

## **Law Amendments and the Reality of Palestinian Professionals in Lebanon**

### **Nurses... Facts and results**

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## Introduction:

Hardly, right to work for Palestinian refugees in Lebanon reaches the extent to be a real tragedy since it affects the core of every Palestinian family. Many of faces look acrimony when we talk about this issue and numerous legal and factual dilemmas which stand in front of this apparent human right: Work freely.

As though, Palestinian Refugees have been existed in Lebanon since more than sixty years, and their existence is still continuing. However till this moment, their existence is not regulated by decrees and legislation defining the relationship of two parties with each other. Actually, any observer may be surprised by double difficulties; the first difficulty is representing by different stages that Palestinians in Lebanon have passed (wars, massacres, and displacement...), and the second one is representing absence of legislation and legal mechanisms that ensure their protection in legal terms, in contrast to the rest of the refugees in the world who are enjoying this protection which secured by UN High Commissioner for Refugees (UNHCR).

Lebanese civil war and continuous of Israeli attacks on Lebanese areas and refugee camps had reflected on Palestinian refugees in double forms, so that they are the most people who had affected negatively from the war and attacks. As a result, their social web had been ripped totally, in light of reducing the fields and areas of work, and having high unemployment rates that resulted from wars<sup>3</sup>, and which reflected on their living conditions in addition on their social, educational, and health situations.

UNRWA was not able to respond to all these needs, especially after the departure of the PLO and its factions from Lebanon after 1982, whereas, the organizations of PLO were taking the responsibility and the task of securing big part of economic and social needs for refugees. PLO had formed "public sector" which had absorbed and involved huge number of manpower. But after departure of Palestinian confrontations, the Palestinian Refugees lost "their public sector", and the services of these organizations started to diminish little by little until they reached to the point of vanishing when the process of Arabs and Palestinian – Israeli compromise starts.

The Lebanese government, in the years after the war, engaged in providing job opportunities for young people and rehabilitation of governmental institutions. By adopting such strategy, the Lebanese government had absorbed and involved huge number of people who had competencies, both in its institutions and private sector institutions. Of course, this solution was not available at the Palestinian level; whereas, the Palestinian community had found itself in front of hard and dangerous economic situation which pushed tens of thousands of workers and professionals to the local labor market which often closed its doors in front of their faces. In addition, the reality of miserable camps increased the problems' severity which encouraged young

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<sup>3</sup> Indicated in a statistical study for UNRWA at the end of 2011; the number of Palestinian hardship cases in Lebanon is 54,267, and this number is equal to 11.9% of total number of refugees who are registered at UNRWA. This rate is the highest among five areas where UNRWA operates. Reference: Media Office of UNRWA, Gaza July 2011.

Palestinian, and especially those who had high scientific and professional competencies, to emigrate abroad to earn living because refugees in Lebanon are deprived from their human rights.

As for the legal level, the strategy of Lebanese government was not headed to regulate the situations of Palestinians, and what the Lebanese government did by its relations with Palestinians was issuing two decrees, the first one which held number 42 dated on 30/3/1959 had declared the development of General Directorate to manage Refugees' affairs in the Ministry of Interior. Whereas, the second decree was republican one which held number 927 and issued in the same date of first decree to define the authorities of the Directorate.<sup>4</sup> When the authority of Lebanese government and its legislative, judiciary and executive institutions returned back, the relationship between the Palestinians and Lebanese government remained marred by ambiguity, note that Cairo Agreement, which was signed between Lebanese government and Palestine Liberation Organization in 1969 with sponsorship of President Jamal Abdul Nasser, included in one of its articles the admission of political, civil and social rights<sup>5</sup>, but the problem is that this agreement was not translated into legislation enactments to ensure its steadfastness in the presence of many variables which may arise. This is what happened when the Lebanese government cancelled this Agreement in 21/5/1987, and by that the legal status of Palestinians in Lebanon had become similar to what it was before 1969.

### **The pathway of Palestinians work in Lebanon:**

The age of Palestinian refugees work's problem in Lebanon is as old as Nakba. Although the official Lebanese government in the next few years of Nakba in 1948 started to provide job opportunities for refugees because they felt sympathy with Palestinian refugees and their case. But the official treatment with Palestinian case, as a result of complexities and consequences which were caused by the issue of refugee, will take a difficult and complicated path and its main title "restrictions on Palestinian work at different levels" and applying more stringent laws under the pretext of protection the local labor from inflow foreign competition, noting that the Palestinian refugees are residing lawfully and legally in Lebanon since 1948..

To tighten the mechanism of prevention Palestinians from work, series of laws and decrees came out to the Palestinians from the circle of legal protection after they were introduced in discretionary interpretations as foreigners... And foreigner, in accordance to Lebanese laws is "every real or legal person from non-Lebanese nationality"...<sup>6</sup>, and another law indicating that

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<sup>4</sup> The Lebanese government had widened the authorities of General Directorate for Refugees' affairs, so it wasn't established only to register Palestinians who born and dead, but to be a concerned reference following up the affairs of refugees, and the relation among Lebanese government, UNRWA and other organizations who are concerned by refugee case.

