

**Joint Submission on Economic and Social Rights
Universal Periodic Review
23rd session of the Working group - November 2015
Lebanon**

This joint submission is prepared for the second cycle Universal Periodic Review of Lebanon, scheduled to take place in November 2015. The submission sheds light on the major issues and violations of economic and social rights that occurred or still occurring in Lebanon throughout the last four or five years. This submission is the outcome of an inclusive process among civil society groups in Lebanon and was adopted by consensus following a national consultation meeting held in Beirut, Lebanon on March 12th, 2015.

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Supported by:

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I. General Background and Framework:

1. The violations of economic and social rights in Lebanon can be mainly related to the failure of economic and social policies adopted by successive governments in addressing national developmental challenges. The latter includes chronic unemployment, poverty, weakening productive sectors, increasing inequalities, geographic disparities and lack of social protection.
2. The rentier economic approaches, weakly managed privatization and overall economic liberalization policies favored by governments, coupled with weak regulatory infrastructure and capacities, have limited the ability of the state to respond to the needs and necessities of various citizens.
3. The already limited progress of social and economic rights has been hindered by the huge influx of Syrian refugees to the country; it brings humanitarian responsibilities including providing shelter, food, water, sanitation, healthcare, schooling and other services on Lebanon. In addition, it creates important challenges deriving from political, security and economic risks and stress on social cohesion. Although this was not elaborated in the first cycle review, it is an important challenge that affects the economic and social rights of Lebanese people and the over 1 million refugees residing in Lebanon.
4. Allocation of maximum available resources to realization of economic and social rights is further challenged as Lebanon remains without an official budget since 2005.
5. Within this context, the government's approach to development focused on economic growth indicators (on individual sectors as tourism, agriculture, industry, etc) or merely on basic services remains counter-productive and not responsive to challenges faced with regard to the full enjoyment of basic economic and social rights.
6. A draft law on partnership between the public and private (PPP) sectors in Lebanon was prepared. That may result in social and economic rights violations if safeguards and regulations are not adopted. Potential negative implications of this partnership should be well assessed and regulatory provisions must be placed to avoid cases such as when bankruptcy hits the private sector and the burden is transferred to the public sector; or when the increase of cost violates the affordability of these services, thus the full enjoyment of the right for citizens.
7. The lack of reliable, up-to-date and disaggregated statistics and data regarding economic and social rights remains a serious concern in Lebanon. This results in inadequate measurements and adoption of inadequate policy measures.
8. The institutional mechanisms toward ensuring an inclusive social dialogue remain limited; the Economic and Social Council is paralyzed since 2005. The latter is expected to form a platform for private sector and civil society's advisory role on the different economic and social policies; its absence significantly limits public debate, transparency and inclusiveness of public policy.

Recommendations:

- 9. Adopt a holistic approach to development and a national strategy for protecting and developing productive sectors including agriculture, industry and services;**
- 10. Ratify the optional protocol to the CESCER and ensure the effective implementation of international treaties through the adoption of regulations and related reforms;**
- 11. Enhance transparency and inclusiveness in social and economic policy-making by activating the Economic and Social Council and engaging all relevant stakeholders**

including civil society, trade union, private sector in the design of the economic and social policies and decisions.

12. Ensure that the final draft of the law on PPPs protect groups affected by the partnership implications through effective implementation of anti-unemployment and anti-poverty policies, recognizing the principle of direct compensation to those affected by the implementation of the joint project and engaging the civil society and employees' representatives in proposing, assessing, implementing and monitoring the implementation of partnership contracts.

13. Ensure the availability and accessibility of up-to date and reliable disaggregated data regarding the economic and social rights enjoyment.

II. Promotion and protection of human rights obligations:

i. The right to an adequate standard of living

14. Around 1.5 million Lebanese people out of 5.9 million population (projected as for December 2015) lives below the poverty line¹. 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 including clean water, energy, public transportation and housing as well as health and education including free schooling, the accessibility and availability of these rights all without any discrimination.

15. The Value Added Tax rise proposal-of an increase from 10 to 12 percent- would result in negative impacts on the welfare of the middle class and households living just above the poverty line, as overall poverty in Lebanon might increase to 35 and even 50% when the VAT rate is moved to 12 and 15 percent.²

Recommendations

16. Adopt 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;

17. Revise the taxation policy in Lebanon in order to avoid the negative impacts deriving from VAT increase and ensure the adoption of a fair taxation policy based on progressive direct taxation.

