



Palestinian Nurses in Lebanon A Roadmap to Providing Legal and Social Protection and Security at the Workplace

A Study

A report directed to key stakeholders and officials, as well as Palestinian nurses

The study methodology is based on research, interviews, data cross checking and analysis regarding the improvement of the working conditions and job opportunities for Palestinian nurses in Lebanon.

Implemented by Masar Association

Study Report

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Prepared by Dr. Marie Kortam

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FOREWORD

This study was conducted in the framework of the “Human Rights for Palestinians in Lebanon” Program at Masar Association, which aims at advocating the endorsement of human rights for Palestinian refugees while providing them with decent living, pending their return. Masar implements this program in cooperation with various decision makers, duty bearers, as well as involved Lebanese and Palestinian stakeholders. Masar focuses on building cross-communal bridges between Lebanese and Palestinians, specifically among the youth through the following channels:

- ✘ Organizing field visits or “strolls” for both Lebanese and Palestinian youth to various regions in Lebanon, as well as to Palestinian camps, in order to observe and experience each other’s living realities, which helps in breaking stereotypes and creating common grounds for cooperation.
- ✘ Offering recommendations for policies and laws to various stakeholders and policy makers to the end of endorsing human rights for Palestinians in Lebanon.

The primary focus of this study is to provide legal and social protection, as well as job security for Palestinian nurses in Lebanon. The study report includes specific recommendations to relevant official and influential bodies. It acts like a road map to ensure employment protection and security for Palestinian nurses in Lebanon. We hope this report will help achieve this goal.

Masar Association



Providing Legal and Social Protection,
and Security at the Workplace for
Palestinian Nurses in Lebanon

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- ✕ Ministry of Public Health
- ✕ Ministry of Labor
- ✕ The Order of Nurses in Lebanon
- ✕ National Social Security Fund
- ✕ Lebanese - Palestinian Dialogue Committee
- ✕ United Nations for Relief and Works for Palestine Refugees in the Near East (UNRWA)





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1. INTRODUCTION

One of the approaches to improve the miserable living conditions for Palestinian refugees residing in Lebanon is to enable them to practice professions that are compatible with their specializations. However, Lebanese laws have restricted certain professions strictly for Lebanese, whereas other laws stipulate conditions for non-Lebanese to practice these professions, like nursing. Several studies and articles on the situation of the Palestinian refugees in Lebanon have been published during the past years by a group of academicians, non-governmental organizations, and international organizations, all of which agreed that Palestinian refugees in Lebanon live under strenuous conditions, basically emanating from their precarious legal status. Some of these publications examined as well with the scope of the work¹ of Palestinians, notably the youth, and their suffering due to unemployment and marginalization, in addition to the exploitation they put up with in the Lebanese labor market².

The fate and future of Palestinian youth fall between the realm of the law, reality and the discretionary conditions. In an attempt to understand this predicament, we have decided in this study to address the nursing profession, which Lebanese laws allow Palestinian refugees to practice, albeit under specific conditions. It is through the nursing profession that this report seeks to understand the legal, political and humanitarian dimensions of the work of Palestinian refugees, on the one hand, and to observe the impact of the existence or absence of Lebanese governmental decision or laws, that may forbid, allow or limit the work of a refugee born and residing in Lebanon for decades, on the other.

In this context, the study report aims to: Firstly, shed light on the employment conditions of Palestinian nurses in Lebanon. Secondly, provide the stakeholders in this profession with documented, legal and social knowledge regarding the realities of employment conditions of the nursing profession, which will help to 1) enrich the dialogue amongst these parties to make progress that will positively reflect on the current situation of the Palestinian nurses; 2) allow Palestinian refugees to improve the conditions and prospects of their current job, and to provide them with social protection and job security.

Within this framework, this report aims to analyze both the social and job realities for Palestinian nurses by examining:

- ✗ The employment conditions and circumstances: the current labor situation of Palestinian nurses and the provisos in Lebanese laws relating to Palestinians residing in Lebanon.
- ✗ The legal procedures followed in recruiting Palestinian nurses and the issue of job security, on a par with their Lebanese colleagues.

