



COUNTRY REPORT: LEBANON

Monitoring of the ENP progress report 2013

Introduction

The Arab Spring has fundamentally changed the political landscape of Europe's Southern neighbourhood – the Middle East and North Africa (MENA). Despite high expectations, after more than two years the revolutions have thus far been unable to produce consolidated and stable democracies. Significant changes have been produced in all countries but measures continue to limit the democratic space in the region.

In the aftermath of the uprisings, the EU offered its Southern Mediterranean partner countries “*A partnership for democracy and shared prosperity*” in the context of the European Neighbourhood Policy. Bilateral relations with the MENA have concentrated on a number of dominant topics, such as the promotion of human rights and fundamental freedoms; democracy, good governance and rule of law; and the development of relations and partnerships with organisations that share the values of the Union.

In light of the Progress Reports on implementation of the European Neighbourhood Policy 2013, SOLIDAR conducted a consultation process from April to June 2013 to provide an opportunity for the organisations within the SOLIDAR “Network for Social Justice in the MENA region” to comment on the progress reports prepared by the EU. This country report presents the outcomes of the consultation which focused on the key topics when it comes to the promotion of social justice: Freedom of Association and Peaceful Assembly, Decent Work and Social protection.

The responses to the consultation clearly indicate that in Lebanon worrying developments took place in 2012 and 2013. These developments demand attention in the new Progress Reports and should be incorporated in the policy making that shapes the relations between the EU and the region.

Executive Summary

1. Freedom of peaceful assembly and association

Freedom of association is enshrined in the constitution of Lebanon. But implementation remains a problem. For instance, the law regarding labour unions and youth organisations remains very restrictive. Public servants are prohibited from setting up and belonging to trade unions and federations and thus cannot enjoy freedom of association. Political parties come under the same law as NGOs, but this might be misleading because they seek power while NGOs do not. Moreover, although around 11% of the Lebanese population is Palestinian, they are not allowed to form any kind of CSO or trade union. In addition, Lebanon has still not ratified ILO Convention No.87 (Freedom of Association and Protection of the Right to Organise) whose provisions could strengthen the normative framework.

2. Freedom of expression and information

The constitution also stipulates freedom of expression in speech and in writing. Genuine implementation and monitoring of these practices in accordance with international standards are still lacking in Lebanon however.



With regard to the media environment, it is important to stress that Lebanon needs a media law reform. The reform should aim at allowing the creation of new newspapers and journals, in order to ensure that a range of opinions and views can be heard and/or expressed. Fees relating to establishment/ownership are currently very high, making it out of the reach of ordinary and independent people. Moreover, journalists are not allowed to practice or to benefit from social protection unless they belong to the Union of Journalists, but accessing the union is not easy.

The political practices of the media and continuous use of the media in the political power game are compromising the independence of the sector. Such practices also weaken the contribution of the media to the social development of the individual citizen.

With regard to access to information, although the free flow of information and freedom of access to it is a basic human right, there is still no law to guarantee this right. Access to information is vital for increasing transparency and accountability, to raise public awareness and ensure a participatory democracy. Thus, it must be a priority in the Lebanese government's agenda. The survey undertaken by the Lebanese Transparency Association sheds further light on the situation: 72% of respondents confirm that it is very difficult to access information in Lebanon. More important, 81% mention favouritism and political pull as the most successful means of accessing information, while 23% refer to paying to access information. 48% say that public employees and officials are the primary recipients of these payments.

For years, progress reports have praised Lebanon's open, free, diverse media, noting few cases of limitations. Yet the politicised media and the "occasional" but continuous cases of arbitrary arrests and torture are too important to be ignored, as they violate freedom of expression and opinion, as well as indicating the problematic working environment of media employees.

3. Democratic transition and civil dialogue

In Lebanon, revisions of electoral law are still designed to ensure a majority of votes for political leaders, rather than to provide a comprehensive law enabling citizens to elect their representatives in fair, free and democratic elections. Public debate around electoral law was focused on proportional representation, mainly because the majority voting system in Lebanon has many negative effects. Notably, it marginalises a number of social groups as it guarantees access to power for one party and disregards the other groups regardless of their representation and size.

Proportional representation with relatively big districts should be guaranteed by electoral law. This will require reconsidering the partitioning of electoral districts and a progressive switch from small districts to medium districts (at least 20 seats for each district).

