

POLITICAL RIGHTS OF PEOPLE WITH DISABILITIES IN LEBANON



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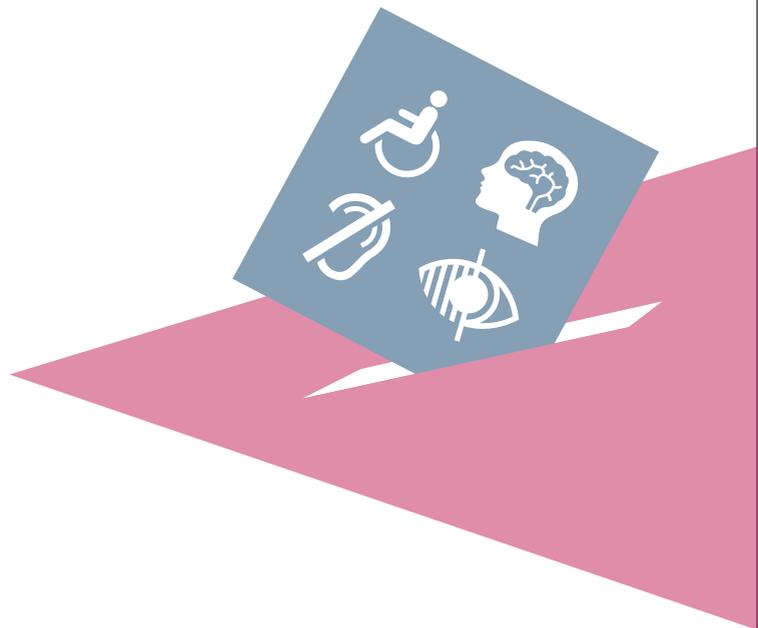
UNDP Lebanese
ELECTIONS
Assistance Project



Project funded by
the European Union



POLITICAL RIGHTS OF PEOPLE WITH DISABILITIES IN LEBANON



FOREWORD

In 2016, there were 98,000 registered persons with disabilities in Lebanon, representing an estimated three percent of Lebanon's population. They face many challenges, including legal and administrative barriers to political participation, while lack of access is present in elections as well as in political parties and political expression. Initiatives to increase their participation in elections and decision-making processes are also limited.

Political participation of persons with disabilities has been outlined in a series of international and regional human rights conventions. Among them is the Convention on the Rights of Persons with Disabilities (CRPD), which was first to elaborate the right to participate in political and public life in the context of disability and to provide specific guidance to States. Lebanon signed the CRPD in 2007 but has yet to ratify it, and the hope is to improve the level of participation of persons with disabilities in the political life and facilitate their accessibility to electoral process.

At the UN, we commit ourselves to inclusiveness. The 2030 Agenda and Sustainable Development Goals (SDGs) aim to be more inclusive with the main objective to "leave no one behind" including protecting persons with disabilities and promoting their rights.

UNDP in Lebanon has partnered with the Government and civil society organizations towards enhancing accessibility and promoting international inclusive standards for persons with disabilities. For the upcoming parliamentary elections, our program will aim to lift legal and administrative barriers to political participation; raise awareness of the right to political participation of persons with disabilities; make voting procedures, facilities and election materials more accessible; build capacity and increase participation for Persons with Disabilities in elections, and in political life at large.



Philippe Lazzarini

UN Resident Coordinator

UNDP Resident Representative

FOREWORD

Let's reap the fruits of past experiences to attain democracy

There has been a remarkable development in Lebanon with respect to the right of persons with disabilities to exercise political rights and to vote and stand for election freely and independently. In order to benefit from the accumulation of work, expertise and knowledge in the matter among the organizations which care for persons with disabilities, the Ministry concerned, and the international organizations which are experts on the subject and which support Lebanon, an in-depth analysis is required. Since parliamentary elections are imminent, it is essential to prepare for these elections in a comprehensive manner that ensures all people, including the elderly and the persons with disabilities, have the opportunity to vote and stand for election independently and with dignity.

