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**Submission for the
Third Cycle
Universal Periodic Review of Lebanon**

Situation of the Human Right to Adequate Housing in Lebanon
by

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Introduction

The human right to adequate housing has been systematically undermined in Lebanon since the 1975–91 Civil War. Since then, neoliberal policies and the rentier economy have shaped housing-related state institutions, urban policies, rent laws, building laws and zoning regulations in the interest of economic elites investing in real estate. Within this legal and institutional framework, speculation and an uncurbed tax system cause land prices to skyrocket, produce high rates of vacancy, and create prohibitive housing markets, while enabling evictions and displacement on top of those suffered during wartime. Consequently, land and housing have reached alarming levels of commodification and financialization, threatening the human right to an adequate standard of living, in general, and the security of tenure, in particular, of the majority of city dwellers.

Although the (citizen's) right to housing can be traced, in part, to the Lebanese Constitution's Article 14 [home]: "The citizen's place of residence is inviolable" and protected from unlawful entry, and extrapolated from Article 15, protecting property "ownership" from confiscation, except for lawful public purpose with compensation as affirmed in jurisprudence and State Consultative Council decisions. However, Lebanon recognizes no legal human right to adequate housing, except under its ICESCR ratification.

Despite being a fundamental human right with treaty-bound guarantees, obtaining and sustaining adequate housing has always been a major challenge in Lebanon. Since independence in 1943, the Lebanese state has not established any general policy regarding the social functions of human needs so fundamental as housing and land. Moreover, Lebanon has not adopted procedures to secure adequate housing for low-income people, so housing in Lebanon is only available through the vagaries of the market.

From the Lebanese state's 1943 formation until the Civil War (1975–1990) only scattered attempts have sought to establish institutions and programs for affordable housing; however, these have been dramatically subordinated to housing loans as the state's only response to an ever-growing housing crisis, while the vast majority of the population clearly do not meet the criteria to access and sustain such loans.

Before the Lebanese Civil War and despite the promulgation of the Housing Act in 1962 and the creation of the Ministry of Housing and Municipalities in 1973 (abolished in 2000), the state's interventions in the housing field have been deficient by means law or response to disasters. Nonetheless, the Housing Act 58/1965 provides for government effort to ensure housing for vulnerable groups and to develop their capabilities in this area. Decree Law No. 118/1977, 30 June 1977 (Municipalities' Law) also specifies that significant responsibility for securing adequate housing also lies with the municipal authorities.¹

After the war, the state deferred the people's human right to adequate housing to the real estate market, and the authority failed to establish fair housing policies. Still in 2012, some 76,000 Lebanese remained displaced by the war.²

Moreover, the state has abandoned any role in producing affordable housing, encouraging rental, or controlling rent, and the only available housing policy has become the ownership policy through "soft" loans, while 80% of families do not meet the minimum home-loan eligibility requirements. Consequently, often the only solution available for low-income groups is to resort to informal building, renting or squatting on real estate, either public or private, that does not belong to them in the official records.

The October 2019 uprising revealed that even housing loans are no substitute for a housing policy, but merely justify capital circulation between banks and developers. Housing loans stopped completely in 2017, coincident with the worst economic crisis ever witnessed. Households with mortgages increasingly default on installments and risk the bank foreclosure.

The state's retreat from social responsibility has relegating all housing provision to deregulated private-housing markets, leading to:

1. Unaffordability, amid land prices and rents skyrocketing in relation to static minimum wages and inflating household expenditures,
2. Mismatch between supply and demand,
3. Vulnerability to "development"-induced displacement;
4. Growing socio-economic inequalities, segregation and spatial fragmentation.

The COVID-19 outbreak and state measures to contain it, coupled with the economic crisis and rising unemployment, 70% of the population is expected to fall below the poverty line.³ Threats of evictions and forced evictions have become daily realities, and neither the municipal nor central spheres of government, including parliament, have taken any serious measures to secure housing rights.

Meanwhile, housing problems have been prominent in Lebanese public discourse at least since independence, increasing recently due to three factors:

1. Hundreds of thousands of Syrian refugees entering since 2011,
2. Liberalization of old rents in 2014, and
3. Breakdown in subsidized housing loans related to the financial crisis and protection of the national currency.

