

Universal Periodic Review on the Rights of Persons with Disabilities in Lebanon 2020 Report

This report was prepared by the Lebanese Union for People with Physical Disabilities (LUPD), the Youth Association of the Blind, the Lebanese Association for Self Advocacy, the National Association for the Rights of People with Disabilities, the Lebanese Federation of the Deaf, the Palestinian Disability Forum, Darb al-Wafaa Association for the Disabled, Mousawat Organization, the Learning Center for the Deaf, and the Forum of the handicapped. It is part of a submission that focuses on the Lebanese government's compliance with its obligations to protect and respect the rights of persons with disabilities (PWDs). This review presents and analyzes key data on the rights of persons with disabilities related to work, education, health, and non-discrimination and the rights of disabled refugees.

Policies pursued by the political class in Lebanon led to the accumulation of civil and popular efforts rejecting wastefulness, corruption, theft of public funds, and the logic of spoils and quotas. Following the mass protests in 2011 and 2015, the streets exploded on 17 October 2019, in a popular cross-sectarian and cross-regional revolution and faced various attempts at its suppression by the authorities and sectarian dictatorships. The revolution accompanied economic, social, and political suffocation, which further marginalized and excluded persons with disabilities. Disabled People's Organizations (DPO) became involved in the revolution's movements and actions to raise their voices along with other marginalized groups.

The UPR process remains the most important platform for Disabled People's Organizations in Lebanon, as the Parliament has yet to ratify the International Convention on the Rights of Persons with Disabilities (CRPD) of 2006, approved by the Lebanese government in June 2007. Political disputes between various powers in Lebanon are preventing PwDs (about 10 percent of the population)¹ and their organizations from utilizing monitoring and follow-up mechanisms provided by the convention and its protocols.

The previous UPR on Lebanon was completed during the 31st session of the Human Rights Council in March 2016, whereby the council adopted the results of the second review, which contained 219 recommendations, of which 128 were accepted and 91 rejected. Recommendations pertaining to disability issues accepted by Lebanon had been around since 2010 and related to the ratification of the CRPD and its Protocol and thus the development of a national strategy to implement its provisions. Although nearly twenty years have passed since the promulgation of Law 220/2000 on the rights of persons with disabilities (PWD) in Lebanon, marginalization continues and there is no formal accountability when their rights are violated. The relevant ministries have also failed to issue implementation decrees for the following reasons:

- The state's disregard of ratifying the CRPD and its Protocol and of a process to develop local legislation to create the appropriate grounds for its implementation.
- The absence of a national strategy to implement Law 220/2000 and achieve equal opportunities in society.

- The lack of inclusive standards in the structures, administrations, councils, and decisions of the ministries and the absence of awareness in the public sector regarding disability issues and PWD rights and needs.
- The absence of disability issues from the local development agenda and standards related to official public or social studies and statistics.
- The dominance of frameworks with narrow scope and benefit in implemented projects and their dependence on external funding, which limits access to rights and the absence of coordination between ministries concerned with the law's implementation, wasting opportunities for its application.
- The absence of the basic needs of PWDs from the public budget, which is an obstacle to the Law's application regarding the right to work, education, health, inclusive environment, and civil and political rights.
- The lack of access to information and the absence of transparency in information provided by the ministries.
- The absence of guarantees to the right to communication by persons with hearing and visual impairments, due to the absence of an official recognition of sign language, Braille, and other tools they use to communicate with society and all aspects of their daily lives (having access to information and the ability to express their opinions, etc.).

Faced with this reality and despite the non-application of Law 220/2000, some political sides are seeking to submit new draft laws related to disability. Disabled People's Organizations (DPO) warn against the introduction of such laws before the ratification of the CRPD, as persons with disabilities, who represent about 10 percent of the population or approximately 400,000 citizens,ⁱⁱ live in a state of marginalization and exclusion and are denied their basic rights.ⁱⁱⁱ Moreover, all that is provided by concerned ministries from time to time are initiatives with limited impact and timeframe and specific funding. They are localized initiatives that dissipate as the funding stops and fail to become a national strategy to integrate PWDs in their local communities. This report looks into the details of the right to work, education, health, and non-discrimination (accessibility and political rights) and the rights of Palestinian and Syrian refugees based on the recommendations to which Lebanon agreed or took note of at the 31st session of the Human Rights Council held in March 2016.