Based on the main conclusions, the report has been divided into five main sections. The first section describes the general situation of the Palestinian refugees based on previous studies. The second section, through the role of the Order of Nurses in Lebanon and the Ministry of Education and Higher Education, tackles the legal framework of the nursing profession in Lebanon. In the third section, the report touches on the concept of discretion in light of the nurses' work in the health sector in Lebanon, especially in the nursing profession, through the study of laws and exceptions by the ministries of Labor and Public Health, on the one hand, and the experience of those involved in the work, on the other hand, (i.e. Palestinian nurses themselves). The fourth section addresses the challenges facing the Palestinian nurses. And finally, the conclusion presents research findings and recommendations.

2. RESEARCH METHODOLOGY AND FIELD WORK

This report is based on a desk research which covers mapping the laws that regulate the nursing profession in Lebanon and scanning several studies related to the Palestinian refugees' work and the professional orders or syndicates in general. It is also based on qualitative interviews conducted during the period of this study (between April and May, 2020) in relation to the work of Palestinian nurses with the aim to investigate their work conditions and ensure security. These in-depth interviews involved 33 male and female Palestinian nurses working in 17 hospitals across Lebanon. The sample of respondents consisted of 13 female and 20 male nurses, distributed according to their places of work and residence in the North, Beqaa, the South and Beirut regions. The geographical distribution of the sample reflects the extent of Palestinian nurses' presence in all Lebanon (See Table 1). This sample has been chosen as representative of this profession and its relevance to the subject of this study. The report used the "snowball" methodology and the aforementioned number of respondents was sufficient as the data became repetitive, and not adding any new input. In addition to Palestinian nurses, interviews have been conducted with stakeholders, namely the departments considered to be the reference authorities for the nursing profession in Lebanon, and the official departments responsible for labor and employment of Palestinians. These interviews were conducted in the following manner: Ministry of Public Health, Ministry of Labor, the National Social Security Fund, Order of Nurses in Lebanon, UNRWA, and the Lebanese-Palestinian Dialogue

1 ILO (2012), Palestinian Employment in Lebanon: Facts and Challenges: Labour Force Survey among Palestinian Refugees Living in Camps and Gatherings in Lebanon.

2 Marie Kortam, Nicolas-Dot Pouillard (2017), A Future without Hope? Palestinian Youth in Lebanon between Marginalization, Exploitation and Radicalization, Norwegian Peoples Aid (NPA), Beirut.



Committee (LPDC).

When the interviews with the Palestinian nurses began, the reasons for the interview and its purpose were explained and the consent of respondents was taken to carry out the interview via WhatsApp. All interviews were conducted over the phone in view of the Covid- 19 pandemic-enforced-lock-down in the country at the time. It was agreed during the interview to use the first name only and not the full name for some, whereas pseudonym names were used for others in this report. Each interview lasted about 45 minutes. The questions involving the practice of nursing focused on work conditions and challenges, social protection and future prospects.

Re the interviews with stakeholders, they centered on views of the aforementioned departments; the observance of these laws by said departments vis-à-vis the work and employment of Palestinian nurses in the field; the status of Palestinian nurses in relation to the legal practices observed in the recruitment process, as well as their entitlement to job security and protection like their Lebanese peers. Each of these interviews lasted about an hour and they were conducted face to face by people assigned from above departments during June and July of 2020. Supplementary meetings were held later for data collection on which the final analysis will be based. The questions were open-ended to allow respondents to comment and elaborate. Noting, that the method of analysis adopted is qualitative and not quantitative.

It is worth mentioning also that the report does not focus on a specific hospital, nor does it aim to analyze the recruitment policy in this or that hospital per say; but rather, it sheds light on Palestinian nurses working in private hospitals³, in an attempt to understand present reality of Palestinian nurses, their employment conditions and constraints in Lebanese laws that govern the status and work of Palestinians residing in Lebanon.

One challenge we faced, and despite several calls with his assistant, we could not meet Mr. Suleiman Haroun, president of the Syndicate of Private Hospitals in Lebanon to advise on the conditions for the work of Palestinians in private hospitals. Also, we were unable to obtain from the Ministry of Justice the full text, mentioned in the study, which expounds the view of the legislation and consultation commission's by virtue of which Palestinians were allowed to practice the nursing profession in Lebanon. It was also difficult to obtain from the Ministry of Public Health the numbers of work permits to practice the profession issued before 2008.

³ Palestinians cannot be hired in public hospitals since it is considered a public sector job.