Without a housing policy, the patterns and trends of state-institution performance has been:

1. Sectarian and discriminatory (i.e., non-public), often targeting groups of citizens on sectarian grounds, particularly in the past three decades of housing loans for home ownership;
2. Ambiguous in their goals, while serving only the economic and political interests of the dominant groups and classes who seek to support housing supply through investment in housing construction to support demand that contributes to wealth accumulation of their own specific groups;
3. Unabashedly violating and circumventing the law, as successive Interior Ministers' circulars have expressed by granting to local authorities (municipalities) outside the cities construction licenses outside the provisions of the Construction Law and regulations;
4. Lacking adequate definition of the right to housing (standards of adequate housing, beneficiaries, social functions of property, etc.);
5. Fragmented and delinked from policy for organizing the city and its relationship between resident groups, sects, classes and, most importantly, their relationship to the city and surrounding environment, including other human settlements, communication, public transport, land use or ecosystem;
6. Incomplete and piecemeal;
7. Avoiding and evading responsibility, even by fraudulent methods.⁴

Lebanon's Housing Landscape

The housing landscape illustrates well the severe consequences of Lebanon's lack of socially just and responsible housing policy and governance, particularly when seen through the lens of adequate housing's normative contents: security of tenure, affordability, civic and environmental goods and services, habitability, accessibility, location and cultural adequacy.⁵

Informal Housing

The majority of Lebanon's poor have lived in urban areas among Lebanon's 88% urban majority (as of 2011). Resulting in part from rural-to-urban migration over decades, more people live in small pockets of dense poverty on the suburbs of large towns (30%) than in all of rural Lebanon.⁶

The absence of a national land-administration policy, making land available at reasonable prices, deepens the need for small and affordable housing, and contributes to rampant and densified informal housing in all Lebanese cities, most notably Beirut, Tripoli, Tyre and Sidon. The structurally driven escalation in real estate speculation has increased pressure on housing markets, making informal construction and habitation the only affordable shelter options for low-income families. In Lebanon, these areas expanded with Israel's ethnic cleansing and population transfer of Palestinians northward as of 1948 and the arrival of rural IDPs to cities in the 1950s,

especially with the economy and investments concentrating in the capital and marginalizing the other regions. A wave of internal displacement throughout the Civil War and three waves of population transfer conducted by Israel during its 1982 invasion and occupation of South Lebanon saw the proportion of residents in informal areas grow to an estimated 53% of the total urban population already by 2005,⁷ just before Israel's 2006 Summer War on Lebanon.⁸

These resulting informal areas accommodated the low-income population of various nationalities, religions and ethnicities, including Palestinian refugees, workers and migrants from Egypt, Syria, Sri Lanka, Iraq, Sudan, and other countries. Axiomatically, central and local authorities see 50% of the population as "trespassers." Thus, no housing policy addresses informal housing, and current laws do not recognize the existence of the majority of Lebanon's population and, therefore, neither national policy, law, institutions nor due management of the economy respect, protect or fulfill their human right to adequate housing.

With organs of the state utterly disregarding the population of informal areas, most of this population suffers from poor quality housing, deteriorating infrastructure and dependence upon a network of informal political relationships to secure their basic human needs, including housing. This contributes to the population's reliance on sectarian parties to provide services in the neighborhoods, while submitting to political fealty and partisan protection schemes to reduce the threat of eviction and dispossession. This manifests as deepening discrimination against these poor groups, not only derogating their human right to adequate housing, but also institutionalizing their ever-greater social, economic and legal vulnerability.

A more-profound approach is needed to take this historical, spatial, social and political context into account to address informal housing, emphasizing the state's obligations first to acknowledge and prioritize these areas, protect them from predation, and constantly improve their standard of living,⁹ while regularizing and/or providing their housing as adequate alternatives within the broader framework of a socially just national housing policy.

Rental Housing

Beyond informal housing, but also part of it, rent is the primary means of obtaining housing in the main cities; e.g., tenants constitute 49.5% of Beirut's inhabitants.¹⁰

Tenants (seeking long term housing) are divided into 4 categories:

1. Old-contract tenants: who inhabit the old urban fabric under the old rent law; i.e., rent control that was discontinued in 1992 for new tenants. This category is threatened by eviction and displacement without the ability to pay the new, uncontrolled rents or provision of alternate housing. The new Law No. 160, approved in 2014 and amended

by 2017, has stripped many long-time tenants of any guarantee of their human right to housing.

Old rents account for 20% of the total housing stock in central and historic Beirut neighborhoods, earmarked as prime land for real estate investment. These houses house various social groups, including those without full rights or sufficient resources such as those with limited incomes, persons with disability and non-Lebanese. Those affected are estimated at 170,000 persons, most of them are social groups whose resources decrease over time such as retirees or the elderly.¹¹

2. Tenants after 1992: The new Investment Law—i.e., the only rental law applying to the city's rentals—has stripped tenants of their right to housing and transformed their relationship with their homes into purely an investment relationship, the terms of which are determined by the owner. According to the new rental law, contracts threaten the sustainability of housing, guaranteeing tenure for only three years without any conditions for increasing the cost of rent without eviction. Also, these contracts are not subject to any regulation of rental cost or the currency of payment, as these criteria are completely left to the discretion of profit-seeking landlords. If the owner does not find tenants who can afford the rent s/he has set, the law provides no incentives to offer the housing affordably on the market, since vacant apartments are not taxed. Vacancy rates in Beirut have surpassed world records, exceeding 30% of the available apartments in some neighborhoods.