First: Recommendations Accepted by Lebanon - Rights of Persons with Disabilities

132.17. Ratify the Convention on the Rights of Persons with Disabilities (Sierra Leone) (Honduras) (Portugal); Conclude the ratification process of the Convention on the Rights of Persons with Disabilities (Turkey); Expedite the necessary process to ratify the Convention on the Rights of Persons with Disabilities (Thailand); Facilitate ratification of the Convention on the Rights of Persons with Disabilities (Republic of Korea).

132.20. Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and promote the awareness of the society and institutions on the right to equality and non-discrimination of

persons with disabilities in all areas of life (Mexico).

132.23. Ratify various international human rights statutes and conventions, including the Rome Statute, the Convention on the Rights of Persons with Disabilities, and the ILO Conventions Nos. 87, 169 and 189 (Ghana); Comments: A/HRC/31/5/Add.1 states at page 3: 132.23 - Ghana - Partially accepted - The accepted part is the one referring to the ratification of the Convention of the Rights of Persons with Disabilities.

132.18. Positively consider ratifying the Convention on the Rights of Persons with Disabilities to fully ensure the rights of persons with disabilities to education, employment and their participation in political and public life (China).

132.19. Ratify the Convention on the Rights of Persons with Disabilities and effectively implement the national plan in order to make the education system open to children with disabilities (Italy).

132.186. Ensure that the National Plan for Inclusion of Persons with Disabilities has the necessary human, institutional and financial resources for its effective implementation (Honduras).

132.183. Continue to implement the National Plan for the Inclusion of Persons with Disabilities (Pakistan).

132.189. Continue the efforts to protect persons with disabilities including awareness-raising campaigns about the rights of people with disabilities (Islamic Republic of Iran).

132.184. Ensure the effective implementation of the National Plan for the Inclusion of Persons with Disabilities, especially regarding access to education and employment (Finland).

132.185. Further strengthen efforts to improve the lives of persons with disabilities, including by developing and implementing policy instruments to meet the education needs of children with disabilities (Singapore).

132.187. Continue to realize the rights of persons with disabilities, including their right to education, in the framework of the National Plan for the Integration of Persons with Disabilities which it has adopted (Russian Federation).

132.192. Intensify efforts to integrate persons with special needs in schools (Oman).

132.188. Take further steps to ensure the protection of persons with disabilities (Greece).

Second: Extent of Lebanon's Commitment to Implement Accepted Recommendations

Lebanon has not committed to implementing the recommendations accepted regarding PWD rights. Commitment to the content of the recommendations was merely formal, similar to the promises of concerned ministries, which are never fulfilled. The local Law 220/2000 concerning PWD rights, issued

six and a half years prior to the CRPD, was not implemented, neither were the ministerial decrees, decisions, and circulars issued in the past years, including:

- Decree No. 2214/2009 related to procedures and measures to facilitate the participation of people with special needs in parliamentary and municipal elections.
- Decree No. 7194/2011, related to the application of the provisions of Law 220/2000, especially Article 23 thereof, and Article 13 of the Construction Law No. 646, dated 11/4/2004.
- Ministerial circulars and decisions issued by the Minister of Interior and Municipalities that accompanied the municipal, mokhtar, and partial parliamentary elections in 2016 and the 2018 parliamentary elections. This includes the Minister of Labor's memoranda No. 2 and 3/2162, on 20 July 2018.

It is further noted that PWD rights are interconnected, particularly the right to access places, information, and communication, and non-discrimination against PWDs in the spatial environment that should respect diversity. However, the government's budget did not include specific expenditures related to equipping public places and facilities to guarantee access for PWDs like other citizens, in addition to the fact that Law 28/2007, on the right to access information,^{iv} has been conditioned on what precludes its application.^v During the 2016 municipal and mokhtar elections, the disability movement received a promise from the Minister of Interior to implement the law and the relevant decree, but this did not happen.^{vi} It also received a promise from the Prime Minister on 6 May 2018, to allocate a disbursement section in the next general budget for structural installations that guarantees independent and dignified access for PWDs.^{vii}

Consequently, the partial progress made in 2008-2009 began to fade, especially concerning the political rights of PWDs, including candidacy, voting, and access rights. Flagrant violations of the political rights of PWDs were recently witnessed. A study regarding the architecture of 10 model polling stations, submitted by the My Right campaign was ignored, the Braille ballot paper to allow the blind to vote did not appear, nor was graphical information provided for the deaf, as was required as models to build on to achieve inclusive general elections in 2022.^{viii} In addition, the state is failing to raise awareness on PWD rights and the culture of inclusion; part of this task is carried out by relevant civil and human rights organizations.^{ix}

In terms of particular rights, the following is noted:

1. Access

Law 220/2000 requires public and private institutions to undertake the necessary construction and equipment works to guarantee the independence of movement and access for PWDs. However, the relevant ministries have failed to implement the required procedures and to issue implementation decrees. Civil studies have shown the possibility of equipping at low cost^x and civil surveys indicated the scarcity of accessible spaces for public use,^{xi} especially after the state squandered the opportunity after the July 2006 war to reconstruct in a manner that respects human rights. Decree No. 7194/2011, related to the application of the provisions of Law 220/2000, especially Article 23 thereof, and Article 13 of the

Construction Law No. 646, dated 11/4/2004, was not implemented. The general situation indicates the following:

- Competing powers of the ministries and official departments concerned with structural accessibility, which hinder any serious efforts to implement the law.
- Absence of budget lines for structural accessibility in the state budget for public spaces and private spaces for public use, which deprives local administrations from funds necessary for equipment and keeps the issue limited to individual or civil initiatives.
- Impossibility to independently access or use information related to inclusive environment by PWDs and their associations adopting inclusive policies, in addition to most productive social roles and tasks, which maintains a policy of exclusion.

2. PWD Political Rights

In Lebanon, the concept of the right of persons with disabilities to stand and vote for elections was established by Law 220/2000, the Boutros Committee Bill of 2007,^{xii} the Elections Law 25/2008,^{xiii} the Elections Law 44/2017,^{xiv} implementation decree 2214/2009, the Minister of Interior and Municipalities' circulars obliging mayors and heads of municipalities to implement the law and facilitate the voting of PWDs, and the incentives given to the municipality providing the best facilities in this regard in 2016 and 2018 (as well as the Tripoli bi-elections in 2019). In practice, however, PWDs remain marginalized and excluded from the electoral process and their rights are subjected to mass violations. In 2016 and 2018, My Right campaign documented hundreds of violations, most of which focused on the absence of structural facilities for accessibility and the lack of sufficient awareness among election supervisors.^{xv} The current reality indicates the following:

- Lack of comprehensive statistics for disabled voters; concerned ministries do not know where they are concentrated during polling.
- Concerned ministries in Lebanon have failed to equip polling stations and booths, despite the existing possibility to survey the situation in each location based on the comprehensive field survey,^{xvi} in addition to the concerned ministry's neglect of architectural studies provided by My Right campaign, which includes the equipment of 10 polling stations as a model for the upcoming elections in 2022.^{xvii}
- The Ministry of Interior and Municipalities did not adopt open spaces, playgrounds, and ground floors as polling stations. Most were higher than the ground and only accessible by stairs or on the first or second floors, which denied many PWDs from voting.
- The failure to adopt a standard ballot paper, Braille (LPHU had provided a template to the Ministry of Interior well in advance of the elections), clarifications for persons with mental disabilities or the hearing impaired, or visual aids such as posters containing simple explanations, pictures, videos, or information to help them choose independently, based on knowledge and personal conviction.
- Municipalities failed to comply with the Ministry of Interior's circulars related to the relevant equipment based on standards of inclusivity. There was also a lack of volunteers to help PWDs in most locations.^{xviii}

- The comprehensive survey of polling stations indicated that 63 percent were schools and 8 percent lacked any facilities. None were completely equipped. The other percentages are distributed between centers containing 1 to 5 of the required structural equipment.^{xi}

3. Rights of PWD Refugees

3.1 Rights of Palestinian Refugees with Disabilities

Most Palestinian refugees with disabilities, over 7,500 persons^{xx} (registered at the Palestinian Disability Forum) face a difficult economic and livelihood situation, are denied most of their rights, and do not fall under Law 220/2000, which is limited to the rights of Lebanese PWDs. To secure their needs, they mainly depend on UNRWA and other international organizations,^{xxi} in addition to local associations and organizations concerned with PWD, which are the 15 organizations forming the Palestinian Disability Forum in Lebanon. The movement for the rights of Palestinian PWDs is active, despite the absence of political and social authorities who are targeted by advocacy.

Education:^{xxii} Like other Palestinian refugees, PWD Palestinian refugees' right to basic public education is limited to UNRWA schools. However, the agency suffers from significant shortages in necessary resources to apply inclusivity policies, although it offers many facilities in coordination with local organizations to include children with disabilities in its schools. Most of the schools are located in rented buildings that do not meet the requirements of an inclusive environment. Only 18 schools are equipped.

