Lebanon in Times of COVID-19: A Series of Crises

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Lebanon is facing an unprecedented crisis due to the continuous political turmoil and the unfolding economic and financial meltdown, exacerbated by the Covid-19 pandemic. This situation was further aggravated by the devastating 4 August explosion of 2,750 tonnes of Ammonium Nitrate at the port of Beirut that killed over 200 people, injured more than 7,000 and left thousands of residents without a roof. To date, justice has not been served, and no one has been held accountable. The combined impact of these crushing tragedies in addition to the rampant inflation is catastrophic on citizens' livelihoods.

To ease the burden, Lebanese authorities decided to relax restrictions ahead of Christmas holidays, from 23 December until 3 January, whereas most countries adopted restrictive measures to limit the spread of the virus. Concerts, parties, and overcrowded gatherings in addition to neglecting precautionary measures led to a wide spread of the virus. Running out of intensive care beds, a total lockdown was enforced from 14 January till 8 February of 2021. Lebanon has hit a record number among Arab countries with 548 infected persons per million. On 15 January, 6,154 positive cases were recorded, the highest number so far.

There is a lack of long-term strategy to mitigate Lebanon's multi-layered crises, heavy government debt, government gridlock and political polarisation. The absence of accountability is an additional reason to the state's failure. This paper focus on three crises the Covid-19 pandemic has confounded in a country where sectarian elites continue to ignore calls for deep political and economic change: the Lebanese government's legislative response to the pandemic and lack of transparent oversight, local authorities' response to the pandemic, and grave human rights violations against the incarcerated and most vulnerable.

The Rule of Law Challenged

The first case of Covid-19 was confirmed on 21 February 2020 and the number of affected citizens has continued to increase drastically to date. On 15 March 2020, the Council of Ministers adopted exceptional regulations to tackle the pandemic. It issued Decree No. 6198 related to "Declaring the State of General Mobilisation to counter the spread of the Coronavirus", referring to the 1957 law on Infectious Diseases and Legislative Decree No. 102/1983 on National Defence. The most prominent restrictive measures stipulated in the GMP decree were the prevention of gatherings in public or private places, the limitation of the freedom of movement to extreme necessity, the closure of borders, schools and universities, and closure of most private institutions except banks, bakeries and supermarkets. The GMP decree was followed by Decision No. 49/2020 that stipulated that the Lebanese Army

Forces (LAF), security forces as well as municipalities and unions of municipalities should implement the decree and prosecute violations before the judiciary.

However, a recent [policy paper](#) produced by DRI showed that the measures adopted to counter the threat of infections were not only inadequate, they were also correlated with greater militarisation of the government's response. To avoid the increased concentration of powers into the hands of the executive, the Lebanese parliament should have adopted a law regulating the state of public health emergency, or at least enact a comprehensive amendment to the existing law of 1957. The latter was only partially amended to include Covid-19 among infectious diseases without detailing the scope of intervention of the Ministry of Public Health to tackle the pandemic or even delineating the jurisdictions of the different authorities. The parliament therefore failed to propose a comprehensive legislation that counters the pandemic and at the same time checks the ever-growing authority of the executive. In the same vein, the judiciary failed to protect basic liberties and civil rights against the excesses of the executive.

Amid growing political tensions, the decision triggered criticism towards the government's response and called for a State of Emergency (SoE). However, the government refused to declare such a measure as it would be required to undergo parliamentary scrutiny, unlike the GMP.

A SoE was enacted once in Lebanon, in 1967, through Legislative Decree No. 52/1967, in accordance with Article 65 of the Constitution. The decree provides that during a SoE, all security forces are placed at the disposal of the LAF as the Higher Military Authority.

The SoE may be declared in

> "all or part of the Lebanese territory when the country is exposed to an imminent danger resulting from a foreign war, armed revolution, actions or turmoil threatening public order and security, or in the event of incidents characterised as a disaster".

To be declared, the SoE requires a decree voted by a two-thirds majority in the Council of Ministers. The parliament is then bound to convene within eight days to ratify the decree. The Lebanese government ultimately resorted to the SoE on 5 August, the day after the Beirut port explosion. It was ratified by the parliament on 13 August.