<sup>5</sup> This agreement is found in article number 15, and the most important articles are one, two and four which organized the existence of Palestinians in Lebanon in basis of having rights of living, work and moving for Palestinians who are living in Lebanon currently, and establishing local committees for Palestinians in camps.

Revise the text of agreement in: Two years battle in Lebanese War, Al Afwaj Al Arabiya Library, without date.

<sup>6</sup> The first decree issued on 10/7/1962 to organize the entrance and exit of foreigners in Lebanon and their work and residence.

"every foreigner wants to enter Lebanon to work and have paid or unpaid profession, he must previously obtained the approval of the Ministry of Labor and Social Affairs before he came to."<sup>7</sup> In other words, all those who want to enter Lebanon. Moreover, the practical application of regulating labor law for foreigners and interpretations of Ministry of Labor for this law had put new complexities and restrictions; whereas, the ministry indicated that the foreigner requires to obtain work permit so that he can work in Lebanon without discrimination between foreigner who will come to Lebanon to pursue a career and Palestinian who resides in Lebanon legally, but the discretion in applying the law practically led to the closure of Lebanese market in front of Palestinian professionals.

However, at the level of work of Palestinian professionals as doctors, nurses, and engineers..., the prevention had absolutely based on the labor law issued in 23 September 1946 which is concerned with syndicates and the right of belonging and registration in them. As stated in the text of Article (91), the one who wants to belong to any syndicate "1) must be Lebanese and enjoying his civil rights and practicing his profession when needed." While the article number (92) of the same law for foreigners approved that "to register and belong to the syndicate if they had some of these conditions and were authorized to work in Lebanon... that no foreign members have to elect or be elected, but they are entitled to appoint someone to represent and defend them at Syndicate Council."<sup>8</sup>

In the previous laws, the texts of bylaws for all syndicates designed to prevent the Palestinians from the right to work in all liberal professions, but what is common among all the bylaws of these syndicates is requiring for those who want to pursue a career in Lebanon to be Lebanese since more than ten years, and the government of the applicant who seeks work in Lebanon deal with Lebanese in the basis of principle of reciprocity in addition to the necessity of having work permit before... and whoever contravene this will be punished.<sup>9</sup> So this lead large number of professional institutions to exclude any Palestinian, while others let Palestinian to work without a permit, unprotected legally and excluded from all rights that must be given by employers. This is active till this moment...

### **Amendments of Lebanese parliament and their results**

When the president Saad El Hariri was mandated to form his first government on 9/11/2009, the Palestinians had positive feelings about the possibility of modifying their legal reality, especially after the announcement of the government ministerial declaration, which included a special paragraph on human rights. It is the first time in which Palestinian Rights were included in

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For more information refer to: Suheil Nator- the situation of Palestinians in Lebanon, issued by Dar el Takadom el Arabi Company for Press, Printing and Publishing 1993 p: 118.

<sup>7</sup> Second article in the law of organizing the work of foreigners in Lebanon number (17561) for year 1964

Refer to the website of Lebanese Labor Ministry: [www.labor.gov.lb](http://www.labor.gov.lb)

<sup>8</sup> Lebanese Labor Law: refer to the website of ministry: [www.labor.gov.lb](http://www.labor.gov.lb)

<sup>9</sup> Report issued by Palestinian Democratic Gathering for worker in Lebanon in the third conference in 31/7/2011.

the declarations of ministries, and that pointed to the possibility of coming through this chronic file. As stated in paragraph (11) of the ministerial declaration word for word: "Government will continue working on providing human and social rights for Palestinians who are living on Lebanese land, also it will ask the countries and international organizations to take full responsibilities towards them."<sup>10</sup>

Basing on what was stated in the ministerial declaration and on the pursuit of Lebanese government and some parliamentary alliances to move forward human rights of Palestinians who are residing in Lebanon, so the parliament democratic assembly alliance issued four law proposals to be approved in parliament. The contents of these proposals focused on the right to work and owning property and abolition of the principle of reciprocity along with benefit of Palestinians from contributions of social security; while, Syrian Social Nationalist Party submitted a law proposal to confess all human rights as a whole basket.<sup>11</sup>

As a result, the president of Parliament Nabih Berri called for plenary session to the Parliament on 15/6/2010 to discuss and approve the draft laws. Before the meeting, a storm of rejecting attitudes were occurred by particular parties. It is seemed clear that the Lebanese internal situation is not yet mature to accept providing Palestinians with their human rights. So, this pushed the president of parliament to postpone the session and referring the law proposal to the administration and justice parliamentary committee which started to discuss law proposals over six meetings before presenting them in the plenary session in the parliament which held in 17/8/2010 and this formed an important movement in the course of human rights for Palestinian refugees who are living in Lebanon; whereas, the meeting had approved some legal amendments which came as compromises between the political parties and sectarianism. A simple amendment was introduced to Article 59 of labor law and another amendment to Article IX of Social Security; whereas, other rights were excluded including the rights of workers in the professional sectors.