As regards female participation in political life, Lebanon ranks 131 out of 141 countries according to the Women in Parliament statistics. This is in contrast to the decisions of the Conference of Beijing signed by Lebanon that calls for the adoption of a women's quota in the nomination of candidates and in contrast to the EU-Lebanon action plan which prioritises increasing women's participation in political life.

Unfortunately systematic consultations with civil society are not common government practice in Lebanon. Added to this is the lack of disclosure of information for CSOs effective involvement. Such practices remain ad hoc and selective.

4. Respect for labour rights and decent work

The new legislation underestimates the real need for reform in the country and doesn't meet the demands of the protesters / Unions. The Fiscal Policy is hindered by internal politics and a lack of civil involvement. 28% of Lebanese live on less than 4\$/day and 100,000 children are working. The issue of Palestinians in Lebanon continues (56% unemployed) as there has been no reform of the discriminatory policies such as the Labour law (banning them from many Jobs) or Real Estate Law pushing a majority into unemployment.



5. Access and coverage of quality services

The daily power cuts due to an imbalance of supply and demand are not a priority for the government. There is a lack of political will to provide services and the lack of transparency and productive dialogue have been identified as main hindrances.

6. Ensuring income support

The government, while claiming its commitment, has made no progress in the Social Protection Reforms, implementing non inclusive policies and failing to revive the Social and Economic Council. The policies meant to counter poverty are directed towards specific subgroups (such as widows, etc) but don't address the problem as a whole. While the National Poverty Targeting Programme has aided in mapping the problem it needs adjustment as the provision of services should be intended for everyone and not just a short term fund allocation. There is a lack of and great need for transnational dialogue.



Benchmark	ENP Progress Report 2013	Feedback
<p>1. Freedom of peaceful assembly and association</p>	<p>Human rights and fundamental freedoms are generally well respected in Lebanon. Freedom of association and religion prevails.</p>	<p>Such a broad generalisation on human rights and fundamental freedoms as “generally well respected” does not correspond to the actual added value that the progress reports can bring, especially given that the respect of democratic principles and fundamental human rights as set out in the Universal Declaration on Human Rights is at the centre of the bilateral relations established between the EU and Lebanon. (Association Agreement Article 2).</p> <p>In this context, a human rights assessment of the progress reports should rather follow a clear set of indicators and benchmarking and reflect an in-depth analysis of the situation in terms of the priorities set.</p> <p>It is true that freedom of association prevails in Lebanon, that the right is enshrined in the Constitution. But the role of the progress report must be, rather than ascertain this fact, to assess the real implementation on the ground and the related challenges faced.</p> <p>The law remains very restrictive, for instance, with regard to labour unions and youth organisations. Public servants are prohibited from setting up and belonging to trade unions and federations and thus cannot enjoy the freedom of association. Political parties are under the same law as NGOs, but this might be misleading because they seek power while NGOs do not. Moreover, although around 11% of the Lebanese population are Palestinians, it is important to note that they are not allowed to create any form of CSO including trade unions, yet the progress report does not focus on this. Moreover, Lebanon has still not ratified the core ILO Convention No.87 (Freedom of Association and Protection of the Right to Organise) that could strengthen the normative framework.</p>

Benchmark	ENP Progress Report 2013	Feedback
	<p>In the field of economic and social rights, tripartite dialogue began in early 2012 following strikes led by the General Union of Labour Workers (GULW) but this process was not sustained. Later in the year there were further protests by teachers and civil servants despite the fact that, legally, civil servants cannot unionise.</p>	<p>The analysis of the strikes and protests by civil servants is correct but aside from considering it as an indicator for freedom of peaceful assembly and association, we would rather focus on the root causes behind these strikes, mainly the lack of sound social and economic policies including employment. The long-term economic approach, weakly managed privatisation, and overall economic liberalisation policies in Lebanon restrict the development of policies that meet the needs of the citizens.</p> <p>The tri-partite dialogue and the negotiations following the strike remained limited and were not inclusive (given that for instance civil servants cannot join unions and the private sector boycotted). Moreover, whereas the strikes were asking for the adoption of a new wage policy including new salary scales the dialogue was only about what amount the wage rise should be.</p>
<p>2. Freedom of expression and information</p>	<p>The media environment is relatively liberal and freedom of expression is respected although there have been some isolated incidents of censorship and intimidation.</p>	<p>The Lebanese constitution stipulates freedom of expression in speech and in writing. Genuine implementation and monitoring of the practices in accordance with international standards are still lacking in Lebanon however.</p> <p>With regard to the media environment, it is important to stress that Lebanon needs a media law reform. The reform should aim at allowing the creation of new newspapers and journals-in order to ensure a range of opinions and views can be heard/expressed.</p> <p>The fees with regard to establishment/ownership are very high at present which puts it out of the reach of the ordinary and independent people.</p> <p>Journalists are not allowed to practice or to benefit from social protection unless they belong to the Union of Journalists, but</p>