¹ Lebanon Crisis Response Plan 2015-2016 available at http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=0CDQQFjAD&url=http%3A%2F%2Fdata.unhcr.org%2Fsyrianrefugees%2Fdownload.php%3Fid%3D7723&ei=KB8IVa_tFoqpgwSD8oOQAg&usg=AFQjCNGrO3LKmH0eGo89zNzBmy8nUyDJ9A&sig2=OwZM0PBsQOGC8kr1_MWcuw&bvm=bv.88198703,d.eXY

² Nisreen Salti and Jad Chaaban, The Poverty And Equity Implications Of A Rise In The Value Added Tax: A Microeconomic Simulation For Lebanon, May 2009, <http://ideas.repec.org/p/erg/wpaper/483.htm>

ii. Right to Work:

18. During the 2010 review, the right to work issue in Lebanon was covered mainly regarding child labor, Palestinian refugees and the domestic workers. Yet, the lack of a comprehensive employment policy in Lebanon and support to productive sectors that generates employment is a core challenge for this right.

19. The economic policies implemented in Lebanon although generated growth did not contribute necessarily to job creation reflecting the problematic of the rentier-economy model. While 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 percent³. The unemployment rate reached 20% in 2013.⁴ 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)⁵.

20. The Syrian workforce in Lebanon, following the huge inflow of refugees, is increasing workers' vulnerability in Lebanon⁶. 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 group⁷. Many of these refugees are skilled workers but remain subject to exploitation by Lebanese employers (unregistered refugees' labor rights are not protected, no regular payment, lack of decent working conditions etc.).

21. 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 allowance⁸. 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.

22. 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. The maternity leave amounts to ten weeks provided that full wage is paid to women in this period. Nevertheless, a gap remains as the employer is required to pay the full wages during maternal leave and not the social security fund.

23. In line with the UPR first cycle accepted recommendations on combatting human trafficking, in August 2011, Lebanon passed amendments to the Penal Code to include the crime of trafficking, set punishments for traffickers, and provide compensation to victims of trafficking

³ <http://www.worldbank.org/en/news/press-release/2013/04/11/world-bank-lebanon-needs-to-create-23-000-jobs-per-year>

⁴ Ministry of Foreign Affairs and Emigrants, Lebanese Republic, National report submitted to the Arab Human Rights Committee, September 2014, p.2.

⁵ Lebanon MDGs Report 2013-2014 available at <http://www.cdr.gov.lb/study/mdg/MDGR2013-2014e.pdf>.

⁶ Ibid.

⁷ UNHCR 2014a Syria Regional Response Plan mid year update, as quoted in Lebanon MDGs Report 2013-2014

⁸ This proposal was submitted by former Minister of Labor Charbel Nahhas.

(Law No 164). However, the Law 164 is not being properly enforced; there had been only very few convictions since the adoption of the law in 2011 despite the widespread existence of the problem of trafficking in human beings in the Lebanese society (especially among the 200,000 migrant domestic workers in Lebanon).

24. As for retirement, it is necessary to move to a retirement and social protection system as stipulated in Article 49 Paragraph 1 of the Social Security Law: “Until legislation for a retirement fund is made, an end of service fund is established...” It is clear from this text that the end of service compensation is a temporary measure.

25. 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. Nevertheless, this legislation does not address the fact that Palestinian refugees remain barred from practicing in over 30 syndicated professions”.⁹

26. 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.

27. While the women’s affiliation with trade unions is high and ranges between 40% and 75%, the percentage of female participation in trade union executive boards is far below their percentage of total trade union members¹⁰.

28. Worth noting that Lebanon did not ratify ILO’s Convention 87 on the Freedom of Association and Protection of the Right to Organize.