The important issue in these amendments is that the discrimination was kept since they had kept obtaining the work permit firstly and ignored the rights of workers in free professions secondly<sup>12</sup>, under the pretext that this issue falls within the authorities of concerned syndicates, and this leads to keep a large number of Palestinian people intentionally under the burden of deprivation from right to work.

But what is positive in this issue is that Lebanese parliament and a large number of Lebanese from various political and sectarian affiliations had convinced that it is impossible to keep the conditions of misery and suffering for Palestinians. In addition, they admit the difficulty of applying the principle of reciprocity on the Palestinian refugees because of their political and legal

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<sup>10</sup> Review the ministerial declaration on the website of Lebanese Minister Council: [www.pcm.gov.lb](http://www.pcm.gov.lb)

<sup>11</sup> Refer to Fathi Kuleib: Palestinian Rights in Lebanon... in the light of proposed law projects: [www.group194.net](http://www.group194.net)

<sup>12</sup> Some prime ministers after the Lebanese parliament session dated in 17/8/2010 had excused their rejection of discussing the Palestinian worker rights to that Lebanese syndicates are concerned by these issues and not the parliament so that the parliament can't go over the authorities of syndicates. But this excuse is lacking the accurateness since the syndicates are operating according to the laws which were put by parliament; consequently, and according to the law logic, whoever had organized a law can modify it, add to it or eliminate it.

situations, so this principle had been canceled at the level of the right to work for workers only. Consequently, this cancellation was supposed to be an introduction to liberate right to work, for the workers and professionals, from all the conditions which imposed on foreigners, and this will contribute to improve the economic and social conditions of refugees. Just keeping the discriminatory situation, both in terms of the conditions to obtain a work permit and exclusion of Palestinian professionals from right to work, which confirms that there are no future changes in Palestinian work domains...

### **What is the real situation of Palestinian professionals, and what is their status?**

According to UNRWA statistics at the beginning of 2012, the number of Palestinian refugees in Lebanon who are registered in the records of the agency is (455,373 people). Of those, (350,899 people) are distributed inside 12 camps and (104,474 people) are located outside camps in various Lebanese provinces<sup>13</sup>. But the actual number of refugees who are living in Lebanon is usually less than the stated number, both for those who are enrolled in the records of relief agency or in specific Lebanese institutions, and that if we didn't take into account the large numbers of Palestinians of Lebanon who have obtained Lebanese nationality in accordance to the decree of naturalization issued in 1995; in addition, to other Palestinians who were written off from the records of Lebanese General Security after they had obtained other nationalities. Also, there was a considerable number of Palestinians who had left Lebanon with the establishment of Palestinian Authority, so the actual number of Palestinians who are living in Lebanon is reduced to below half.

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This conclusion meets with the numbers of family survey which was conducted by UNRWA in cooperation with the American University in Beirut on December 15<sup>th</sup>, 2010. The results of survey was to provide numbers that could help the concerned authorities (the Lebanese government and UNRWA) in determining or changing patterns of dealing with the economical and social situations of Palestinians in Lebanon.

At the level of Palestinians number which is still for some people as a scarecrow invoked every time; whenever, the rights of Palestinians are raised on a debatable table seriously. It was clear that all the parties who are concerned by the Palestinian file in Lebanon provide numbers in accordance to their political attitudes to the extent that some Lebanese politicians exceeds the number to million, in an attempt to confirm the inability of Lebanon to bear the burden of Palestinian economically and socially.

The number which was announced by UNRWA in the survey is close to the numbers that the Palestinians were talking about, as it was said in this survey that the numbers are ranging from (260 people) to (280 people), half of whom are under the age of 25 years.<sup>15</sup> Basing on that, for those who are trying to exaggerate by manipulating the numbers have to re-consider the situation

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<sup>13</sup> Media office of UNRWA- Gaza- July 2011

<sup>14</sup> Refer to Fathi Kuleib- Nakba Pain, issued by Dar al Takadom Company for Press, Printing and publishing.

<sup>15</sup> The official website of UNRWA: [www.unrwa.org](http://www.unrwa.org)

by looking at this issue from the perspectives of difficult economical and social situations that other had talked about and built upon their attitudes and scenarios which are not precise, in order to reach conclusions that push Palestinians to emigrate out of Lebanon basing on the background of Lebanese sectarianism and demography.

Generally, Palestinian workers or professionals are distributed over three classes:<sup>16</sup>

1) Wealthy class which is few in number had taken their money with them from Palestine and transmitted their experiences in financial, real estate, business and banking domains. This group had engaged in the Lebanese economy, and many of them had got Lebanese citizenship in early stages.

2) Middle class which had owned the professional and educational experiences; some of them had left Lebanon towards the Gulf and other countries from years looking for livelihood; when, the work potentials were closed in front of them, and some of them remained in Lebanon struggling in order to secure a decent life...

3) And the third class which is the largest class is turned by the pressure of Lebanese laws to cheap manpower earning their livelihood through seasonal and hard work away from all legal protection forms.

The Palestinian labor force is centered on the areas, where difficult labors and careers are, such as construction, agriculture, bakery, gas stations and some small crafts due to the weakness of Lebanese manpower operating in this area; whereas, the Lebanese laws are not stressful in these areas of work which are mostly seasonal, and the worker is paid low wages, as well as there is lack of all health and social guarantees.