Therefore, it is necessary to exert efforts towards the implementation of the necessary specifications and criteria to the polling stations, which of course requires a long-term plan that cannot be fully executed within the limited time period available. Polling stations are usually positioned in schools, places of worship, and places of public use; hence the need for coordination among stakeholders.

There are also needs relevant to the level and the mechanisms of communication for people who are blind or deaf, and people with additional needs or intellectual disabilities, for whom the information has to be simplified and clarified. These varied needs require technical measures which are applicable thanks to the goodwill of stakeholders, the knowledge and experience of the organizations that care for the persons with disabilities, and the support of international organizations operating in Lebanon. Yet, there are needs for training capable staff who can handle operational processes and devices and empowering them so that they can manage the electoral process with confidence, effectiveness, and quality, knowing that the tools and skills are available to train them.

Consequently, we believe that the upcoming elections should provide strategic solutions, in the sense that they must ensure minimum standards of integration, at the level of the buildings in this respect, we can benefit from the field survey that we have previously conducted the process and mechanism in terms of adapting the ballot paper, building capacities and raising awareness. It is extremely important that the process ensures an ideal model in some locations where it can be done. The entire process will constitute the basic material to be converted into a national plan with an estimate budget, specifications, and criteria that will be included in the State Budget for 2018. Thus, the State would have begun to turn the rights preserved in the law into reality.

Only then will we be freed from the predicament of time in which the stakeholders are trapped, and we will have moved from limited initiatives to a sustainable national policy. Only then will the country have been truly able to maintain democracy and human rights.



Sylvana Lakkis

President of the Lebanese Physical Handicapped Union
Member of the Supervisory Commission for Elections

OVERVIEW ON DISABILITY IN LEBANON

STATISTICAL HIGHLIGHTS

In the year 2000, Lebanon approved law 220/2000 concerning the rights of people with disabilities. The law consists of 102 articles providing for the PWD rights in health, education, employment, transport, rehabilitated environment and other social and economic benefits. It addresses the government through the concerned ministries to implement strategies based on the inclusion of PWD.

In 2006, more than 80 countries signed the Convention on the Rights of Persons with Disabilities (CRPD). Lebanon was among the first to sign the CRPD in 2007 but has yet to ratify the convention and implement the articles of Law 220/2000 to secure PWD inclusion.