Recommendations:

29. Ensure genuine 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;

30. Review trade and investment policies to support productive sectors at national level and ensure the adoption of a tax system that stimulates local productivity;

31. 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 and Article 46 of the Labor Law; set dates for binding sessions on the cost of living indicator,

⁹ UNRWA The right to work, <http://www.unrwa.org/userfiles/2011100225615.pdf>

¹⁰ <http://www.al-monitor.com/pulse/politics/2014/11/lebanese-women-failing-to-get-into-politics.html##ixzz3UfvstGiM>

guarantee the participation of major union forces such as the UCC in such meetings and identify more efficient standards to measure and unify prices indicators used by the State, the employers, and the unions;

- 32. Ratify the International ILO Agreement № 44 of 1938: “an agreement to provide compensation or allowances to unemployed people against their will” and establish an unemployment fund;**
- 33. Adopt the draft law aiming to adopt the “retirement and social protection” system;**
- 34. Remove all the discriminatory clauses and that deprive women from enjoying an equal right to social protection in Lebanon;**
- 35. Amend the anti-trafficking law in order to ensure that the victim is not treated as a criminal and enjoys the full right to participate in legal proceedings;**
- 36. Laws, policies and systems must be reconsidered to remove every and any contradiction with the new anti-human trafficking law especially through cancelling the artist visa system to which female emigrants working in entertainment are subject and the sponsorship system to which domestic workers are subject;**
- 37. Abolish the requirement to obtain authorization to form a union, settle for a formal public notice like the Associations Law and liberate unions from the guardianship of the Ministry of Labor;**
- 38. Ratify Agreement №84 of the ILO relevant to freedom of association and union work;**
- 39. 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, to enjoy their full rights in the Social Security;**
- 40. Shift from the concept of social protection networks, targeting programs and cash transfers to consider economic protection programs as a component in a broader development strategy aiming at achieving social justice and the realization of human rights;**
- 41. Adopt social policies ensuring the elimination of discrimination against women and which eliminate gender gaps;**
- 42. Adopt social policies ensuring the inclusion of Palestinians refugees.**

iii. The Right to Healthcare:

43. During 2010 review, Lebanon received general recommendations on the right to health that did not focus on 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.

44. There was an increase in the budget of the Ministry of Public Health (MoPH) by 13% between 2010 and 2012, accompanied by an improvement in health indicators namely maternal mortality and vaccination rates. But the expenditure on health decreased from 12.3% of GDP to 8.5% in the recent years; 83% of the budget of the MoPH in 2012 was spent on coverage and medicine rather than focusing on primary health care (PHC).

45. A big proportion of the public expenditure on health goes to private sector in 2012, 82% of total hospitalization expenditure was spent on private sector while 18% only went to public hospitals.

46. MoPH spent 4 billion Lebanese liras on offerings to PHC centers and NGOs providing health care services in 2012, where 71% of those are affiliated with political or religious groups and provide the service in the name of their affiliated groups.
47. 53.3% of the Lebanese remain outside any structured health coverage system, the Ministry does form a safety net for those but the coverage criteria are unclear and leave room to favoritism. Several other challenges face the health coverage system namely the delay in reimbursement of NSSF and the variance in coverage rates among different funds.
48. Coverage is more of a challenge for vulnerable groups, as the delay in implementation of law 220 leaves people with special needs uncovered, and the absence of an elderly retirement system especially that NSSF coverage stops on retirement when the need for care is the highest.
49. 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.
50. 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.
51. The high percentages of spending on medicine which reached 22% of total health bill in 2013, necessitates further regulation of the sector and the adoption of the generic system. The central lab, primary entity responsible for quality assurance of medicine is still closed, and there is an informal drug market running without regulation through 3000 dispensaries.
52. 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.
53. The Lebanese State is still undergoing the negotiation process to join the World Trade Organization (WTO) even if this process is temporarily halted. The Lebanese state should be wary of the provisions of certain regulations, particularly those related to the protection of intellectual property in the medication market.
54. Palestinian refugees are deprived from the contributions of the MoPH such as free hospitalization, chronic and incurable diseases medicines as a violation of Lebanon's obligations as a host country and towards the international community. The Palestinian refugee camps in Lebanon suffer from inadequate infrastructure which leads to an unhealthy environment and caused chronic and serious diseases.
55. As noted in Lebanon MDG report, in principle Syrian refugees have access to Lebanon's primary health-care services. Yet, despite services offered through government, civil society and international organizations, they are still incurring high out-of-pocket expenses. One in seven registered refugees finds hospital fees unaffordable¹¹.