In a recent study about this issue, it was found that three out of ten Palestinian workers are employed in occupations that need specialization, as teachers, social workers, workers in health sector, engineers or specialists in computer and accounting work domains. The wages of majority of those Palestinian workers are very low according to different occupations and employers. 42 percent of workers earn between 320 and 500 dollars; while, 47 percent of Palestinians workers receive salaries below the minimum wage.<sup>17</sup>

### **Syndicates in Lebanon, and the Palestinians' right to register in them**

Basing on the nature of Lebanon and its particular circumstances, there is an obvious overlapping between issues of syndicates and the political and sectarian situations and even religious ones; therefore, we can't talk about syndicates without taking into account the political and sectarianism alignments, and without keeping out the objective factors of forming syndicates

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<sup>16</sup> Fathi Kuleib- the preceding reference

<sup>17</sup> The potentials of Palestinian youths, a study for "Lebanese – Palestinian Coalition for Right to Work", Safir newspaper 14/10/2011

whose history is linked to Lebanese history and political system that is based on the consensual democracy.

Syndicates play direct political role in Lebanon, and they are distributed over Lebanese governorates. According to the head of the work and professional relationships in the Ministry of Labour Abdallah Razzouk, there are (45) Syndicate Unions are divided into sectors and multiple professional groups and included large number of syndicates (565 syndicates): (213) employer syndicates and (352) employee syndicates.<sup>18</sup> According to the Labor Law, the Labor ministry has the right to give or deny licenses in accordance to articles No. 86 and 87 of the Labour Law. Foreigners may, in accordance to article 92, register in syndicate if/s/he was authorized to work in Lebanon<sup>19</sup> (means: having work permit). By practical interpretation, Palestinian is not entitled to either establish a syndicate or join syndicate because s/he is not enjoying more than one condition such as: nationality, principle of reciprocity and having a work permit.

In terms of professions, Palestinians are forbidden to work in all professions that are organized by laws which are (22) careers: Industrialists Association, Association of Banks, Insurance Companies Association, Publishers Union Syndicate, Hotel Owners Syndicate, Travel and Tourism Agencies Syndicate, Owners of Car Rental Agencies Syndicate, Dental Syndicate, Medical Syndicate, Press Syndicate, Cashiers Syndicate, Pharmacists Syndicate, Licensed Topographers Syndicate, Lebanese pilots syndicate, Lawyers Syndicate, Editors syndicate, Journal Photographers Syndicate, Nurses Syndicate, Engineers Syndicate, Licensed Accounting Experts Syndicate, Syndicate of gold and jewelry industry, and Syndicate of public works and construction contractors ..

### **Numbers and facts about the Palestinian Professionals**

According to statistical study issued by Palestinian and Democratic Youth Union, the number of Palestinian graduates is between 2500 - 2750 students distributed at different universities in Lebanon<sup>20</sup>; while, according to another statistics, the number of graduates is slightly higher than the above number , in addition to a small number of graduates who hold degrees from universities outside Lebanon. Moreover, the percentage of graduates in scientific domains and who are eligible to join professional sectors (engineers, doctors, pharmacists and others) is not more than (20 percent). According to Palestinian syndicate memorandum, the number of Palestinian professionals in Lebanon is divided as follows:<sup>21</sup>

- ❖ Human rights activists: 60 activists are registered in the lists of the General Union of Palestinian Jurists which related to Palestinian Liberation Organization. The majority of

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<sup>18</sup> Lebanese Syndicates To Where? The website of Fidelity Union for Worker and Employees syndicates in Lebanon: [www.syndi-alwafaa.org](http://www.syndi-alwafaa.org)

<sup>19</sup> Lebanese Labor Law: refer to website of Labor Ministry: preceding reference

<sup>20</sup> Interior document issued by Palestinian and Democratic Youth Union in Lebanon. ( ASHD)

<sup>21</sup> Suheil Al Nator, Palestinian Situations, issued by Dar el Takadom Company for Press, Printing and Publishing, number 25- 2012.

- them do not work within their field of specialization because of the harshness of Lebanese laws and the laws of syndicates.
- ❖ Doctors: 250 doctors registered in the lists of General Union of Palestinian Doctors, most of them work at UNRWA and Palestinian Red Crescent Hospitals, and for those who work in Lebanese health institutions; they work either secretly or in the names of Lebanese doctors.
  - ❖ 150 dentists registered in the Union.
  - ❖ Engineers: 400 Engineers are registered in General Union of Palestinian Engineers.
  - ❖ 60 workers in the fields of photojournalism and editing
  - ❖ Employees and workers in the industry: most of the workers in the industrial sector are employed without signing contracts or having work permits. The owner of factory didn't announce that legally to avoid paying money, and to practice on them exhausted exploitation. The factory owner usually reduces the wage and doesn't pay for social security because of that, there are no fixed and known numbers, but there's estimation number which may reach few hundreds.
  - ❖ 100 accountant (estimated number)
  - ❖ Nurses and the professionals in medical care department: There is a lot of them, about one thousand nurses, X- ray specialists or workers at Laboratories who are distributed between UNRWA and Palestinian Red Crescent clinics and doctors in the camps, in addition to the exploitation of Lebanese hospitals for these labor force without signing work contracts and having guarantees to fill the existing gap in this sector.
  - ❖ 100 Jewelry merchants (estimated number)