The declaration of the SoE was controversial because according to the Legislative Decree No. 52/1967, it begins the day the Council of Ministers declares it. However, the Speaker of the Parliament declared that it starts as of the confirmation of the SoE by the parliament. Moreover, initially settled for two weeks, the extension of the SoE violated the constitution; less than two-thirds of the caretaker cabinet members were present to vote the extension of the measure. Despite the lack of quorum, the SoE was extended twice illegally and unconstitutionally till 31 December 2020 by publishing an administrative memo rather than a decree, as stipulated in the Legislative decree No. 52. The SoE enactment was contentious since the GMP was

sufficient to deal with the aftermath of the explosion and it did eventually not prove effective against the spread of Covid-19.

Local Authorities on the Frontline

The government's response was immediate; on 10 March, the Ministry of Public Health (MoPH) issued its Covid-19 "Health Strategic Preparedness and Response Plan", right before the GMP's adoption. Since then, the GMP was renewed nine times with the signatures of the and is still in force until the end of March 2021, according to the latest Decree No. 7315 issued on 31 December 2020.

Moreover, in a circular dated 19 March 2020, the Ministry of Interior and Municipalities (MoIM) called upon regional governors, each within their area, to undertake full supervision of the implementation of the GMP and follow-up with all authorities in charge of implementation. The circular mentions that Union of Municipalities should set up a detailed plan to assist municipalities financially, logistically and with the necessary human resources. Despite these measures, the number of Covid-19 cases began to skyrocket as the country grappled with the aftermath of the port explosion on 4 August 2020. According to the Country Director for the International Rescue Committee in Lebanon, "since the day of the explosion, we've seen a 220 per cent increase in the number of Covid-19 cases in Lebanon". The health care system was treating in parallel thousands of people wounded by the blast while having three of Beirut's major hospitals damaged. Despite the efforts of public authorities, the mounting pressure on Lebanon's already challenged infrastructure undermined an effective response to the pandemic.

Local authorities have played a vital role in supporting the government in implementing and monitoring initiatives and measures to fight Covid-19 on a local level. These authorities are the main interface between government and the population. Several memoranda and circulars were issued to regulate municipalities' role in containing the virus. However, local authorities remain unable to perform their functions to the fullest and deliver sufficient public services because of limited human and financial resources and a weak administrative capacity.

Their dependence on the central government as well as the absence of political autonomy continues to confirm the need for decentralisation and empowerment of local governance based on the principles of subsidiarity and local autonomy. This would boost local authorities' power to mobilise resources and perform better. In its assessment report on the performance of municipalities and unions of municipalities across Lebanon, UN-Habitat noted that unions are implementing the needed measures to control the spread of the virus. However, "due to lack of expertise and of sufficient human and financial resources, the implementation of those measures is at times ineffective and costly".

Local capacities remain at the mercy of the central government's discretionary decisions. During October-November, the MoIM issued a series of decisions starting with Decision No. 1205, placing around 215 municipalities under lockdown till the end of November. At first, the selection seemed unilateral based on MoPH data,

where positive cases were high compared to the number of residents. Based on Siren's report on ["Covid-19 in Lebanon: national and local crisis response"](#), "87% of the surveyed municipalities reported not having a role in decision-making process". As local authorities refused to comply with the decision, worrying about its economic consequences, a collaborative approach was later adopted; the acceptance of the partial lockdown decision increased from 45% in October to 72% in November. Paradoxically, 75% of municipalities had expressed their concern towards the decision, compared to 63% of municipalities not having objected the decision.

Grave Human Rights Violations

The principle of human dignity underpins all human rights. Amid increasing violations, protecting this fundamental principle remains the Lebanese government's utmost obligation.