Benchmark	ENP Progress Report 2013	Feedback
		<p>accessing the union is not easy.</p> <p>The political practices of the media and continuous use of the media in the political power game should be noted as well, as it endangers the independence of the sector. Such practices also weaken the contribution of media to the social development of the individual citizen.</p> <p>With regard to access to information, although the free flow of information and freedom of access to it is a basic human right, the law on access to information is still lacking. Access to information is vital for increasing transparency and accountability, to raise public awareness and ensure a participatory democracy. Thus, it must be a priority in the Lebanese government's agenda. The survey undertaken by the Lebanese Transparency Association sheds further light on the situation: 72% of the respondents confirm that it is very difficult to access information in Lebanon. More important, 81% mention favouritism and political pull as the most successful means of accessing information, while 23% refer to paying to access information. 48% say that public employees and officials are the primary recipients of these payments.</p>
	<p>The media in Lebanon is relatively free to comment on all issues. Articles in the penal code prohibit blasphemy and insults against religion. The General Security (GS) censor films and literature in this regard. In April controversial draft legislation to regulate online media organisations was withdrawn for review after heavy criticism from civil society groups. Isolated cases of limitations on people's freedom of expression occurred during the reporting period. These included occasional cases whereby journalists, comedy actors</p>	<p>For years, progress reports have appreciated Lebanon's open, free, diverse media, noting few cases of limitations. Yet the politicised media and the "occasional" but continuous cases of arbitrary arrests and torture are important to note, violating the freedom of expression and opinion, as well indicating the problematic working environment of the media employees.</p> <p>With regard to censorship, the role that the General Security plays must be well assessed, as the institution has extensive powers in censoring and its directives can be stretched in any direction,</p>

Benchmark	ENP Progress Report 2013	Feedback
	<p>and graffiti artists were intimidated, beaten and arrested. There were also restrictions on filming and raids on media institutions. The authorities' poor record in prosecuting such violations is a matter of concern.</p>	<p>resulting in violations of the freedom of expression.</p> <p>Overall, with regard to enjoyment of freedom of expression and opinion in Lebanon, the steady fall in the ranking of Lebanon in the Press Freedom Index from 78 in 2010 to 93 in 2011-12 and 101 in 2013 should be noted.</p>
<p>3. Democratic transition and civil dialogue</p>	<p>A revised version of the draft electoral law approved by the Council of Ministers (the Cabinet) in August 2012 remained under the scrutiny of a parliamentary committee before being voted on by Parliament. Due to its late approval, there is a risk that this law will not be actually implemented by the time of the parliamentary elections expected in June 2013. The date of the poll has not yet been set.</p>	<p>The electoral law revisions remain focused on ensuring a majority of votes for political leaders, in a way securing their electors, rather than aiming at providing a comprehensive law enabling citizens to vote in a fair, free and democratic election.</p>
	<p>No independent electoral commission has been established, the representation of women cannot be guaranteed (given the requirement only to have at least one representative of each gender on each list), and the constitution has not been amended to lower the voting age from 21 years to 18.</p>	
	<p>Public debate on the draft electoral law has been focused on proportional representation. A lack of political consensus on this issue delayed progress on other aspects of the electoral framework. Civil society was involved only to a limited extent.</p>	<p>Public debate around electoral law was focused on proportional representation, mainly because the majority voting system in Lebanon has many negative aspects and marginalises a number of social groups as it guarantees access to power for one party and disregards the other groups regardless of their representation and size.</p> <p>Proportional representation with relatively big districts must be ensured by electoral law. This requires a reconsideration of the partitioning of electoral districts and a progressive switch from small</p>