If the actual number is little more than the numbers which are mentioned above since the above numbers are only for those who registered in the records of Palestinian Unions. UNRWA and local NGOs are considered as two important sectors for the recruiting the Palestinian professionals, as statistical figures show that 37% of Palestinian employees who graduated from universities, as well as 22% of employees who are having semi-professional degrees receive their salaries from UNRWA. In addition, 9% of university graduates are employed by Palestinian Red Crescent Society and other local NGOs, and 13% of them are working for PLO or Palestinian factions. Moreover quarter of university graduates who are almost living inside the camps are working in the Lebanese labor market (in the labor market outside the camps); while, this percentage rises among Palestinians outside the camps.<sup>22</sup>

The majority of them can be classified as the following: (93%) are professionals and managers, of those 63% work in education, health and social work, (22%) work in the social services, (6%) work in trade, hotels and restaurants, (3%) work in the industry, (3%) work in the financial and real

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<sup>22</sup> Discrimination against Palestinian Workers in Lebanon: Sari Hanafi and Awja Tiltans, Palestinian Studies Magazine number 77, winter 2009

estate sectors, and few of them work in the field of transportation and communications at (1%), and (1%) of them work in construction.<sup>23</sup>

In general, Palestinian professionals share suffering with their compatriots of workers in the case of deprivation from right to work. If the Lebanese laws impose certain conditions on Palestinian workers (who are wage earners), the deprivation according to Palestinian professionals is almost totally for different professions... The problem for Palestinian professional sectors is double: at the level of Lebanese law and at another level of concerned syndicates which impose severe restrictions on foreigner who wants to practice a particular profession in Lebanon. The restrictions on Palestinian reach the level of intransigence in legal requirements which cannot be applied on Palestinian because of his legal status as refugee...

In the absence of laws that govern the affairs of Palestinian refugees who are living on Lebanese territory, the Lebanese labor law had two basics in dealing with foreign workers in Lebanon, including Palestinians, in terms of having work permit: first, the priority of Lebanese worker is over other foreign workers. Second, taking into account the principle of reciprocity... At the level of syndicates, the Lebanese Labor Law which issued on September 23<sup>rd</sup>, 1946 had entrusted the task of organizing the principles of the liberal professions to syndicates themselves; when, the law pointed out in its article 83 that "in each category of occupations, the employers and workers have the right to create their own syndicate that has its moral personal and right of litigation..."<sup>24</sup>

Through reviewing the bylaws of all syndicates, it is clear that the foreign professionals are subjugated to certain conditions which must be adhered to in order to practice the profession. When Palestinian in Lebanon was classified as a foreigner and Palestine is still occupied, the politicians in Lebanon both at the level of syndicates and certain ministries had concluded that Palestinians cannot work in Lebanon... You can see this issue through access to bylaws of all professional syndicates which are organized by laws.

Article 59 of Lebanese Labor Law states that "foreigners enjoy the rights, which are enjoyed by Lebanese workers; when, the foreigners are discharged from their work under the condition of having principle of reciprocity and obtaining work permit."

In practical application, the worker does not benefit from the text of this article because of two banned conditions, and those two conditions have different interpretations in the possibility of applying them on the Palestinian. However, the interpretation of the Lebanese authorities says the Palestinian worker cannot take advantage of the rights of dismissal from the service because there is no Palestinian state in reality and on the ground that can treat Lebanese similarly; while, the other explanation is exactly the contrary... which says there is possibility to apply the principle of reciprocity on the Palestinian worker, and this interpretation start from the following:

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<sup>23</sup> Discrimination against Palestinian Workers in Lebanon- preceding reference

<sup>24</sup> Lebanese Labor Law: preceding reference

Until the moment of stopping dealing with Palestinian laws which was applicable during the Mandate period, the Lebanese citizen was not considered as a foreigner in accordance to the text of article (59) of Palestinian Constitution (1922), which specified word by word the following: "the word" foreigner" means one of European, American or Japanese citizens, but it does not include:

- 1) Authentic residents of the country which placed under the protection of European country or administered under a mandate that granted to one of European countries.
- 2) Ottomans Citizens.

This constitution remained effective in Palestine till year 1948, and it is known that Lebanon was under French mandate- European country until 1943. After that date, the status of Lebanese had not changed in Palestine, which means that the principle of reciprocity was never raised, because the Lebanese was treated equally as Palestinian at the level of human and civil rights, and he was not subject to any discrimination, but he was enjoying social benefits the same as Palestinian citizen.

The basis of the solution and release all human rights lie in exclusion Palestinians from the principle of reciprocity for the lack of its objectivity because there is no independent Palestinian state with sovereignty. As it is known, Palestinian people are struggling to have an independent state and Jerusalem as its capital, as well as to have the right of return to their homes and land under the UN resolution number 194. Lebanon is one of the countries that paid and is still paying a heavy price to accomplish the Palestinian national rights. It is the duty of the government to support the struggle of refugees for this and not to use this issue to deprive the Palestinian people from their human rights.