Recommendations:

56. **Reform the health system in order to establish a health policy that prioritizes protection of the citizen in need of health services, preserves the right to adequate information in the health sector;**

¹¹ Lebanon National MDG Report 2013-2014

57. **Strengthen the regulatory role of the state in the health sector, define the role of the different public and private stakeholders, monitor their performance thus rooting out corruption and waste, and enhance the effectiveness of the administrations;**
58. **Issue a comprehensive health coverage law that assures vulnerable groups are covered with clear selection criteria and independent and sustainable sources of funding;**
59. **Implement a series of reforms to strengthen the NSSF including filling the vacancies, inviting CSOs to management board, and decreasing political intervention;**
60. **Reinforce the health card system and revisit the health map study to assure equity between the regions;**
61. **Enhance MoPH regulatory role through enhancing coordination among various entities affecting health, increasing MoPH jurisdictions and strengthening its audit role by filling vacancies in unit and issuing of supportive laws and decrees;**
62. **Regulate the medicine sector through reopening of the central lab, adopting the generic medicine system, and monitoring the informal dispensaries;**
63. **Allow Palestinian refugees to benefit from government health services and hospitalization;**
64. **Improve the health environment in Palestinian camps and communities.**

iv. Right to Education:

65. The public spending on education is in constant decrease in Lebanon, from 2% in 2008 to 1.6% in 2011¹²; knowing that 85% of this budget is spent on wages and salaries¹³.
66. This adds to the disparities in the quality of the public system and private education and creates further inequalities in the enjoyment of the right to education. Despite the appreciation during the first cycle review for the “excellent standards of the public education”, there is continuing mistrust in public education that put the burden of the primary education costs on Lebanese families who in their majority enroll their children in private sector education schools. This was coupled in 2012 by the cancellation of the official exams by the Government; the latter granted passing certificates to all students as a reaction to the movement of the Union Coordination Committee¹⁴ (UCC) demanding the ratification of a new salary scale for public sector employees. The quality of public education needs to be rather ensured through developing a new unified curriculum, introducing a dropout prevention program, establishing and implementing quality-oriented strategies especially for public schools in rural areas, and adapting the school environment to the basic needs of children and people with disabilities, while working towards banning double shifts in schools.
67. In the field of working on preparing the implementation of Law n° 150 of 17/8/2011 on the compulsory education until the last stages of the elementary education, the Educational Center for Research and Development conducted in 2012 a study on the compulsory education application for children from the age of 6 to 15. However, the mechanism for implementation is yet unannounced. Not to mention that till today the age for compulsory education is 12 and should be raised to 15.
68. With regard to dropouts, repetition and child labor there has been no significant change. According to the data of the pedagogical statistics of 2012-2013 the percentage of non-enrolled

¹² BankMed, “Analysis of Lebanon’s education sector”, p.4, available at: <http://www.bankmed.com.lb/LinkClick.aspx?fileticket=VZgIkH-7-s%3D&portalid=0>.

¹³ ANND, Arab watch report on right to work and education, available in Arabic at: <http://www.annd.org/arabic/data/publications/pdf/39.pdf>, p.305.

¹⁴ The UCC is a coalition of public sector workers and teachers.

students out of the registered students is 3.3% while the percentage of dropouts is 7.9% in the first cycle, 10.3% in the second cycle and 11.8% in the third cycle. The approximate number to be dealt with when implementing the compulsory education law amounts to 32588 students from 6 to 15 years of age.

69. While in 2011, 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 still not enrolled. Moreover, the public schools where the majority of Syrian refugees are enrolled are in Lebanon's most underprivileged and remote areas, where quality of education is already low. In addition to physical infrastructure problems, the educational difficulties relate to the use of foreign language in teaching some courses and to the differences in the curriculum.¹⁵

Recommendations:

70. Enhance the quality of public education, developing a new unified curriculum, establishing and implementing quality-oriented strategies especially for public schools in rural areas and adapting the school environment to the basic needs of children and people with disabilities;

71. Focus reform efforts on increasing and maintaining enrolment rates, reducing and reinserting dropouts, giving incentive premiums for teachers to serve in poor areas, establishing continuing education programs for teachers, and expanding maintenance of the existing educational infrastructure;

72. Ensure a fair employment process that grant the teachers their rights in particular good salaries, and that ensure continuity in their work. Ensure that any National Education strategy aims at modernizing the education system and adopts a gender based approach;

73. Ensure that the Lebanese education strategy prioritizes the Syrian refugee children's enrollment to school and full enjoyment of the right to education;

74. Issue an organizational plan of action to implement Law № 150 issued on August 17 2011 on compulsory education in the primary stage;

75. Raise the minimum age of compulsory and free education to 15.

v. The Right to a Healthy Environment

76. The right to a healthy environment is protected by the Lebanese Constitution, however, a number of risks threaten this right, including climate change, desertification, and the planned large-scale oil extraction projects, and may violate the right to live in a healthy environment.

