

Beirut, October 30, 2019

Dear Sirs,

Kindly find below the input of the Alzheimer's Association Lebanon (AAL) on the focus areas of the 11th Session of the Open Ended Working Group on Aging.
I hope that our input will help feed into the discussion of the session.

Best regards,



Georges Elie Karam, MD
Adult and Geriatric Psychiatry
President of Alzheimer's Association Lebanon (AAL)

Guiding Questions for Focus Area:

Access to Justice

- 1. How is the access to justice by older persons guaranteed under the national legal and policy framework? What judicial and non-judicial mechanisms are in place for all older persons to complain and seek redress for denial of their rights?**

Older persons in Lebanon benefit from the same access to justice as any other Lebanese person. They can file complaints through judicial services in case of denial of their rights.

Availability

- 2. What steps have been taken to ensure the availability of judicial and non-judicial mechanisms for older persons in urban, rural and remote areas in your country? Are there alternative dispute settlement mechanisms available?**

Older persons have the right to refer to judicial mechanisms without discrimination on the basis of age, sex or race when need be. Cases can be taken to the courts available in each district in order to reach a legal settlement.

Accessibility

- 3. What steps have been taken to ensure that all justice systems (judicial and non-judicial) are secure, affordable and physically accessible for older persons and adapted to their needs?**

A lot of concern has been raised from judges and lawyers for the worsening situation of the justice palaces in Lebanon and the lack of proper renovation especially in the past year. This is still a work in progress in order to insure that judicial systems offer secure and physically accessible facilities for older persons. As for the affordability, it is linked to the type of judicial process that should be done and the need for a lawyer and paperwork which are at the expense of the person in Lebanon.

- 4. What are the existing provisions to guarantee legal assistance for older persons?**

At the moment, there is no official legal assistance service dedicated to older persons in Lebanon.

5. What are specific challenges encountered by older persons in accessing justice and remedy in your country?

Several challenges face older persons in accessing justice such as:

- Age-based discrimination where some older persons are viewed as weak and vulnerable which makes them prone to abuse (whether they have decreased mental capacity or not). (this is being remedied through legal systems explained in Question 6)
- Local culture & family ties (there is a tendency of not focusing on the opinion of an older person and taking decisions on his/her behalf from his children/family members)
- Access to services & infrastructure (as explained above in question 3)
- Financial Burden (due to the fact that most older persons are financially dependent on their families due to the unavailability of an equitable retirement plan for all older persons in Lebanon)

6. What good practices are available in terms of ensuring equal and effective access to justice and remedy for older persons?

In the case where the mental capacity of a person is in doubt (and medically confirmed), the guardianship system which is implemented based on a court decision, designates a judicial supervisor to the elderly which can take decisions on his behalf (and can cause a risk to his autonomy and independence and put the elderly at risk of abuse and discrimination) and this system differs from one sect to the other as sectarian laws patronize the personal status domain in Lebanon.

The Institute for Development, Research, Advocacy and Applied Care (IDRAAC) worked on a draft law which protects the elderly from abuse and discrimination by allowing them to designate a person of trust (while they have full mental capacity) who can take pre-specified

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Tel: +961 76 030 083 - info@alzlebanon.org - www.alzlebanon.org

decisions on their behalf once they lose their mental capacity thereby protecting their personal autonomy and choices.

Equality and non-discrimination

7. What are the provisions adopted to ensure effective access to justice for older persons on an equal basis with others, including age-appropriate procedures in all administrative and legal proceedings?

In Lebanon, there is a possibility to designate a person to follow on specific judicial procedures on behalf of an older person. This can be done through preparing a legal document at a notary public designating the type of legal action to be taken and the person allowed to do it and approved by the older person.

8. Please specify existing public policies and awareness-raising and capacity building programmes established for all justice system personnel to address the negative impacts of ageism and age discrimination in justice system.

In addition to the draft law prepared by IDRAAC (discussed above), the association of notary public in Lebanon has been working on addressing the matter of age discrimination and preventing potentials of abuse through awareness raising among the notary publics and requesting medical investigations when legal actions are to be taken by an older persons and they sense a potential of abuse from their surroundings.

Accountability

9. How do you ensure justice systems function in accordance with the principles of independence and impartiality? Please specify if there is any oversight mechanism in place to address any discrimination against older persons committed by justice system professionals.

Justice systems in Lebanon should all be governed by principles of independence and impartiality. To our knowledge, there is no oversight mechanism specific to discrimination against older persons committed by justice system professionals.

Guiding Questions for Focus Area:
Right to Work and Access to the Labour Market

National Legal and Policy Framework

1. What are the legal provisions and policy frameworks in your country that recognize the right to work and access to the labour market by older persons?

