a noncustodial mother shall not be protected if during his/her stay the mother incurs her husband's violence.

**Please further elaborate on the measures taken to effectively combat domestic violence.**

**Please provide updated data on the prevalence of child labor and the measures taken to combat child labor, especially in its worst forms. In that regard, please provide updated information on the progress achieved in implementation of National Action plan as referred in paragraph 84.**

**With reference to paragraph 68, please provide information on the measures undertaken for the pregnant prisoners and provide information on measures implemented for women prisoners including provision of available gynecologist, treatment of psychological disorders, and periodic medical examinations of chronic diseases and sexually transmitted diseases.**

**Please provide information on provision of special needs from food, diapers, clothes, and bedding to health care.**

With regard to care of youth, the report refers to first-job program for youth in accordance with Decree No. 8691 of 10 August 2012 in an attempt to secure employment opportunities for young adults.



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**Please provide disaggregated data regarding youth employment and an assessment of the implementation of measures listed including provision of financial and other incentives for employers who recruit a Lebanese worker entering the job market for the first time.**

### **Right to a decent life**

State report tackles increasing poverty and unemployment in Lebanon highlighting as well the impact of huge influx of the Syrian refugees in the country. In fact, around 1.5 million Lebanese people out of 5.9 million population (projected as for December 2015) lives below the poverty line. In relation, in paragraph 87, the report refers to the implementation of the National Poverty Targeting Program to address poverty. Yet it should be noted intergenerational transfer of poverty cannot be addressed by targeting only specific segments of the society and improving the income of the poorest families. This would require adoption of a new and comprehensive approach to poverty reduction reducing inequalities at various levels, enhancing national productive sectors for employment generation; revision of redistribution policies and adoption of social policies that put people's economic and social rights at the forefront.

With regard to adequate housing the state party report refers to loans given yet, it should be noted that in the absence of a "ministry" of housing, Lebanon's Public Corporation for Housing (alMu`assa al-`Amalil-Iskan), established in 1996, should facilitate low-income groups' access to adequate housing. Nevertheless those institutions facilitate housing loans only for upper middle-income groups in partnership with commercial banks.

**Please provide information on the scale of poverty in the country with disaggregated statistical data. Please also provide updated information on the State party's efforts to reduce poverty and inequality and the implementation of redistribution policies.**

**Please elaborate further on low-income groups' access to adequate housing.**

**Please update the Committee on the measures adopted (if any) to improve access to safe drinking water and to adequate sanitation services in the State party, and provide up-to-date data on such access in all regions.**

With regard to right of persons with disabilities to a decent life, State part report notes the signature of the Convention, unemployment benefits, tax exemptions



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and additional measures at education level mainly. Yet, it should be noted that lack of ratification and in addition lack of implementation decrees by Ministries for the Law 220/2000 create significant challenges for the rights of PWD. This being so, the PWD who represent 10 percent of the population in Lebanon suffer from marginalization, exclusion and deprivation of their basic rights.

**Please provide information regarding the progress on the ratification of the Convention after its signature.**

**Please provide information on the access to education by children with disabilities and the availability of inclusive education in rural areas. Please also update the Committee on the impacts the programs launched and institutions established as referred at paragraph 99 of the State party's report.**

### **Right to health**

State report focuses on the budget allocated to health sector, number of medical workers, availability of basic health care services, efforts to reduce maternal mortality among other under this section. However, the problematic with regard to the quality of health services, the accessibility and affordability of health care system in light of the expansion of private sector and the weak regulatory role of the state is not addressed.

Indeed, while there is an increase in budget allocated to health, it should be noted that 83% of the budget of the MoPH in 2012 was spent on coverage and medicine rather than focusing on primary health care (PHC). On the other hand, MoPH spent 4 billion Lebanese liras on offerings to PHC centers and NGOs providing health care services in 2012, but 71% of those are affiliated with political or religious groups and provide the service in the name of their affiliated groups. Furthermore, clear discrepancies exist between regions in terms of number of beds, availability and quality of services, and % of people covered, with higher ratios concentrated in Beirut and Mount Lebanon.

It should be also noted that MoPH and the various health syndicates have tried to regulate prices and set standards for service providers but their efforts still fall short and there remains a significant need to control quality and prices of service providers, decrease discrepancies among them, and limit the uncontrolled expansion of services. Year 2014 witnessed an impressive enhancement in the MoPH audit role focusing on food safety and quality of services. However, there remains a need to institutionalize the efforts through the adoption of regulatory



laws, reactivation of the role of regulatory bodies, and filling the vacancies in health inspector positions.

**Please provide information on the percentage of the population, disaggregated by economic sector and geographic location that benefit from health-care coverage.**

**Please indicate the measures taken to improve the quality of public health-care services and to increase the number of skilled health professionals.**

**Please provide information on the measures taken, if any, to define the role of the different public and private stakeholders, to monitor their performance and to address corruption and waste.**

**Please provide information on Palestinian refugees' access to health services and health coverage, in doing so please elaborate on the health environment in Palestinian camps.**

**Please provide a health facilities mapping including the availability of hospitals/beds/doctors in all regions of Lebanon.**

### **Right to education**

State party report presents the normative framework in relation to the right to education, and refers to implementation of national plan of action to ensure education for all, for which it is noted that many of that plans objectives have already been achieved. Yet there is no reference to the decreasing budget allocated to education, and in relation the increasing disparities in the quality of the public system and private education.

**Please provide information on the budget allocated to education sector and elaborate on the quality of public/private education in Lebanon.**

**Please update the Committee on the age for compulsory education.**

**Please provide information on the measures taken on reducing dropout rates, in the first, second and third cycles.**

**Please provide further information on the implementation of measures listed in relation to adult education and literacy in paragraph 122, 123 and 124 and provide disaggregated data on the adult illiteracy.**



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## **Economic and social impact of Syrian migration**

The State party report presents the cost of Syrian influx as billions of dollars, placing Lebanon's economy under heavy pressure and severely straining its health, education, electricity and infrastructural services. Social tensions, due to competition for employment are as well mentioned. Yet under the related sections violations faced by Syrian refugees are not covered including for instance

- that although the Ministry of Education and Higher Education issued a decision offering free and open access to the Syrian refugees in public schools, more than 50% are estimated not enrolled
- that in principle Syrian refugees have access to Lebanon's primary health-care services but despite services offered through government, civil society and international organizations, they are still incurring high out-of-pocket expenses and that one in seven registered refugees finds hospital fees unaffordable.
- That although there is no consistent data on the percentage of Syrian refugees in employment, (but available statistics range from 17 percent to 33 percent of the population group) and that many of these refugees are skilled workers but they remain subject to exploitation by Lebanese employers (unregistered refugees' labor rights are not protected, no regular payment, lack of decent working conditions etc.).

**Accordingly, please provide information on the enjoyment of economic and social rights by Syrian refugees in Lebanon and measures implemented by the State party to protect their rights.**

**Please provide disaggregated data on access to education, health care by Syrian refugees.**

**Please provide information on coordination of aid allocated to respond to Syrian crisis in Lebanon among different Ministries and in collaboration with international and local civil society.**