77. Other examples of risks to the environment that threaten the right to physical and mental health in Lebanon include: (a) Disposal of toxic waste using inappropriate methods such as the government's ratification in decision №1 issued on January 20, 2015, of the opportunity to treat solid domestic waste using incinerators instead of resorting to the safe environmental treatment method based on minimization and sorting from the source; (b) Oil spills (the release of an oil spill on the Lebanese shore, due to the Israeli aggression on Lebanon in 2006) and the implications of this kind of pollution on the medium and long term; And (c) the inappropriate use of pesticides as these threaten the right to food.

¹⁵ Lebanon National MDG Report 2013-2014

78. Although Lebanon issued a number of environment related legislations in the last five years¹⁶ to stipulate that citizens are entitled to examine investment projects and give their opinions in those projects prior to their implementation; to date, many ministries do not respect these decrees when implementing public and private projects.

79. The National Environment Council (NEC) formed of representatives of both the public and private sectors, in addition to the Ministries in charge of environment issues play only a marginal role; NEC did not hold meetings regularly as stipulated in the Law. The independency of the Council remained challenging as well, as it was not allocated an independent budget and no bills were presented before it prior to their submission to the Cabinet.

Recommendations:

80. Ensure the full enjoyment of the right of citizens to access to environmental information through genuine implementation of the decrees adopted in this regard, including № 8633: Environmental Impact Assessment Due Process; Decree № 8471: Environmental Commitment for Factories; Decree № 8213: Strategic Environmental Assessment for Policy Projects, Plans, and Programs in the Public Sector; Decree № 8157: Establishing the National Environment Council and Determine its Missions and Organize its Operations;

81. Activate the work of the National Council for the Environment and ensure its financial and administrative independence;

82. Adopt measures to address health and environment risks, including the development and implementation of policies that “aim to reduce air, water and soil pollution and eliminate this pollution”

vi. The right to water

83. The water crisis in Lebanon is reflecting a dilemma between the privatization policies and the acquired rights to water.¹⁷

84. Although Decree No.144/1925 considers water resources as public domain, the Lebanese government has no public policy and unified legislation to regulate the management of water resources. It lacks capacity to secure the water services for its citizens such as drinking water, irrigation and wastewater treatment, and 80% of public water supplies are polluted at the source or distribution.¹⁸

85. The privatization plans of public-water service¹⁹ ignores the human right to water, and that this right includes the right of everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

¹⁶ Including Decree № 8633: Environmental Impact Assessment Due Process; Decree № 8471: Environmental Commitment for Factories; Decree № 8213: Strategic Environmental Assessment for Policy Projects, Plans, and Programs in the Public Sector; Decree № 8157: Establishing the National Environment Council and Determine its Missions and Organize its Operations.

¹⁷ HIC-HLRN, “Revolutionary Devices to Change the Culture of Water Management in MENA: Water Protests (Lebanon, Morocco and Mauritania),” *Land Times*, No. 1 (January 2012), at:<http://landtimes.landpedia.org/newsdes.php?id=qg==&catid=ow==&edition=ow==>.

¹⁸ HIC-HLRN, *Reclaiming Public Water*[Arabic] (Cairo: HLRN April 2008), at:http://hlrn.org/publication_det.php?id=pXE=#.VQGCndLLeDo.

¹⁹ This plans include the project “Blue Gold,” engaging a French private-sector company (*Ondeo*) to manage the water resources

Recommendation:

86. Consider the social and human rights dimensions of water, maintaining public water by reforming its policy and legislation to improve water quality and sustainability, and cease treating water as an economic good to gain profit at the expense of protections for marginalized and vulnerable populations.

vii. The Right to Adequate Housing

87. As Lebanon ratified ICESCR in 1972, the State is obliged to respect, protect and fulfill the Covenant's Article 11, which provides that state recognizes "the right of every one to adequate standard of living...including adequate food...and housing, and the continuous improvement of living conditions". Yet, Lebanon has no public policy on housing or land enhancing and supporting the production of public housing, nor has Lebanon adopted procedures to secure affordable housing for the low-income groups.