TABLE 1
A Sample Summary

	Sample Characteristics	Number of Nurses
Gender	Male	20
	Female	13
Age Category	20-30 years	16
	30-40 years	11
	Above 40	6
Place of Work	Beirut: American University of Beirut Medical Center, Clemenceau Medical Center, Al-Makassed, Rizk Hospital, Al-Sahel Hospital.	14
	Saida: Hammoud Hospital University Medical Center, Labib Medical Center, Dallaa Hospital, Al-Nakib Hospital.	9
	Tripoli: Nini Hospital, Centre Hospitalier du Nord in Zgharta, The Islamic Charitable Hospital, Dar al-Zahraa, UNRWA Clinic, Al-Hilal Hospital.	8
	Tyre: Lebanese Italian Hospital	1
	Beqaa: French-Lebanese Hospital	1

Educational Institution	Beirut Arab University, Beirut	7
	American University of Beirut	4
	Makassed University in Beirut	3
	Lebanese American University in Beirut	4
	The Islamic University of Lebanon, Khaldeh-Beirut	1
	Lebanese University in Beirut and Saida	4
	Jinan University in Saida	2
	University of Balamand in north Lebanon	1
	Graduate Nurses from public and private institutes	7
Monthly Salary	Between 2,400.000 L.L. and 2,600.000 L.L.	6
	Between 1.000.000 L.L. and 1,900.000 L.L.	13
	Less than 1,000.000 L.L.	4
	A certain percentage is deducted from their salaries in light of the economic and health crises	7
	Do not receive any salary at all due to the economic and health crises	3

3. THE PALESTINIANS IN LEBANON: BETWEEN NEGLIGENCE AND LEGAL VOID

Around 174,442 -200,000⁴ Palestinian refugees reside in Lebanon, distributed among Lebanese camps, residential areas, and cities. Yet they are denied from practicing 36 different professions, including: Legal and law jobs, public services, dentistry, general medicine, pharmaceutical services, ophthalmology and optics trade, health, public accounting and marine navigation and coastal fishing⁵.

Certainly, one cannot overlook the developments brought about by the amendments to the Lebanese Labor Law of 2010, which gave Palestinian refugees limited access to the labor market or to the National Social Security Fund, prompting an elimination of the costs of Palestinian work permits. It seems, however, that these laws are either not implemented properly, or that Lebanese institutions and companies⁶ are not fully compliant to this effect. Moreover, the amendments related exclusively to the labor and social security laws dealing specifically with the legislative, legal and regulatory texts which Palestinian workers and professionals in Lebanon are subject to, did not alleviate their situation. Refugees are still banned from practicing many of these professions as a result of the rules and regulations of the liberal professions in effect, most of which are set exclusively for the Lebanese, with the exception where the rule of reciprocity applies to foreigners, including the Palestinians.

The International Labor Organization (ILO)⁷ published a report in 2012 examining the employability of Palestinians in Lebanon. The report devoted a full section to speak about the participation of the labor forces in economic activity, revealing that the employment rate for young males between the age 15 and 19 reached 25% among the Lebanese and rose to 39% in the case of Palestinians. This indicates that male Palestinians are forced to work at an earlier age than their Lebanese peers. A joint study prepared by the American University of Beirut and UNRWA⁸ found that the majority of Palestinian refugees live in poverty and extreme poverty.

4 "The General Population Census in Palestinian camps and Communities in Lebanon," The Lebanese Palestinian Dialogue Committee, the Central Statistics Department, and the Palestinian Central Bureau of Statistics. Beirut, December, 2017.

5 "Employment of Palestinian Refugees in Lebanon, an Overview", UNRWA and the European Union, May, 2016.

6 UNRWA, "A Summary of Protection: Palestinian Refugees in Lebanon", May, 2016.

7 ILO (2017), op. cit.

8 Jad Chaaban, Nisreen Salti, Hala Ghattas, Alexandra Irani, Tala Ismail and Lara Batlouni (2016), Survey on the Socioeconomic Status of Palestinian Refugees in Lebanon. 2015, the American University of Beirut (AUB) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

https://www.unrwa.org/sites/default/files/content/resources/survey_on_the_economic_status_of_palestine_refugees_in_lebanon_2015.pdf



This poverty level could be observed in a number of socio-economic indicators, such as low incomes, meagre assets owned by families, poor housing, modest educational level, diseases, etc. A study contemplating the mechanisms which reinforce permanent poverty of Palestinian refugees⁹, showed that "restricting access to major social and professional institutions in society tremendously affects the living conditions of Palestinian families". The study described this restriction as a "systematic social exclusion, where said institutions draw its general outlines, referring to the camp as a form of 'urban exclusion' further exacerbating the existing legal discrimination against Palestinian refugees".