5.9
Million

TOTAL POPULATION IN 2015

Source: UNDP-HDR 2016

NUMBER OF REGISTERED PWD



70,375

in 2009

83,017

in 2013

98,000

in 2016

KEY FIGURES IN 2016

62%

PWD Men



38%

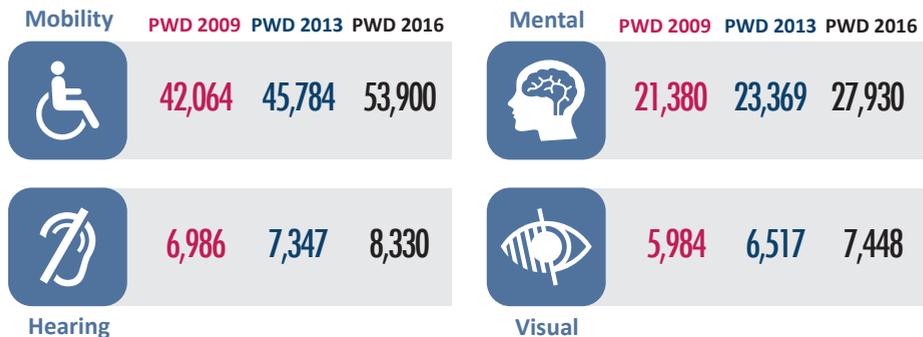
PWD Women



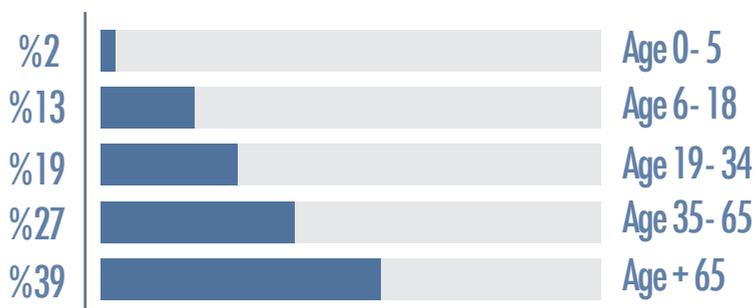
86%

Number of
Registered PWD
ABOVE 18

DISTRIBUTION BY TYPE OF DISABILITY

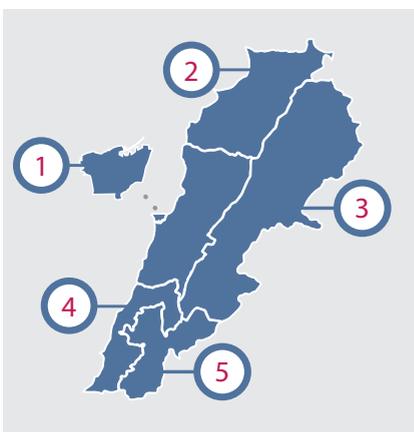


DISTRIBUTION OF PWD BY AGE



DISTRIBUTION OF PWD BY DISTRICT

- 1 Beirut & Mount Lebanon **44.29%**
- 2 North Lebanon **18.1%**
- 3 Bekaa **16.06%**
- 4 South Lebanon **13.04%**
- 5 Nabatieh **8.51%**



DEFINITION OF DISABILITY AND PWD POLITICAL RIGHTS AND PARTICIPATION AS PER (CRPD)

UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) DEC 2006

Article 1

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

CRPD ON PARTICIPATION IN POLITICAL AND PUBLIC LIFE

Article 29

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:



CRPD 10
Convention on
the Rights of
Persons with
Disabilities
2006 - 2016

1) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

2) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

3) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

1) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

2) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.



DEFINITION OF DISABILITY & PWD POLITICAL RIGHTS AND PARTICIPATION AS PER THE LAW 220/2000

THE LEBANESE CONSTITUTION

Article 7

“All Lebanese shall be equal before the law. They shall equally enjoy civil and political rights and shall equally be bound by public obligations and duties without any distinction”.

LAW 220/2000 ON THE RIGHTS OF PERSONS WITH DISABILITES

The Lebanese Law on disability 220/2000 defines a disabled individual as follows: “A disabled individual is a person whose capacity to perform one or more vital functions, independently, secure his personal existential needs, participate in social activities on an equal basis with others, and live a personal and social life that is normal by existing social standards, is reduced or non-existent because of a partial or complete, permanent or temporary, bodily, sensory or intellectual functional loss or incapacity, that is the outcome of a congenital or acquired illness or from a pathological condition that has been prolonged beyond normal medical expectations”(Article 2).

LAW 220/2000 POLITICAL RIGHTS & PARTICIPATION

Article 98

Special principles for electoral processes:

“The needs of people with disabilities are taken into account when organizing all municipal, parliamentary and other electoral processes. These procedures shall be issued by a decree approved by the Council of Ministers upon the proposal of the Ministry of Interior after consultation with the Ministry of Social Affairs”.

Article 33

Rights Range:

1. Every disabled person has the right to an accessible environment, in the sense that every disabled person has the right to access any place accessible to him/her by the disabled person.
2. All buildings, infrastructure and public and private administrations intended for public use shall have their engineering specifications applicable to the standards and in accordance with the conditions and principles set forth in this law.

DEFINITION OF DISABILITY & PWD POLITICAL RIGHTS AND PARTICIPATION AS PER THE LAW 44/2017

THE ELECTORAL LAW 44/2017 ELECTIONS OF THE MEMBERS OF THE PARLIAMENT

Article 96:

Voters with special needs

1. In accordance with the provisions of the law on the Rights of People with Disabilities, voters with special needs or suffering from “disability” preventing them from marking their choice and placing the ballot paper inside the envelope and casting it in the ballot box may be assisted by another voter of their choice, under the supervision of the polling station officers. Such occurrence shall be noted in the “comments” column on the checklist.
2. The Ministry shall take into account the needs of people with disabilities when organizing elections and facilitate the procedures allowing them to exercise their right to vote unobstructed.