This category suffers from the threat of eviction represented by (1) the lack of protection under contracts concluded in U.S. dollars amid national currency devaluation, and (2) limiting contracts to three years' duration. Despite tenants' widespread fear of losing their homes, in parallel with the imminent threat of eviction, authorities do not intervene in contractual relationships to protect the tenants' human right to housing. State intervention is biased in favor of the rentier economy and the deterioration of the productive economy, devoid of any social responsibility to determine fair rents, extend contracts and/or prevent eviction when alternatives are not available.

Tenants without contracts: Without policies and programs that secure housing for a wide segment of the population with limited incomes, various housing arrangements appear in the cities, namely dividing apartments into rooms for housing and bed rental. The old urban fabric provides most of these opportunities; i.e., in buildings built before 1992, and many of these are occupied by either old tenants or long-time owners, or were abandoned. These buildings mostly lack adequate housing conditions, and their residents include a wide range of social segments whom policies have left behind such as students, workers, migrants and refugees. Responding to the preference or need to live in the city, owners and investors have maximized profits from such apartments through overcrowding and flouting adequate-housing standards in the absence of policies and needed oversight controls.

In the current complex crisis, these residents are exposed to threats of eviction and forced evictions that amount to other gross violations¹² and crime, coupled with common practices of cutting water and electricity, confiscating identity documents, daily harassment and physical threats, breaking and entering, confiscating or throwing tenants' belongings into the street and otherwise violating the constitutionally enshrined sanctity of the home. All of these practices are not legal, but authorities do not bother to deter or prosecute them. On the contrary, sometimes they support the practices by owners linked to state departments or connected with the municipalities and the police.

Migrant worker housing

As noted, Lebanon hosts migrant workers of numerous nationalities. Many of these work in the informal labor market and/or live in informal rental housing. Others include domestic workers who are subject to the notorious *kafala* (guardianship) system, rendering migrant domestic workers dependent on employers' whim and leaves them vulnerable to exploitation, including insecure housing tenure. No political will has manifested on the part of government to improve the legal status of migrant workers, nor to ratify the Migrant Workers Convention.¹³ Violations of domestic workers rights include confinement in the workplace and inadequate housing. During the pandemic, forced eviction has counted among the abuses.¹⁴ Notably, the case of domestic workers has come to light, whereby employers have arbitrarily expelled foreign domestic workers from their contract-bound housing during the pandemic and abandoned in the streets of Beirut, without protection of their human right to adequate housing.¹⁵

Tenants in informal neighborhoods: Informal neighborhoods have formed a social ecosystem in which they assist tenants in building social and economic relationships that provide them with housing and livelihoods.¹⁶ As the economic crisis deepens, tenants have been unable to pay their rent for more than eight months. The beneficiaries of these rents are informal owners of the lands they lease, divided between marginalized groups who have lost other sources of livelihood and informal investors in housing and/or utilities.

These tenants live under constant threat of forced evictions, which, in itself, constitutes a major form of violence, as these popular neighborhoods are their last resort to shelter in a social environment denying their human right to adequate housing.

Home Loans

Today, the Bank of Lebanon guarantees about 138,000 home loans. The last loan was approved at the end of 2017, after which the loans were discontinued. With the onset of the current economic crisis, as jobs and pensions contracted, many families suffered from their inability to make monthly loan payments. In early 2019, the Central Bank announced a new housing loan program, requiring 25% down payments.¹⁷ However, that preceded the severe national currency crisis.

The need for credit to buy housing has increased with inflation in property prices, especially since the 2006 war reconstruction. Therefore, the value of loans has trended upward over the years. This real estate “boom” was stimulated by the increasing numbers of housing loans, which represented a fake rise in the purchasing power in the real-estate market.

Lebanon’s Housing Monitor has monitored violations of the human right to adequate housing and learned about cases where the bank has threatened to evict borrowers from their homes.¹⁸ Surprisingly, these threats come in the form of oral ultimatums over the phone when payment is late, without identifying the legal basis. First, that makes the threats informal and illegal and, secondly, these pressures and harassments violate the right of borrowers to safe housing and raise their fear by exploiting their lack of knowledge of legal options.

Accessing Housing through Religious Institutions:

Although presumed to be institutions with social responsibility, religious institutions are private enterprises and several evictions of long-time residents, students and the elderly recently have happened on religious endowment properties¹⁹ for investment purposes.