Operating above their capacities, coupled with a lack of hygienic measures and overcrowding issues, prisons are a significant concern. Even deprived from their freedom, prisoners should still be treated with dignity. According to Melhem Khalaf, the President of the Beirut Bar Association, ["the virus in Roumieh prison is tantamount to a humanitarian time bomb."](#) On 16 September, [a](#) leaked video showed the lack of health measures and access to medicine. The ICRC-Lebanon, as showed in its [December 2020 report on Covid-19 response,](#) have been undertaking several measures and monitoring closely the situation. Among various missions, they upgraded prisons' infrastructure to improve hygiene conditions and created a safe place to isolate infected inmates. According to the [Internal Security Forces Directorate](#) (ISF), as of 25 November 2020, 578 prisoners were reportedly infected in Roumieh (maybe aggregate numbers across all prisons), out of whom 566 had recovered.

The Impact on Women and Vulnerable Groups

During this pandemic, gender inequality has been an increasing concern, especially during lockdowns. Lebanon has witnessed various forms of aggression and violence against women.

First, an alarming rise in domestic violence was reported. Incidents of psychological and/or physical abuse have increased. Anxiety, uncertainty, in addition to the scarcity of household savings have escalated the frequency of domestic violence. [According to Ghida Anani, the director of Abaad resource Center for Gender Equality](#), there was "a 20% increase in calls to our hotline and in the number of women seeking safe sheltering in March. Calls to an ISF domestic abuse hotline have also doubled". But women have not broken the wall of fear as many cases remain unreported. Another issue is the increased vulnerability of divorced mothers as lockdown measures were often used as pretext to rob them from their visitation right, especially that freedom of movement is restricted during total lockdowns.

Covid-19 also had a toll on migrant domestic workers (MDW). MDWs are subject to an abusive sponsorship system, known as "kafala", that allows their employers to control their migration status. Due to the pandemic, these workers found themselves confined with their employer with additional workload, no days off, and a salary that is worth much less due to the devaluation of the Lebanese Pound. Many MDWs have managed, with the help of NGOs, to return to their home countries. To protect MDWs' rights, the Ministry of Labour should coordinate with the Ministry of Social Affairs (MoSA) to monitor their working conditions, abolish the sponsorship system, and ensure that they receive their salaries.

Access to Civil Rights: Education

Due to Covid-19, the Ministry of Education and Higher Education ordered schools and universities to close and switch to remote learning. Despite the high quality of education in Lebanon, Covid-19 revealed the weak infrastructure of the education system. Less advantaged schools in remote areas have limited internet access and are experiencing severe financial restraints; some of them have no capacity to adapt and have a shortage in resources.

Even the most prestigious schools, whether public or private, have faced many challenges regarding e-learning, namely power cuts (often up to 12–14 hours a day), no internet access, crashing servers, lack of material, and lack of teachers' preparedness to use these technologies. In its article entitled Remote Learning and the Digital Divide in Lebanon, Social Media Exchange (SMEX), a Lebanese NGO that champions the notion that the internet is a public space made for all, shed the light on the fact that,

> "as Lebanon is forced into the distance education arena, many Lebanese students' digital rights are threatened. Access to technology makes distance learning easier for the rich and harder for the poor, thus increasing the gap between these segments of the Lebanese community".

To ensure the right of education to all, the government should implement an e-learning strategy that includes students with disabilities and those vulnerable to inequalities.

Recommendations Toward Good Governance

Looking back, we have seen how the lack of sufficient and efficient strategies and roadmaps to halt the outbreak has disrupted the economy and threatened the healthcare system as well as vulnerable people. Therefore:

- Lebanese authorities should take stock of these shortcoming and enhance the disaster risk governance on local and national levels in order to "build back better" in coordination with local and international organisations.

- The parliament should prioritise the adoption of the Administrative Decentralisation Bill to strengthen local authorities' work and facilitate citizen's access to public services.
- The parliament should convene to ratify a law abolishing "Kafala" system and include migrant domestic workers in the labour law. Authorities should also ensure that these workers have access to healthcare services and make sure to impose penalties against employers who exploit workers. To report any abuse, a complaint mechanism should also be established.
- The government should provide a financial support, shelters, helplines as well as psychological support for women suffering from domestic violence and increase awareness about these services.
- Judicial authorities should act fast, review complaints, and order protective measures to preserve basic liberties and civil rights.