The Ministry shall establish the implementation regulations of the present Article upon consultation with the specialized associations for people with disabilities.



Reservation:

The Lebanese Physical Handicapped Union through the Observatory for the Rights of Persons with Disabilities in Lebanon expressed its reservation on Article 96 of Law 44/2017 and its content:

1. Conceptually: The perception of disabled people in the elections is still limited to them being voters. The Lebanese legislator did not anticipate that the disabled citizen could be a candidate, a candidate delegate, an observer, a head of polling station, or a deputy head of polling station.

2. Terminologically: The abusive terms used to talk about persons with disabilities, including the use of the word "disabled" instead of the disabled person / people, the use of the phrase "people with special needs" that exceeds the threshold of disability to enclose a wide category of people, as well as the use of the worst expression, "one who has an incapacitating deformity".

3. Technically: With reference to ignoring Executive Decree No. 2214/2009 regarding the procedures and measures related to facilitating the participation of persons with disabilities in the parliamentary and municipal elections, which was supposed to be implemented during the last eight years.

MILESTONES OF PWD IN LEBANON

1981

The establishment of the Lebanese Physical Handicapped Union.

1994

Efforts of the National Committee led to the Establishment of the first National Program for the Disabled in Lebanon "Rights and Access".

2004

LPHU partnered with Municipalities and conducted a field survey in all Lebanon.

2006

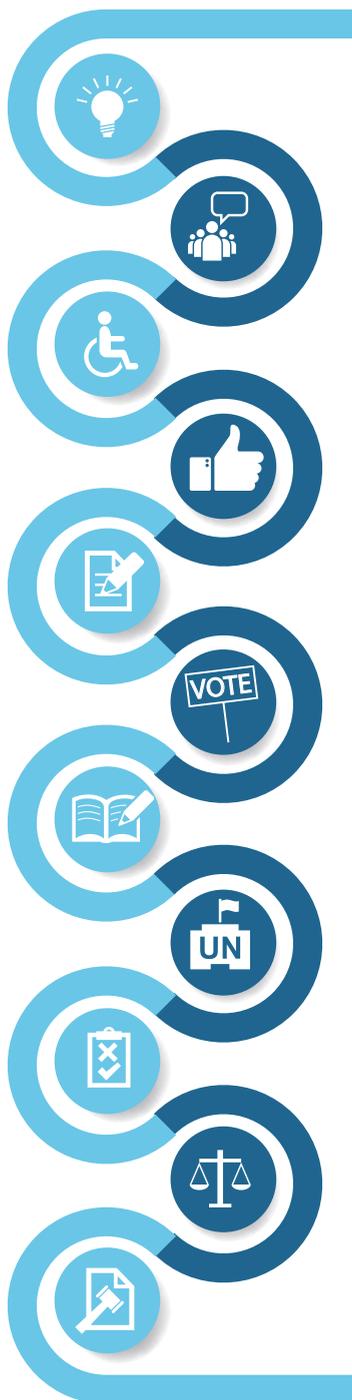
NARD issued a guide for accessibility for Greater Beirut.

2009

Ahead of the 2009 elections, and in cooperation with the MoIM, the LPHU conducted a field survey to verify the accessibility of all polling stations in Lebanon.

2011

MoSA published decree 7194 developing accessibility standards regarding PWD under the law 220/2000.



1993

The First Political movement towards disability rights when the council of ministers agreed to form the first National Committee for the disabled.

2000

DPO succeeded in negotiating with the Government to pass law 220/2000.

2005

LPHU and Youth Association for the Blind (YAB) launched the "Haqi Campaign" for PWD political rights to vote and run as candidate.

2007

Lebanon signed the UN convention on the Rights of Persons with disabilities but has yet to ratify it.

2010

The MoSA, in partnership with the National Union for the Disabled, submitted to the ministry of transport and public works a decree aiming to apply the prerogatives of article 34 of law no. 220 dated 29/5/2000 related to the rights of PWD and those of article 13 (A) of law 464 dated 11/12/2005 (construction law).