88. In the absence of a "ministry" of housing, Lebanon's Public Corporation for Housing (al-Mu`assa al-`Amalil-Iskan), established in 1996, should facilitate low-income groups' access to adequate housing, but those institutions facilitate housing loans only for upper middle-income groups in partnership with commercial banks.²⁰

89. While the Central Displacement Fund (CDF), established since 1992, for rehabilitating deteriorated neighborhoods in Beirut has constructed one complex for low-income in Tripoli, it faces accusations of corruption. The local press reported that \$1.6 billion was spent for rehabilitation; however, the proportion of return of displaced households to their original homes did not exceed 20%.²¹

90. The Laws 159/92, 160/92 that regulate the lease or acquisition of residential units has provoked social and economic concerns and criticisms based on the principle of contractual freedom and contractor's will, which violate the Constitution and the human rights norms²². The Lebanese Constitution ensures the free economic system and private property rights, but that doesn't mean to omit respect and fulfillment of the human right to adequate housing. These laws affect tenants' rights specifically, with no limit to rent increases after the period expired, which can lead to displace and evict around 200,000 of poor families and vulnerable groups who living Beirut, while the state has no policy for affordable houses and the eradication of thousands of small businesses vital to the Lebanese economy.²³

91. In the mid-1990s, Lebanon's parliament passed Law No. 117 to engage the private companies in the "Horizon 2000" project to develop the city of Beirut. The plan provoked

²⁰ MonaFawaz, Nizar Saghiyeh and Karim Nammour, *Housing, Land & Property Issues in Lebanon, Implications of the Syrian Refugee Crisis* (Beirut: UN Habitat and UNHCR, August 2014), at: <http://unhabitat.org/housing-land-and-property-issues-in-lebanon-implications-of-the-syrian-refugee-crisis-august-2014/>.

²¹ Ibid. Also, مارون نصيف، كيف أنفق معالي الوزير 16 مليار ليرة و 792 مليون ليرة في خمسة أشهر، 2008/06/17 موقع التيار الوطني الحر، على: <http://tayyar.front1.customers.artful.net/Tayyar/FrontEnd/News/SavePrintNews.aspx? GUID=%7BCC0174C8-A324-4824-B630-2BB01CE61BC0%7D& Print=true>.

²² "Rent Control in Lebanon: Balancing Ownership and Housing Rights," *The Legal Agenda*, 2 September 2014, at: <http://english.legal-agenda.com/article.php?id=651&folder=articles&lang=en>. Also, Hussain Khalifa, "Housing as Right: Contesting the Constitutionality of Lebanon's Rent Law," *The Legal Agenda* 7 July 2014, at: <http://english.legal-agenda.com/article.php?id=627&folder=articles&lang=en>

Also, Nayla Geagea: *Access to Adequate Housing, Current Legislative Framework and Proposed Recommendations*, Lebanese Economic Association 2014. at: <http://leb-econ.org/kre/wp-content/uploads/2014/03/Legal-Brief-Housing-in-Lebanon.pdf>.

²³ Amanda Baradeai, "New Rent Law Threatens to Change Beirut Demographics," *al-Monitor* (9 June 2014), at: <http://www.al-monitor.com/pulse/culture/2014/06/lebanon-new-rent-law-change-demographics-beirut.html>. Also, "Landlords call for legal action against tenants," *The Daily Star* (07 October 2014), at: <http://www.dailystar.com.lb/News/Lebanon-News/2014/Oct-07/273221-landlords-call-for-legal-action-against-tenants.ashx>.

considerable controversy, as it did not consider social responsibility to the vulnerable.²⁴ The Solidere Company is one of the main companies contracted under “Horizon 2000” and enjoyed several privileges, such as low prices on real estate by transferring property rights of the original owners and tenants to the company. Many criticize this process as rushed, superficial and creating yet more displacement in Beirut’s Downtown. Also, Solidere’s business practices have come into question for corruption, stolen land, a lack of transparency in its projects and some financial scandals.²⁵