In terms of rights for work, the maximum legal age of the employees subject to the Lebanese Labor Law is fixed to sixty-four years old, and the employee is then entitled to retirement and may request end of service indemnity (end of service indemnity is a fixed amount of money that is cleared from their contributions and is paid once).

Few companies accept people above the age of sixty-four years and have different contracts and benefits for this age group.

2. What are the challenges faced by older persons for the realization of their right to work and access to the labour market in your country?

Several factors affect the access of older persons to the labour market:

- the country's economic and political instability with decreased job opportunities in general - the Lebanese Labor Law which cites that retirement age is 64
- the local culture which emphasizes the importance of older persons to "rest" after they retire

3. What data, statistics and research are available regarding older persons engaged in informal work, particularly older women, including conditions of their work and economic value?

To our knowledge, this data is currently unavailable.

Availability, Accessibility, Acceptability and Quality

4. What steps have been taken to ensure the access of older persons to the labour market including through physical accessibility, access to information about employment opportunities, training and the provision of appropriate workplace accommodations?

IDRAAC, a Lebanese mental health NGO, started a project in collaboration with the Municipality of Byblos and funded by the European Union. The overall objective of this project is to reintegrate the elderly into the community at large. As IDRAAC's research has found a strong correlation between lifetime mental disorders and social disability as social disability can increase the lifetime risk of having a mental disorder by 6.4 times, these findings emphasized the importance of social interventions (ie. support groups, volunteer/work/networking opportunities etc.) when targeting the mental health of the elderly.

The project consists of two components:

The first component aims to create opportunities for the elderly living in Byblos to be active members of the society by volunteering or holding new jobs. A database of volunteer and work opportunities was created by screening all businesses registered in Byblos.

The second component aims to increase public awareness about the social rights and the needs of the elderly.

IDRAAC aims to replicate this project in other areas of Lebanon.

5. What steps have been taken to ensure the availability of specialised services to assist and support older persons to identify and find employment?

In addition to IDRAAC's project, some companies are working on involving their retirees in their work as consultants when possible and some companies are accepting persons above age 64 in specific jobs (security guards, drivers, ...).

6. What good practices are available in terms of ensuring the older persons' enjoyment of their right to work and their access to the labour market?

Efforts still remain scarce on that level as it is still not set as a national priority.

7. What protections are available to ensure older persons enjoy just and favourable conditions of work, including fair wages and equal remuneration for work of equal value, safe working conditions, both in the formal and informal sector?

This is still not governed by legal steps specific to older persons.

Equality and non-discrimination

9. In your country, is age one of the prohibited grounds for discrimination in relation to work and access to the labour market, including in older age?

Unfortunately, age remains an issue in relation to work and access to the labor market especially in older age.

Remedies and Redress

10. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to work and access to the labour market?

This is still not governed by legal steps specific to older persons.

Guiding Questions for Focus Area:
Education, Training, Life-long Learning and Capacity-building

Definition

- 1. What are the definitions of the rights of older persons to education, training, life-long learning and capacity-building in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?**

In Lebanon, there is no specific law related to the rights of older persons to education, training, life-long learning and capacity-building.

However, Lebanon has adopted the Universal Declaration of Human Rights, 1948 where according to Article 26, (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

In addition, the Ministry of Social Affairs in Lebanon has worked on a National Program for Adult Education. This program does not target the elderly in particular, but the number of elderly persons benefiting from it activities has reached 13% of the total number of beneficiaries. Academic institutions are also working on having specific educational programs for seniors such as the University for Seniors at the American University of Beirut. The University for Seniors provides adults (aged 50 and above) with educational and cultural opportunities in a sociable environment. The program offers a variety of activities: study groups, lectures, cultural travel programs, and intergenerational activities with AUB students. Also, the Université du Saint Esprit Kaslik USEK is starting a similar project in a different region in Lebanon.

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Tel: +961 76 030 083 - info@alzlebanon.org - www.alzlebanon.org

Scope of the right

- 2. What are the key normative elements of the rights of older persons to education, training, life-long learning and capacity-building, including such elements as availability, accessibility, acceptability and adaptability? Please provide references to existing standards where applicable.**

Availability

Education, training, life-long learning and capacity-building programs should be available to older persons including both formal and informal education.

Acceptability & Adaptability

Older persons should have access to education and skills-building opportunities which are adapted to their specific needs & preferences.

Accessibility

Older persons should have access to affordable educational opportunities and have the proper infrastructure to physically access the facilities.

State obligations

- 3. What are the measures that should be undertaken by the State to respect, protect and fulfill the rights of older persons to education, training, life-long learning and capacity-building, regarding the normative elements as provided above?**

The government should work on a plan to improve the infrastructure and educational services available for older persons throughout the Lebanese territory.