Benchmark	ENP Progress Report 2013	Feedback
		districts to medium districts (at least 20 seats for each district).
	Female participation in political life remains low. No woman holds a ministerial post and there are only four female members of Parliament. The current draft election law limits the requirement for women on candidate lists to one woman per list.	Lebanon ranks 131st out of 141 countries according the Women in Parliament statistics. This is in contrast to the decisions of the Conference of Beijing signed by Lebanon that calls for the adoption of a women's quota in the nomination of candidates and in contrast to the EU-Lebanon action plan which prioritises increasing women's participation in political life.
	Civil society has not been systematically consulted on or involved in government work. One positive development was the consultation concerning the new EU-Lebanon Action Plan.	<p>ANND together with civil society groups in Lebanon focuses on the necessity to adopt a participatory and inclusive approach in all relevant spaces, including in partnership with the EU. Unfortunately systematic consultations with civil society are not common practice for governments in Lebanon, added to which there is a lack of disclosure of information for CSOs effective involvement. Such practices remain ad hoc and selective.</p> <p>On the other hand, during the revision of ENP Action Plan, ANND received an invitation to contribute, from the EU Delegation in Lebanon, and contributed substantially with 20 other civil society organisations. (Please find attached the comments on the EU-Lebanon Action Plan)</p>
4. Respect for labour rights and decent work	Civil servants demanded broad reforms to employment benefits and labour market regulation but only limited salary adjustments were introduced. Measures relating to social protection, healthcare, pensions, labour market regulation and the institutionalisation of tripartite dialogue were dropped. The government agreed in September to a substantial wage increase for civil servants but the financing of the additional	As noted earlier, negotiations based on wages levels and aiming at achieving a consensus on the wages simply underestimate the real need in Lebanon; failed to bring in comprehensive measures relating to labour market and did not correspond to the requests raised during strikes towards adopting a new wage policy.

Benchmark	ENP Progress Report 2013	Feedback
	expenses has not been approved.	
	<p>Palestinian refugees in Lebanon continue to have difficulties with their legal situation and rights. There was some progress as regards their freedom of movement when the LAF eased requirements for entry into the Nahr el-Bared Camp in July. Amendments to labour and social security laws, introduced in August 2010, have not been implemented as the relevant decrees have not been issued.</p>	<p>Till 2012, several progress reports shed light on the situation of Palestinian refugees and violations they face in Lebanon, as does the 2012 progress report. In this context we recall that this urgently requires clear, coherent policies by the Lebanese government to be set as priority. Moreover, given that for the revised Action Plans, the improvement of the rights and living conditions of Palestinian refugees in Lebanon is considered as a benchmark, the monitoring from EU should be broad covering all relevant social and economic aspects and indicators.</p> <p>With regard to enjoyment of the right to work, 56% of the Palestinian refugees of working age are jobless (among them, 83.3% are female and 16.6% male www.unrwa.org/userfiles/2011100225615.pdf).</p> <p>The amendments mentioned in the progress report remain limited as the legislation does not address the fact that Palestine refugees remain barred from practicing in over 30 syndicated professions. Palestinian refugees officially registered at the Lebanese Ministry of Interior Affairs and Municipalities should be exempted from the need to obtain work permits from the ministry of labour.</p> <p>Moreover, although legally working Palestinians pay social security taxes, they remain ineligible for any benefits. Policies should further provide the benefits afforded in the labour law on equal footing with Lebanese workers including benefits.</p> <p>Although the progress report focuses on the amendments to the labour law, considering it as an indicator, on Palestinian's rights several other decrees must be taken into consideration to improve the possibilities and the working conditions of Palestinian refugees. These</p>