## **Nursing Sector**

According to statistics, "World Health Organization" for year 2007, the number of nurses in the world is fifteen million; while, the female ratio is ninety percent of total number<sup>25</sup>. In Lebanon, there is about (9460) female and male nurses registered in syndicate. The ratio is 13.2 nurses for ten thousand inhabitants.<sup>26</sup> It is normal according to the Lebanese interpretation not to include Palestinian nurses within the official statistics provided by the Order and Lebanese Ministry of Health because Palestinians didn't have permit to practice this profession from Ministry of Health.

The percentage of those who are involved in the work centers is (82) percent, while the percentage of female nurses is (81) percent. For those who work in the nursing sector, (87.67%) of them work in hospitals, (4.3%) work in health care centers , (1.19%) work in the schools, and (3.26%) work in universities and institutes in addition to (0.21%)work in home care domain.<sup>27</sup>

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<sup>25</sup> The official website for World Health Organization [www.who.int](http://www.who.int)

<sup>26</sup> The official website for Order of Nurse in Lebanon: [www.orderofnurses.org.lb](http://www.orderofnurses.org.lb)

<sup>27</sup> Safir Newspaper: 16/5/2011

In terms of numbers of Palestinian nurses who are working in Lebanon, there is no official number to be considered as reference because of the absence of concerned bodies that involved in this sector. If there are for Palestinian professional sectors, unions and institutions to follow up the situation of sectors, the professionals who work in the sectors of nursing, trade and accounting do not have any institution or association take cares for the professionals' situations; therefore, the overall picture for workers in nursing sector remain vague and unclear regarding the data and the accurate numbers.

In spite of that, we can adopt more than one way to get the approximate data, including the number of graduates from universities and vocational institutions, and the number for those who registered in Palestinian unions and who work in famous Palestinian health centers such as UNRWA and Palestinian Red Crescent.

Proceeding from the data, which was provided by different educational institutions, about the number of Palestinian graduates and by health institutions which are operating in the camps, the number of Palestinian nurses is between (750 and 1000) nurses (nurse, assistant nurse, radiography specialist or Lab specialist)<sup>28</sup>, and they are distributed over Palestinian refugee camps in all Lebanese governorates. If we take in consideration that most of nurses are distributed on health centers, UNRWA, hospitals of Palestinian Red Crescent and some health centers in the camps, the number of qualified nurses that supposed to work in Lebanese hospitals and health centers which are operating outside the camps is reduced to its minimum.<sup>29</sup>

Some attribute the reason of increasing the number of Palestinian nurses who work in Lebanese hospitals to the problem of having lack in the number of Lebanese nurses; whereas, the Lebanese prefer to emigrate to outside because of having better working conditions there, and this usually leads the Palestinians to work in this profession to fill the shortfall and because of easiness to access to this sector; although, some Palestinian nurses are exploited by the owners of hospitals and health centers as a result of absence of legal protection which produces a lot of legal, economical and social problems.

### **Palestinians nurses and the right of practice the profession:**

According to the decree No. 1077 dated on 18/03/1978 which organizes the nursing profession, no one is entitled to be a licensed nurse; unless, s/he has some conditions. First of all, s/he must be Lebanese and reached the age of nineteen, and the same conditions are required for nurse. The non-Lebanese nurse licensed to practice the profession in his/her country, and sent by an entity, institution or international organization licensed to operate in Lebanon, may practice the profession within the scope of functions entrusted to him. (Article XII) 30

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<sup>28</sup> Estimation numbers done by Democratic Gathering for Palestinian Workers in Lebanon

<sup>29</sup> Review the documents of second conference for Democratic Gathering for Palestinian Workers that conducted in 31/7/2011 in Tawfic Tabara Center

<sup>30</sup> The official website for Order of Nurse in Lebanon: preceding reference

Moreover, for non Lebanese nurse who is a member in educational systems at nursing schools in Lebanon, s/he can practice nursing education under the following two conditions:

- 1) He must be licensed to practice the nursing profession in his country.
- 2) He must sign work contract for certain period with one of nursing schools in Lebanon, and he must work full time in school of nursing education; in addition, he must not entitle to have additional payments to his salary, meaning no remuneration for his own account on any professional work must be done inside or outside the school. (Article XIII)

In most cases, the percentage of foreign nurses should not exceed twenty percent in each school for education or hospital for training. Each school or institution would like to hire nurse who is not Lebanese to register him in the Ministry of Public Health and inform the ministry about the end of his service. (Article XV)

Each nurse who practices the profession illegally or holds the title of nurse illegally will be subjugated to the penalties which are stated in Article 393 of Penal Law. Therefore, the foreigner (Palestinian) is not entitled to practice the nursing profession, only after getting the license from the Ministry of Public Health. The study which was issued by "Coalition of Right to Work Campaign" indicated that twelve professionals had applied for work permits, but only seven of them (5 males and 2 females) succeeded in obtaining the work permits between years 2005 and 2010. Four of them are working in nursing sector, one teacher, and two specialists who are working in information technology and computer domains.<sup>31</sup> Anyone who practices nursing profession illegally will be subjugated to the penalties stated in Article 393 of the Penal Law. (Article XXI) Anyone who holds nursing signals illegally will be subjugated to the penalties stated in Articles 94 and 95 of the Penal Law. (Article XXII)

What is benefited from these texts that Palestinian nurse is not entitled to practice the profession for more than one reason:

First: he must have the Lebanese citizenship.

