



**Position Paper on: Law adopted by Lebanese Parliament on 17 August 2010 regarding
Palestinian Refugees' Right to Work and Social Security**

Revised Version¹ – October 1st, 2010

On August 17, 2010 the Lebanese Parliament amended article 59 of the Lebanese Labor Law of 23 September 1946 and paragraph 3 of Article 9 of the Lebanese Social Security Law issued on 26 September, 1963 as follows:

- **Amended text of article 59 states:** *"foreign workers/laborers have the same rights as Lebanese laborers upon being discharged from their work, based on the conditions of reciprocity policy; they have to obtain a work permit from the Ministry of Labor. Palestinian refugees, who are registered based on accords, at the Ministry of Interior Affairs and Municipalities (Directorate of Political and Refugees Affairs) are exempted from the condition of reciprocity and the work permit fees issued by the Ministry of Labor".*
- **Amended text of paragraph 3 of article 9 states:** *"exempt the Palestinian refugee workers/laborers from the condition of reciprocity stated in the Labor Law and Social Security Law, so as to benefit from the contributions of end of service indemnity conditions which the Lebanese worker/laborer benefits from. Hereby, the Administration of the Social Security Fund should ascertain a separate independent account for the contributions belonging to the Palestinian refugees' workers/laborers, that does not bear the Treasury or the National Social Security Fund any financial obligation. Beneficiaries covered by the provisions of this law, do not benefit from the contributions of Sickness, Maternity and Family Allowances Funds".*

It is crystal clear, and before any thorough analysis, that the above mentioned amendments should be treated as simple "gestures", since they have mentioned for the first time the Palestinian refugees in a legal text adopted by the Lebanese Parliament. This primary position is formed since those amendments have not respected the major international standards and principles of legislation, most importantly, the **universality and the indivisibility of the right as well as the adoption and the realization of the right without discrimination.**

A. LEGAL OBSERVATIONS:

The thorough legal analysis to the above-mentioned amendments leads to the following:

1. The first breach of international human rights standards in these amendments appears on the level of universality of human rights. This gesture did not approach the major problem that the Palestinian refugees have been suffering from at the level of the right to work, which is outlined by their access to liberal professions regulated by syndicates (e.g. medicine, engineering, law, pharmacy, auditing ...etc)

This particular treatment for Palestinian refugees constitutes grounds for discrimination in the labor market. Any employer, when faced with such rules and regulations, will prefer

¹ Original Document was released on August 30th, 2010



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to employ a non Palestinian if the other person enjoys the legal right of working without having any obligation to get a work permit (especially in the low labor market).

Such forms of discrimination also set grounds of fear as the necessity to acquire a work permit might have a reverse impact. The employer might decline employing Palestinians due to the procedures that s/he should undergo, on time that s/he can employ other foreign workers without extracting work permits for them.

2. The second breach of standards is on the level of the indivisibility of the right's enjoyment that the Lebanese legislator continued in devoting it legally. The amended text only addressed the Palestinian refugees at the workers/laborers level, and differentiated between this layer of refugees and their counter mates' specialized in professions regulated by syndicates.

Another clear example within the same context occurred when the Lebanese Legislator allowed the Palestinian refugee workers/laborers to only benefit from the social security funds just at the level of end of service, while forbidding them from benefiting from sickness, maternity and family allowances funds.

3. All Palestinian refugees (workers/laborers) in Lebanon should, after the issuance of these laws, extract a work permit to be legal. Hence professions that previously could be practiced without work permit, such as construction and agricultural works, now² after this amendment, do require it. This assisted in aggravating the hardness of the situation instead of making things easier. If these low labor practitioners don't abide by these new regulations they might be subjected to legal prosecution.

B. PRACTICAL OBSERVATIONS:

To move towards more practical observations regarding the process of getting the permit itself, the text of these amendments was not officially published yet (Official Gazette). Moreover, it was not followed, till now, by implementation decrees, which practically means that, a vague content is subjected to the discretion of the Minister of Labor.

For instance, the requirements to obtain the work permit open the door for procrastination and administrative bureaucracy. The exemption of fees on the work permit does not lessen the difficulty of obtaining it as the Palestinian refugee, who has been residing in Lebanon for more than 62 years, is in need for an employer's guarantee in order to apply for the work permit which remains uneasy to obtain.

Regrettably, these amendments haven't implied any difference between the status of the Palestinian refugees in Lebanon and that of the foreigners. Foreigners who are in Lebanon to work are legally residents for a limited period. They are subject to the annual renewal of their work permits and accordingly their residency permit they acquire is based on the work permit

² Especially since more private agricultural orchards are switching to institutions in order to be able to export their products



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they should obtain. However, on the other hand, the status of Palestinian refugees is quite different; refugees are residing for a temporary, but at the same time undefined period.

This calls for immediately rectifying such practical and procedural gap, bearing in mind that other discrepancies in the mechanism of the implementation of the amendments should be treated. The extraction of the work permit remains subject to the whim of the Minister of Labor, where any minister of the later may overrule the previous minister.

C. RECOMMENDATIONS:

For the fruitful realization of what has been amended, in spite of its fragility, we highly recommend that the amendments' implementation mechanism do not stay at the hands of the Ministry of Labor whose authority is limited at issuing operational decisions that could be easily changed at any time.

Finally, we greatly recommend to the Government of Lebanon to stick to Lebanon's international commitments before the United Nations and European Union Bodies. This should be done by elevating the level of human rights respect through preserving inherent dignity and inalienable rights and by ending discrimination. Furthermore, we urge them to start consigning the commitments they have promised in the 2009 Ministerial Declaration by:

- a. Finding a respectable solution that practically exempt the Palestinian refugees from the condition of reciprocity required to join some syndicates that regulate liberal professions,*
- b. Exempting Palestinian refugees officially registered at the Lebanese Ministry of Interior from the need to obtain work permits from the ministry of labor,*
- c. Giving Palestinian refugees the benefits included in labor law on equal foot to Lebanese laborers, including benefits of social security,*

Meanwhile, the Government should convey its goodwill, by issuing ministerial decrees that could bridge some of the big gaps left by the amended laws. Whereas these ministerial decrees should be clear and not open to any interpretation, and should precisely address the following:

- a. Allow Palestinian refugees to extract work permit for one time, based on the identity document "ID" issued by the Lebanese Ministry of Interior Affairs and Municipalities (Directorate of Political and Refugees Affairs),*
- b. Eliminate explicitly the need to employer's guarantee to obtain such permit, since Palestinian refugees are residents for an undefined period,*
- c. Lift all the administrative and financial burdens that might worry the employers and open floor for discrimination, and consequently make them decline employing Palestinian refugees.*

***** END**

P.S. We will review our position paper when the amended text is officially published and when the implementation decrees are issued