Health and Rehabilitation: PWD Palestinian refugees are deprived of appropriate public health services, as they are considered "foreign" or "refugee" and receive what is offered by UNRWA and some NGOs. However, the services are insufficient, dispersed, and unsustainable, including rehabilitation services, devices, and aid equipment for the various disabilities. Speech, occupational, physical, and psychomotor therapy and specialized education, although present, is not sufficient, in addition to the significant shortage of specialized medicines and required surgical operation. Moreover, prevention and rehabilitation programs lack the necessary resources for continuity or working on the level of comprehensive development due to the complicated legal situation. Most of these programs tend towards temporary relief work.

Work: PWD Palestinian refugees are deprived of the right to work in all public positions and dozens of other professions, particularly free professions, in accordance with the strict laws and ministerial decisions^{xxiii} imposed on Palestinians in general, which imposes an extra burden on PWDs.

Environment and Housing: They are deprived of property rights outside the camps, as well as construction and renovation inside them, where they are forced to live in dire conditions lacking any accessibility, in addition to narrow and dilapidated streets, increasing the difficulty of movement and access and the consumption of a great number of devices and tools. Moreover, public facilities are inadequately equipped.

3.2 Rights of Syrian Refugees with Disabilities

In the past nine years, Lebanon became the country with the biggest concentration of refugees globally^{xxiv} and hosts Syrian refugees in almost all of its districts. More than 1.2 million are registered by the UNHCR and those who are unregistered are estimated at around 1.5 million. They include many who were injured in the war. Their situation is as follows:^{xxv}

- Notably, there is growing cooperation between UNHCR and PWD organizations who are active in updating forms and data pertaining to PWD refugees, including the type and degree of disability.
- In education, PWD refugee children are deprived of alternative educational programs, in light of the random provision of public and contracted education services where refugees are concentrated, due to the lack of appropriate equipment, an adapted curriculum, and trained educational staff.
- In health and rehabilitation, budgets covering medical services, hospitalization, and treatment of chronic and incurable diseases gradually dropped to a minimum in the past year. None of the periodic reports indicated rehabilitation services for PWDs.
- In terms of employment, refugees in general are deprived of the right to work and depend on financial and material aid from donors.
- In shelter and housing, most PWD refugees live in slum camps lacking any type of accessibility or equipment. They are hostages to improvised shelters or camps devoid of the bare minimum of safety and hygiene standards.

Third: Conclusion and General Recommendations

It appears that Lebanon's lack of commitment to implement the recommendations that it has approved establishes a situation that deprives persons with disabilities of the basic rights stipulated in international conventions. If the elderly and those with temporary disabilities are added, this deprivation affects more than 20 percent of the population, which is denied its right to access places and information, as well as its right to health coverage, work, education, sports, leisure, and so on. In the face of the current reality, in addition to urging the Lebanese state to abide by all the aforementioned recommendations, we stress the need to implement the following recommendations:

- The immediate ratification by Parliament (elected on 6 May 2018) and the Council of Ministers (formed on 20 January 2020) of the CRPD and its additional protocol, without delay, having been ignored by political actors for the past 14 years.
- Take immediate action to upgrade the local legislation of Law 220/2000 on the rights of PWDs in Lebanon to the level of the CRPD, work to include PWDs in all aspects of life according to the social model, and issue necessary laws and decrees.
- Establish a detailed national legal strategy to implement the relevant laws, especially the CRPD and Law 220/2000 on labor rights, education, health, non-discrimination (physical accessibility

and political rights), and the rights of Palestinian and Syrian refugees, provided that this strategy is followed by an action plan involving the concerned ministries and departments, under the supervision of the Presidency of the Council of Ministers. It should have a clear and specific timetable, allocate the necessary budget lines, and allow PWD associations to monitor implementation.

- Immediately fulfil promises to PWD organizations to equip publicly-used private and public buildings and structures.

In conclusion, successive Lebanese governments in the past two decades failed to work towards a national plan to implement Law 220/2000. Moreover, Parliament has failed to ratify the CRPD, which was passed by the government in 2007. Projects with limited impact, duration, and funding provided by the ministries from time to time are localized in time and place and provide partial remedies to the symptoms, neglecting the root causes and lacking any real effect.

In light of the lack of specific lines in the public budget to implement a clearly defined national plan, with a specified timeline, and the scattered initiatives by ministries, PWDs in Lebanon are excluded from the development agenda and remain hostages to chronic marginalization and exclusion from their natural role in economic and social life.

ⁱ In a 2015 report, the World Bank indicated that the percentage of PWDs in Lebanon is around 15 percent. PWD organizations adopt the 10 percent figure based on field surveys conducted in the past two decades. The Ministry of Social Affairs adopts the figures provided by the PWD Rights Program, meaning those with Disability Cards, which amounted to 107240 cards as of 22 September 2018.