Second: he must be licensed to practice the profession in Lebanon.

Third: he must hold a special certificate for the profession.

Fourth: some administrative transactions are not available for the Palestinians, since the law is directed to foreigner who wishes to enter Lebanon, and there are no special measures for Palestinian who resides in Lebanon to register in syndicate, and that leads to not having the necessary required conditions to practice the profession.<sup>32</sup>

Consequently, the first condition can be applied to nurses who are working in the framework of UNRWA which is an international organization and staffs, who are working in UNRWA, get out

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<sup>31</sup> Discrimination of Palestinian Workers in Lebanon – preceding reference

<sup>32</sup> Review the membership application to Order which clarifies the conditions and documents needed

from authorities of Ministry of Health and concerned syndicates, and the work permit becomes a constraint since it requires a lot of conditions that are not available in Palestinian... In addition, he can't join the Order of Nurse for more than one reason added to the reasons which were mentioned above, the problem of certificates and the dispute over their classification academically. As many Palestinian nurses who have (BP & BT) certifications cannot join the syndicate. This is a general problem, and it's not concerned only by Palestinians but by all Lebanese and foreigner nurses who are working on Lebanese territory; it is an additional problem which increases the difficult situations for Palestinians.

The decree 1655 dated on 07/01/1979 which organizes nursing profession had set by its subsequent amendments three levels in nursing:<sup>33</sup>

- 1) Certified nurse: who holds university degree (BS) or technician license (TS).
- 2) Nurse: who holds a technical Baccalaureate (BT).
- 3) Nurse Assistance: who holds a supplementary technical certificate (BP).

Accordingly, we can find universities which provide nursing certificates and professional institutes which provide nursing certificates recognized by the Ministry of Education. The number of these institutions is not small (341 private institutes and 93 official Institutes). The core of the problem is the lack of coordination between the Ministries of Education and Health; whereas, the ministry of education allows the students who fail in Brevet official exams to continue their education in the field of nursing and get technical baccalaureate (BT), while the Ministry of Health refuses to give those authorized permit to practice the profession.

However, we find that there are a large number of Palestinian students, who move toward choosing nursing profession for more than one reason, of those:

1. The reluctance of many Lebanese to work in this profession for economic and conceptual reasons; they consider that this profession is dedicated for females only. The same thoughts are found in Palestinian communities as well. The previous study of coalition of right to work campaign had shown "that employment rates among young women who graduated from universities are twice the rates of employment among young men."<sup>34</sup>
2. The universities and professional institutes are close to some camps (Sidon, Tyre, and North).
3. The Lebanese market had closed its doors in front of all graduates, and that prompts some of them to switch to study nursing profession because they have the possibility of getting a job rapidly, whether in hospitals or in some centers in UNRWA and Palestinian Red Crescent.

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<sup>33</sup> The official website for the Order of Nurse in Lebanon: preceding reference

<sup>34</sup> The Potential of Palestinian Youth in Lebanon: preceding reference

4. The possibility of securing work outside of Lebanon as a result of the scarcity of nurses in many countries.

In terms of the problems that face many workers in the field of nursing in addition to legal problems, there is problem in the way of dealing with nurses in the health centers, and the employers take the opportunity of not having most of nurses work permits. The nature of the problems are varied; there are problems in having low salaries, elongation of work hours, absence of health and social guarantees, emergency work, sick leave and maternity leave. According to the bylaws of Order of Nurse, the Palestinian nurses do not benefit from compensations of retirement fund, disability fund and compensations because of accident arising from the practice of the profession because they are not registered in the syndicate.

Perhaps, the most important problem is the arbitrary dismissal, and this issue is occurred with many nurses either due to aging or as a result of appointing of new staff who are less costly. So, many demobilized nurses didn't find any legal ways that can be used as a result of their illegal situation and they were working without signing any contracts or getting any work permits.

#### **Conclusions:**

##### **At the Lebanese level:**

The current situation and legal chaos, which are experienced by Palestinian workers in Lebanon, whether they are workers or hold university degree, require a new organization from the Lebanese government to end the injustice situation which practice over the Palestinians. Palestinians are living in Lebanese territories, and some of them are working in a way or another, so this situation need to be organized through laws:

- Issuing a law which takes into consideration the exceptional situation of Palestinians in Lebanon who are part of the brotherly community, and their real situation different from the rest of Arabian and foreign citizens who are residing in Lebanon.
- Unification of legal references regarding Palestinian nurses, because the status quo is more like a state of chaos between the three references; whereas, each reference often had authorities which conflict and interfere with each other (Ministry of Health, Ministry of Labor and Order of Nurse).
- Legislation the situation of Palestinians who work in free professions either through syndicates or by taking into consideration the special situation of Palestinians and identify legally their syndicates that are established on Lebanese territories in the framework of processing the Palestinian file in general ...