CHALLENGES

FACED BY PWD IN THE INCLUSION AND PARTICIPATION IN ELECTIONS

X Lack of data and statistics on PWD voters that leads to their marginalization during the election process.



X Absence of a national disability strategy and plan of action for the implementation of the law 220/2000.



X Lack of accessibility and limited action of the responsible ministries to accommodate and rehabilitate polling stations in Lebanon.



X Inadequate policies and standards for the PWD inclusion in the electoral process.



X Lack of regular consultation and involvement of the PWD in their political rights and participation.



X Insufficient capacity building and empowerment programs dedicated to PWD.

X Non-Ratification of Lebanese state on the United Nations Convention on the Rights of Persons with Disabilities (CRPD) hinders the rights of PWD.



X No adoption for the inclusive standards to guarantee the participation of PWD in the electoral processes.



X Non application of the Braille method and sign language on voting guidelines and voter information for PWD



X No implementation of measures to secure the free and secret voting for PWD.



X The PWD registration system and the issuance of the PWD paper card should be upgraded by MoSA.



RECOMMENDATIONS

FOR ADVANCING THE INCLUSION AND PARTICIPATION OF PWD IN ELECTIONS

✓ Developing synergies between responsible Ministries (Interior and Municipalities, Education, Social Affairs and Work) to engineering equipping all polling stations based on the international standards, and in accordance to section 4 of Law 220/2000.

✓ Introducing the inclusive standards to comprise visual and auditory and intellectual disability standards in voter education and the electoral processes.

✓ Access to information and communication for the disabled people in order to be part of the decision – making especially in matters that affect their rights.

✓ Capacity building and empowering persons with disabilities to advocate for their political rights.

✓ Ratification of Lebanese state on the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and implementing the decrees of the Law 220/2000.

✓ Supporting procedures that ensure PWD vote freely and confidentially.

✓ Adopting inclusive standards to ensure the participation of PWD in the electoral processes, whether as candidates, voters, electoral observers and election officials.

✓ Endorsing sign posters on voting guidelines for deaf and hearing impaired voters.

✓ Promoting braille posters on voting guidelines for the blind and visually impaired persons.

✓ Increase public awareness and understanding of disability in general.

✓ Upgrade the PWD registration system and enforce a PWD magnetic card to prevent fraud.



DISABILITY IN THE SUSTAINABLE DEVELOPMENT GOALS

DISABILITY IS INCLUDED IN THE FOLLOWING SDGs:



11 x “Persons with disabilities” or “disability” are specifically mentioned in the 2030 Agenda for Sustainable Development.

6 x Persons in vulnerable situations are specifically mentioned in the 2030 Agenda for Sustainable Development.

SOURCES

- ▶ MoSA Website - Number of Registered PWD as per December 2009, August 2013 and December 2016
www.socialaffairs.gov.lb
- ▶ OMSAR Office, EU
Report - “Between Law 220/2000 & CRPD”, Afkar 3 Project, OMSAR
- ▶ Legal Sources can be consulted on LEAP Website:
The Lebanese Constitution and the Electoral Law 44/2017
www.lebanon-elections.org
- ▶ Lebanese Physical Handicapped Union Website
www.lphu.com
- ▶ United Nations Website
www.un.org/disabilities

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ELECTIONS
Assistance Project

The UNDP Lebanese Assistance Elections Project (LEAP) aims to strengthen the capacity of stakeholders for the conduct of transparent and inclusive elections in Lebanon. Through a multi-component approach, the project's intended outcomes is to provide a strengthened capacity for: (1) the management and administration of Elections (2) the supervision of election campaigns and accreditation of observers (3) the provision of voter education initiatives (4) the resolution of electoral disputes, and (5) initiatives to improve election opportunities for women.

LEAP is funded by the European Union.

www.lebanon-elections.org



LEAP-Lebanese Elections Assistance Programme



UNDPLEAP



Article One:

"All human beings are born free and equal in dignity and rights."

Universal Declaration of Human Rights