92. Although no IDPs remain from the 2006 war on Lebanon, there is no information on IDPs who sought settlement option or achieved durable solutions. While at least 20,000 internally displaced, most of them Palestinian refugees, fled from Nahral-Bārid camp in 2007, they are still living in congested conditions in surrounding areas, lacking access to basic services, adequate housing and suffer restrictions on their freedom of movement.²⁶

93. The impact of restrictive policies of Lebanese government still affects the Palestinian refugees, in general, isolating them from the Lebanese community. The presidential Decree 11614 (2001) led to other laws threatening Palestinian refugees, as in case they lack legal title to land and can be subjected to criminal prosecution for use and occupying of land without legal document.²⁷ According to this law, even a Palestinian man married to a Lebanese woman has no right to acquire property from his wife. Another law issued in 1997 prevents bringing materials into Palestinian camps for the purpose of repair, expansion or renovation. These practices breach the Para. (B) of the preamble of the Lebanese Constitution and Article (2) of ICERD.

94. Current government practices in land management negatively affect secure land tenure. The lack of certain definition of the property and conflicts on land impacting negatively the land use, additionally, the registration and transaction costs are very high and random land use leads to the loss of vital agricultural land to urban development.²⁸ Thus, foreign entities are buying land for real estate development, which opens the way for speculation for quick and easy profits. While the state is absent from its role to control the occupancy of the public domain to prevent the illegal construction implemented by influential persons have political protection.²⁹

²⁴ HIC-HLRN, “The Poor in Lebanon: Victims of Destruction & reconstruction,” *Land Times* Issue No.4 (October 2012), at: <http://landtimes.landpedia.org/newsdes.php?id=o2hk&catid=ow==&edition=pg==>. Also, HIC-HLRN, “Arab Politics and Urban Planning,” *Land Times*, Issue. 4 (October 2012), at: <http://landtimes.landpedia.org/newsdes.php?id=o2hk&catid=ow==&edition=pg==>. Also, Khalil Gebara, “Reconstruction Survey: The Political Economy of Corruption in Post-War Lebanon” (Beirut: The Lebanese Transparency Association, 2007), at: <http://www.integrityaction.org/sites/www.integrityaction.org/files/documents/files/Reconstruction%20Survey%20Lebanon.pdf>.

²⁵ Ibid.

²⁶ International Displacement Monitoring Center (IDMC), “Lebanon: Internal Displacement in Brief,” December 2013, at: <http://www.internal-displacement.org/middle-east-and-north-africa/lebanon/summary>. Also, IDMC, “No New Displacement but Causes of Past Conflicts Unresolved,” 30 December 2010, at: <http://www.internal-displacement.org/middle-east-and-north-africa/lebanon/2010/no-new-displacement-but-causes-of-past-conflicts-unresolved>

²⁷ Norwegian Refugees Council, *Increasing Security of Tenure through Relationship Building and Written Lease Agreements, An Assessment of NRC’s Housing, Land and Property Rights: Pilot Project in Lebanon* (Beirut: NRC Lebanon, August 2014), at: http://www.nrc.no/arch/_img/9185426.pdf.

²⁸ Talal Darwish, “Country Study on Status of Land Tenure, Planning and Management in Oriental Near East Countries: Case of Lebanon” (Cairo: FAO (Near East Regional Office), February 2012), at: <http://www.fao.org/3/a-as711e.pdf>.

²⁹ محمد وهبة، “تملك الأجانب في لبنان مرتعا للمضاربات،” الأخبار اللبنانية 4 (يناير/كانون الأول 2014).
على: <http://www.al-akhbar.com/node/221156>, Also: “هل هناك مافيا للتعدي على الأملاك العامة البحرية في لبنان؟” المركز اللبناني لتفعيل المواطنة (23 إبريل/نيسان 2013)، على: <https://lcaclebanon.wordpress.com/2013/04/23/publicbeaches/>

Recommendations:

- 95. Respect and fulfill its obligation on the rights to adequate housing for all without discrimination;**
- 96. Facilitate low-income groups' access to adequate housing;**
- 97. Consider the social participation and involve the community in its projects on urban renewal with enhancing and respecting the social function of property;**
- 98. Respect its obligations under ICESCR to avoid discrimination against Palestinian and Syrian refugees in access to adequate housing, secure of tenure and improvement of their living conditions with permission to enter the material building into the refugees camps;**
- 99. Respect its international obligations to enable the internal displacements of Palestinian refugees to restitute their property.**