Benchmark	ENP Progress Report 2013	Feedback
		<p>decrees should cover: a) Authorizing Palestinian refugees to obtain the work permit for one-time, according to the identity card issued by the Directorate of Political Affairs and Refugees; b) Cancelling the requirement to obtain the employer's guarantee when getting the work permit, as the Palestinian refugees reside in Lebanon, temporarily, but for an indefinite period; c) Lifting administrative and financial burdens that may cause difficulties for employers, and open the door to discrimination by refraining employers from retaining the services of Palestinian refugees.</p> <p>With regard to difficulties faced by Palestinians, equally important is the need to amend the real estate law in Lebanon, in order to allow the Palestinians to acquire real estate, at least in the same conditions as nationals of Arab countries, and within the implementation of international commitments of Lebanon.</p>
	<p>Political disagreements both within the Cabinet and in the Parliament hindered fiscal reforms. The most debated and contentious budgetary issue was the possible increase in public salaries by close to 40%.</p>	<p>Whereas it is true that the fiscal reforms have been hindered by parliament/cabinet challenges, the progress report should also indicate the lack of civil society organizations' participation in the Public Budget discussion and preparations.</p>
<p>5. Access and coverage of quality services</p>	<p>Lebanon's energy demand continued to outstrip supply, leading to daily power cuts of up to thirteen hours. Those who can afford it rely on fuel-operated backup generators. In line with the energy strategy, the Government aims to achieve around-the-clock services by 2014.</p>	<p>Access to energy, although an important component within living priorities in Lebanon, is not considered as a right neither as a priority for the government.</p> <p>Although technical or administrative problems can be noted as challenges, the lack of political will, in enabling accessibility, availability and affordability of quality services (energy but also water) prevails. This indeed requires adoption of national plans for energy and water management in a transparent and inclusive way.</p>

Benchmark	ENP Progress Report 2013	Feedback
<p>6. Ensuring income support</p>	<p>There was no progress with regard to social protection reforms. The reactivation of the tripartite dialogue was unsuccessful. Although the government committed to reactivate the Social and Economic Council, so far no progress has been achieved.</p>	<p>Ensuring income support necessitates a more comprehensive revision of policies in Lebanon and adopting a comprehensive strategy for social development including public services and rural development.</p> <p>In addition to lack of reactivation of the Social and Economic Council, other national councils and commissions (for Human rights, health, education, gender, youth etc.) must be inclusive for ensuring a systemic and institutionalised process of consultation in Lebanon.</p>
	<p>Regarding poverty, 28% of the population live on less than 4 dollars per person per day, and 8% live under the extreme poverty line with 2 dollars or less per day. The Ministry of Social Affairs with the World Bank continued to implement the "National Poverty Targeting Programme" This is the first national programme specifically targeting poverty in Lebanon; the Social Ministry estimated that 18 000 households (or about 84,000 people) benefited from the programme. This approach of targeted social support does not replace the need for integrated and inclusive socio-economic policies, including expanded social safety nets.</p>	<p>Poverty remains a key challenge in Lebanon, but the report is misleading as it follows the limited approach of the Lebanese government, based on a narrow definition of poverty, limiting the poor to a particular class. Its focus remains on short-term projects' implementation, which are built to help "the poor" directly through in-kind donations and financial services without addressing the root causes of poverty.</p> <p>Moreover, the effectiveness of such programmes should be considered. It is important to note that the Gallup survey indicates the perception of Lebanese people, that 83% of the Lebanese population believes that poverty elimination is government's responsibility but 48% state that the programmes are not effective at all. 84% note that such programmes should serve the poor in general but not be focused on specific groups like widows, orphans. (http://www.gallup.com/poll/158906/mena-residents-put-onus-government-help-poor.aspx) The targeted programmes will not achieve the goal of reducing poverty without the adoption of a comprehensive strategy for social development including public services and rural development.</p> <p>Although the NPTP can be considered beneficial to a certain extent</p>

Benchmark	ENP Progress Report 2013	Feedback
		<p>with regard to mapping out poverty and establishing a database of information on poverty, Lebanon still needs to enable accessibility and availability of data on living conditions as a priori condition for improvement of living conditions in an effective way. This requires adjusting official demographic statistics to ensure the access and availability of accurate and disaggregated information on individual resources and at the household level.</p> <p>Finally, given that the focus of such poverty targeted programmes is to support these families through providing free hospitalization, preliminary health care, medicine, exemption of the poorest families from tuition fees in government schools in all phases and ensuring school books, it is important to stress that ensuring public services with regard to education and health care equally to all citizens is a state obligation, that should rather be based on comprehensive national plans for long-term, rather than short-term project based funds allocations.</p>
<p>7. Additional comments on relevant topics not mentioned in the Progress Report</p>		<p>The ENP progress reports based on implementation of the Action Plan presents several challenges faced in Lebanon. At the core of all these challenges lies the lack of a comprehensive, participatory, inclusive and transparent national dialogue in Lebanon.</p>