Accessing Housing in Historic Neighborhoods:

Heritage buildings in Lebanon face two extremes: threat of demolition or rigid renovations. Several buildings have collapsed during recent years, leaving many casualties.²⁰ Local municipalities have refrained from playing their most-needed role in rehabilitation and enforcing safety measures. Instead, they have enabled evictions under the pretext of building collapse.

Accessing Housing on Municipal Land:

Municipal land is rarely used for the public good and, when it is, it is mainly for the benefit of religious institutions. Some of the informal building practices have taken place on municipal land, and these pose valuable opportunities for local authorities to devise and implement affordable housing programs. Instead, without obtaining a court order, the municipality of Beirut very recently attempted to illegally and forcefully evict households living on municipal land since the 1950’s. Residents claimed ownership to houses they built or informally bought, whereas the municipality claims ownership to the land, which it opted to grant to the church that now plans to convert it into a parking lot.²¹

Ten Policy Considerations to Ensure the Human Right to Adequate Housing in Lebanon

“The right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's

head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity."²²

To dispel any confusion between the human right to housing and rights to property, "Adequate shelter means...adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities - all at a reasonable cost."²³

One of the most prominent reasons for the failure of successive Lebanese governments to implement the human right to adequate housing and the state's corresponding obligations is by fetishizing individual and private ownership as the ultimate and ideal aspiration for all Lebanese, and to make people in Lebanon believe that it is the only solution to a decent housing. In fact, the majority of people are unable to own such property, and the government's underlying ideology contributes to restricting the common interest and diminishing social capabilities.

Adopting inclusiveness in the legislation in the direction of adopting a unified law for the human right to adequate housing (not the issuance of fragmented laws) is the way toward housing-sector governance that ensures the right to housing for all.

Producing social housing in cities that respects the history, culture and heritage of the city with a view to social cohesion, preserving the economic nuclei of traditional neighborhoods, the human rights of all residents to common spaces and a suitable environment for living for all sectors of society.

Replacing the economic model based on real-estate market domination of rent, which has led to the huge increase in the price of land, negatively affecting public authorities, the population, national economy, the construction sector itself, and economic access to housing. Real estate speculation contributes to inflation, as it encourages the investment of money in real estate to obtain quick-and-easy high returns, instead of investing in productive sectors that generate real wealth (use value).

Ceasing to polarize the population between the wealthy, who are able to pay for housing in the city, and the poor inhabitants forced to move out into the suburbs, between communities separated by residential areas and geographies with clear boundaries. Policy and planning must treat the refugee camps and informal areas as integral parts of the cities, and the authorities should recognize them and improve their infrastructure and housing conditions.²⁴

Putting an end to harmful housing solutions without adequate studies and impact assessments that include the elderly, those with low incomes, people with disabilities and other nationalities to guide laws and policies.

Activating the responsibility and human rights treaty obligations of the state to ensure adequate housing for vulnerable groups and develop inhabitants' capabilities in this area, according to the Housing Act 1965/58 and Decree Law No. 118/1977 (Municipalities' Law), specifying municipal authorities' responsibility for securing needed housing.

Ensuring full reparations for persons affected by forced evictions as a gross violation of human rights, in particular the human right to adequate housing, in accordance with international law norms.²⁵

Working in a participatory, systematic and multidisciplinary manner to enhance social knowledge, interaction and communication to inform adequate housing law and policy.

We urge the Working Group and the Human Rights Council to call upon the Lebanese government to:

1. Adopt legislation affirming the human right to adequate housing as the foundation for a mandatory comprehensive housing policy following an inclusive, participatory, systematic and multidisciplinary approach. Drafting the law should take into account essential aspects, including: sustainable-development policy coherence, guidance for rational and enforced urban planning criteria, environmental preservation, public transportation, the state's right and obligation to intervene in rents prices and rent contracts.
2. Provide full reparations for persons affected by forced evictions based on a methodology capturing attendant losses, costs, damages and values at stake.
3. Suspend the Rent Law (2014/2017) and amend the rent law (1992) to enact one universal rent law that prioritizes the human right to housing, controls rents and link rent prices to the minimum wage and inflation, and include stipulations specifically for the poorest populations toward adopting a law guaranteeing the human right to housing in Lebanon through sustainable development policy, addressing informal urban and rural housing, reforming credit mechanisms; and criminalizing forced eviction.
4. Elaborate a modern real-estate policy through the intervention of socially oriented public authority to limit speculation in land prices, including the development of a progressive tax on property ownership, including vacant housing, which is a main feature of how the urban landscape is changing.
5. Ensure fair housing allowances in minimum-wage policy commensurate with the increasingly high cost of living.
6. Tax reform, introducing a progressive tax on abandoned and vacant housing that increases exponentially over the period of vacancy.

Endnotes:

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