The efforts which are done by the government remain scarce due to lack of financing and the efforts of non-governmental organizations are linked to the available funding from granting institutions.

Special considerations

4. What special measures and specific considerations should be considered in developing the normative content of the rights of older persons to education, training, life-long learning and capacity-building?

It is important to consider the local context when developing normative content on the rights of older persons to education and work on building a non-discriminating culture related to education in older age. A lot of work needs to be done at the national & community level to achieve this.

In addition, there is no formal policies or mechanisms for reporting denial to education, training, lifelong learning and capacity building which could hinder proper realization of this right among older persons.

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the rights of older persons to education, training, life-long learning and capacity- building?

For non-state parties like educational organizations, they should accept applications from potential students irrespective of their age once they fulfill the entrance requirements whether they are applying for a degree, training or capacity building activity.

Implementation

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on education, training, life-long learning and capacity-building for older persons?

One of the main challenges in the areas of education and life-long learnings is the lack of infrastructure and equitable division of services throughout the Lebanese territory.

The efforts which are done by the government remain scarce due to lack of financing and the efforts of non-governmental organizations are linked to the available funding from granting institutions.

In addition, the culture of continuous education for older people is still not very common among Lebanese so building awareness of its importance is an important factor.

As for the best practices which has been experiences in Lebanon, the continuing education efforts of universities have been successful among older persons in addition to the efforts of the Ministry of Social Affairs for Adult Education.

Guiding Questions for Focus Area:

Social Protection and Social Security (including social protection floors)

Definition

- 1. What is the definition of the right to social security and social protection (including social protection floors) for older persons in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?**

Social security and protection should include policies which aim at protecting all populations including the elderly population.

This is also cited in the Universal Declaration of Human Rights, 1948

Article 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Scope of the right

- 2. What are the key normative elements of the right to social protection and social security for older persons?**

Please provide references to existing standards on such elements as below, as well as any additional elements:

- a) Availability of contributory and non-contributory schemes for older persons

The National Social Security Fund (NSSF) and End of Service Indemnity System (ESI) are not available equally to all older persons in Lebanon as they depend on their previous employment affiliation.¹

Older persons should have the right to social protection and social security systems which provide universal coverage, contributory or non-contributory, to ensure an adequate standard of living.

¹ Daoun, Z., & Zein, M. (2013). *A Study on NSSF reformation*.

- b) Adequacy of benefits to guarantee older person's access to an adequate standard of living and adequate access to health care

Older persons should have the right to adequate income security, access to health care, medication and support services for better quality of life in older age.

- c) Accessibility, including older person's coverage by social security systems, eligibility criteria, and affordability of contributions

Older persons should have the equitable access to social protection and social security systems and this should be independent from their previous employment status.

- d) Equitable access by older persons to the enjoyment of the right to social security and social protection, paying special attention to groups in vulnerable situation

Older persons should have the equitable access to social protection and social security systems and special consideration needs to be given to vulnerable groups.

- e) Participation of older persons in the design and administration of the social security system

Older persons should participate in the decision-making process and administration of social security measures for older persons.

State obligations

- 3. What are the measures that should be undertaken by the State to respect, protect and fulfill the right of social security and social protection for older persons, regarding the normative elements as provided above?**

Governments should work:

- To ensure older persons have access to high quality support services.
- To ensure older persons have access to social security and protection services.
- To ensure older persons' ideas and choices are respected when policies are being put for their services.

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Tel: +961 76 030 083 - info@alzlebanon.org - www.alzlebanon.org

Special considerations

4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to social protection and social security?

At this point in Lebanon, we need to reassess the needs of the older population and establish national policies and standards for elderly care and respond to the needs of families as caregivers for older persons need to be supported and protected as well.

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the right of older persons to social protection and social security?

Non-state parties need to have a clear action plan with regards to social protection and security of older persons especially health and insurance companies who need to have clear guidelines and accreditation procedures in order to efficiently provide services for older persons.

Implementation

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on social security and social protection for older persons?

The Lebanese Social Security system has limitations in terms of coverage and as a result, the most vulnerable elderly remain outside the framework of coverage².

The Ministry of Public Health and the Ministry of Social Affairs have been jointly working on ways to respond to the needs of the elderly especially those with limited income through the “Support Program for Poorest Households”. In addition, many local NGOs have been working on needs assessments and policy reviews in order to ensure that the elderly needs are met.

² Social Protection Monitoring (2005).

https://reliefweb.int/sites/reliefweb.int/files/resources/2015_12_07_solidar_ois_case_study_lebanon.pdf

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More efforts need to be done from the state to ensure the provision of social protection and social security for older persons similar to the standards above.

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