ⁱⁱ According to the statistics of the Inclusion Network in Lebanon 2006 and the results of the Emergency Program - Relief Project at LUPD during the displacement period in July 2006 and the updated data of the Disabled Rights Monitor. See the 2018-2019 Monitoring Report (Beirut: Media Unit – Lebanese Union for People with Physical Disabilities LUPD, October 2019), p 40.

ⁱⁱⁱ Lebanese Union for People with Physical Disabilities, *PWDs in Lebanon: 20 Years of Marginalization*, Beirut: Media Unit, LUPD, November 2019, under publication.

^{iv} Law 28/2017 was issued on 10 February 2017 and published in the Official Gazette on 16 February 2017.

^v See Hadeel Farfour, "Access to Information Law: A Suspended and Partial Rights," [In Arabic], Al-Akhbar Newspaper, 1/3/2017.

^{vi} In a live TV interview from Jezzine Municipality during the parliamentary bi-elections in 2016, the Minister of Interior and Municipalities promised to fully implement decree 2214/2009 before the next elections, which took place on 6 May 2018, but reneged on his promise.

^{vii} During live coverage of his vote outside the voting center at the Shakib Arslan Public High School in Beirut District 2 on the Lebanese channel MTV, LUPD president Sylvana Lakkis asked Prime Minister Saad Hariri about the issue. He promised to allocate a budget line in the 2019 budget to renovate public spaces and facilities to guarantee independent and signified access for PWDs (TV Reporter: Nawal Berri).

^{viii} See: National News Agency, 19 April 2018, "My Rights Campaign Hold a Sit-in in Riad el-Solh to protest the lack of facilities for persons for disabilities to vote," Report by Hoda Zbib and Josiane Saade. Also: NNA, Nada Abi Maroun, "Launch of My Rights Campaign to Monitor the Elections," 7 April 2018.

^{ix} Towards a Common National Culture on Inclusive Policies - Broumana Conference, 28 to 30 September 2019 (Beirut: Media Unit - LUPD, October 2019), unpublished.

^x Progressing Towards an Inclusive Environment: An Architectural and Budgetary Approach (Beirut: Lebanese Budget Project, LUPD and CRI, Edition 1: 2008).

^{xi} "Reconstruction and Inclusive Environment," a field survey on the application of architectural specifications and

standards for PWDs in the reconstruction process (Beirut: Media Unit - LUPD; Edition 1: 2008).

^{xii} Proposal by the National Committee for the Parliamentary Elections Law headed by Judge Fouad Boutros (Beirut: distributed by As-Safir Newspaper, 2007).

^{xiii} Law 25/2008, amended by Law 59/2008, Articles 91 and 92.

^{xiv} Law 44/2017, Article 49, which merged Articles 91 and 92 of the previous elections law No. 25/2008, and the implementation decree 2214/2009. The Disability Rights Monitors presented a civil reservation published by the National News Agency. Guidebook on "Political Participation of PWDs in Lebanon" (Beirut: UNDP and LUPD, 2018), p. 9.

^{xv} The monitoring report issued by My Right campaign in 2016 indicated mass violations against voters with disabilities. The same situation reoccurred in 2018, without any notable improvement related to the dignified and independent voting of PWDs.

^{xvi} Results of the Field Survey of Voting Stations in Lebanon (Beirut: LUPD, Edition 1: 2009) in five volumes. Also, "Updates on the Survey in Beirut District, October 2015).

^{xvii} Evaluating the Needs of 10 Model Polling Stations in Lebanon, prepared by Hanine Shemaly (Beirut: LUPD, 2018).

^{xviii} My Right campaign reports, 2016, 2018, and 2019.

^{xix} "The Extent of Preparedness in Polling Stations for PWD in all of Lebanon's Administrative Districts" (Beirut: LUPD, Edition 1: 2009), report based on a field survey.

^{xx} Based on the survey of Palestinian PWDs in Lebanon or what is known as the cards issued by the Palestinian Disability Forum in Lebanon.

^{xxi} "The Legal Situation of Palestinian Refugee Labor in Lebanon - Comparative Study," (Beirut: Committee on Labor for Palestinian Refugees in Lebanon, Edition 1: 2009).

^{xxii} UNRWA Education Department.

^{xxiii} Ministerial Decree by the Lebanese Minister of Labor No. 1/79 on 2/6/2005 and decision 1/94 on 26/6/2008.

^{xxiv} Weekly and other regular reports by UNHCR.

^{xxv} Situation of PWD Refugees in Lebanon 2018-2019 (Beirut: Media Unit - LUPD, July 2019), p. 62.