**At the Palestinian levels:**

- Invite the Palestinian Liberation Organization in Lebanon and the Palestinian factions to work on establishing nurse and accountant syndicates in order to take the responsibilities of defending the interest of Palestinian workers and negotiating their problems at various levels and in all forms.
- Raise the status of Palestinian professionals in general and nurses in particular with Lebanese political unions and Lebanese syndicates far away from the issue of the right to work for professionals...
- Forming a wide media campaign through workshops and movements to highlight the consequences of keeping the status of professionals without changing, on the other side to take out some of the concerns that may be invoked by some people to avoid the approval of their right to work freely.

**Civil Society Institutions:**

- Raise the file of Palestinian workers in the professional sectors, either through the Lebanese government and concerned human right organizations or contributing to the work through establishing unions which do not exist at present as unions of nurses and accountants.

## **Conditions of having Membership in Order of Nurse in Lebanon**

### **Foreigners:**

Foreign, non-Lebanese nurses may adhere to the Order provided all conditions are met, and provided all legal and exercising capacities are present; the following documents must be attached to the application:

- 1- Two certified passport pictures
- 2- A certified photocopy of the passport
- 3- A copy of the license to exercise the profession issued by concerned authorities of the country of origin, legally certified and bearing a date not exceeding a maximum period of 3 months.
- 4- A copy of degrees, along with equivalences issued by equivalence offices, in conformity with laws and regulations in force in Lebanon.
- 5- A certified copy of the work permit issued by the Labor Ministry in Lebanon.
- 6- A certified copy of the residence permit of a minimum validity of 6 months, issued by the General Directorate of the General Security
- 7- Pay the membership fees of the Order as determined by the General Assembly of the Order.

The Council of the Order studies the applications during the first meeting after their submission, or during a maximum period of two months after the registration of the application before the Secretariat of the Order Council. Any application bearing all requirements shall be accepted; any rejection of an application in compliance with the required conditions must be justified.



## Educational Achievement

**11. The school degree/ or equivalent: year:** \_\_\_\_\_

\_\_\_ Brevet      \_\_\_ Baccalaureate first year      \_\_\_ Baccalaureate second year

In case of having equivalent degree, indicate: \_\_\_\_\_

Country

No. of equivalent certificate

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Date

12. Vocational or university nursing certification	School year		School/Institute/ University	Country
	from year	To year		
<input type="checkbox"/> Technical Brevet (BP)				
<input type="checkbox"/> Technical Baccalaureate (BT)				
<input type="checkbox"/> Technical Excellency (TS)				
<input type="checkbox"/> Technical License (LT)				
<input type="checkbox"/> Bachelor of Nursing Science (BS)				

**12. Work permit is given to practice profession on Lebanese territories:** \_\_\_\_\_ Yes  
 \_\_\_\_\_ No

**If yes:** Number of reservations:  The number issued by Ministry of Health:

Date:

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**13. Certification issued by equivalent committee:** \_\_\_\_\_ Yes      \_\_\_\_\_ No

If yes, it is issued by High Education: \_\_\_\_\_ by technical and vocational Education: \_\_\_\_\_

Certification Number:

Date: 

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**14. Other University or vocational degrees:**

Name of degree	Year of graduation	University or institution	Country

**The Current Occupational Situation**

I work: \_\_\_\_\_ in nursing field      \_\_\_\_\_ not in nursing field

I don't work: \_\_\_\_\_ I don't work currently      \_\_\_\_\_ retired

**1. Current Work:**

Work time: \_\_\_\_\_ full time      \_\_\_\_\_ part time      \_\_\_\_\_ contractual

Name of organization: \_\_\_\_\_

Organization Address: \_\_\_\_\_ Telephone Number:

Type of work: \_\_\_\_\_ Sector: \_\_\_\_\_

Date of employment in the current work:

**2. Other work:**

Work time: \_\_\_\_\_ full time      \_\_\_\_\_ part time      \_\_\_\_\_ contractual

Name of organization: \_\_\_\_\_

Organization Address: \_\_\_\_\_ Telephone Number:

Type of work: \_\_\_\_\_ Sector: \_\_\_\_\_

Date of employment in the other work:

**3. The previous work experiences according to time order (from recent to old)**

Name of organization	Position	Sector	From year/ To year

Registration in Social Security Fund: \_\_\_\_\_ Yes      \_\_\_\_\_ No

If yes: No. of Registration:       Date of Registration:

If No: the guaranteed side: \_\_\_\_\_

**Special Field for foreigners:**

Work Contract: \_\_\_\_\_ Yes      \_\_\_\_\_ No

If yes: the contract starts on date:

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It ends on date:

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I am the one who signed below, I certified that the information is correct and I bear the total responsibility

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Special field for Order council:**

The application was seen by administrative committee on: \_\_\_\_\_

The application was seen by order council on: \_\_\_\_\_

**Signature of administrative committee**