The legal status of the Palestinian refugee in Lebanon is ambiguous. To date, there is no clear legal definition for the Palestinian refugee forcefully residing for more than 70 years in the country. While certain laws consider them foreign nationals, other laws exclude them from the category of foreigners and enter them under a special status of residence. For instance, any foreigner has the right to own property in Lebanon under a certain quota, except Palestinians.

Palestinian refugees in Lebanon are considered forced refugees since 1948. They were forced to reside in Lebanon for more than 70 years now because the State of Lebanon has pledged internationally to be their country of residence until their return. Accordingly, they had no choice to reside in other countries, and therefore denied the opportunity to enhance their social and economic conditions. Meanwhile, Lebanon continues to deny their basic right to improve themselves, and by extension, improve the community in which they live.

Despite the escalating socio-economic crisis for Palestinian refugees in Lebanon and the extensive scientific research on the subject, decision makers did not take into consideration the recommendations made by these studies when drafting their public policies. Hence, Palestinian refugees remained denied the right to practice many professions in Lebanon, or own an apartment or any other type of property in the country. And notwithstanding the many studies conducted to this end, the lack of political will to change the Lebanese state's policy towards Palestinian refugees has reduced the social impact of these studies to become totally insignificant, the fact that negatively impacted the work of the Lebanese-Palestinian Dialogue Committee. Recalling, this committee, affiliated with the Presidency of the Council of Minister, was created in 2005 with the aim to oversee the public policies targeting Palestinian refugees in Lebanon. It also shares recommendations with the Lebanese government on the public policies to be adopted in relation to Palestinian refugees. Yet, 12 years after its inception, and despite serious and relentless efforts on part of its consecutive chairpersons, its work, at the levels of public policies and legal status of Palestinians, has been impeded due to the absence of political consensus and the political will to make any progress in this direction.

Back to the nursing profession, we notice that the exception made by Lebanon allowing

⁹ Sari Hanafi, Jad Chaaban, Karen Seyfert, "Social Exclusion of Palestinian Refugees in Lebanon: Reflections on the mechanisms which promote their permanent poverty. Journal of Palestinian Studies, No. 91, Summer 2012.



licensed Palestinian nurses to practice the profession is not a result of the above studies' recommendations; rather, it was based on a real need for professional nurses. We will expound this below after discussing the legal framework for the nursing profession and which will reveal the loopholes and discrimination in Lebanese law against Palestinian refugees. To be specific, the report will outline the mechanism of benefiting from Palestinians as a required manpower and needed workforce for the Lebanese market, while in return they are denied social protection at the workplace.

4. THE LEGAL FRAMEWORK FOR THE NURSING PROFESSION IN LEBANON

In the law regulating the nursing profession, Law 1655, dated 01/17/1979 and amended by virtue of Law 82/10 dated 2/2/1982¹⁰, the legislator distinguished between four categories of nurses: registered nurse, nurse, practical nurse and non-Lebanese nurse. The legislator has restricted the first three categories to Lebanese (i.e. registered nurse, nurse, practical nurse); while allowing non-Lebanese nurses to practice teaching and training with international agencies and organizations provided they already acquired the right to practice the profession in their country of origin. The legislator further defined the four categories, identifying the functions of each category and the necessary conditions to be met by each¹¹. The definitions were as follow:

- ✘ The registered nurse: is the person who has completed the study of a basic program in nursing and is thereon qualified to practice the nursing profession on Lebanese territories. S/he is licensed to practice nursing based on her/his planning and leadership skills in this field, in addition to her/his ability to work as a member of a medical team.
- ✘ The nurse: is the person who holds scientific and technical qualifications, that allows her/him to provide general and basic nursing care. S/he works under the supervision of the registered nurse.
- ✘ The practical nurse: is the person who possesses scientific qualifications and training that allow her/him to assist the nursing team in the provision of nursing care.
- ✘ The non-Lebanese nurses: are the nurses licensed to practice the profession in their country and are sent by an international organization or institution to work in Lebanon. They may practice the profession within the parameters of the mission assigned to them. It is also permissible for non-Lebanese nurses who are members of faculty in Lebanese nursing schools to practice

¹⁰ Law regulating nursing profession, No. 1655 dated 01/17/1979 and amended by Law No.82/10 dated 2/2/1982. <http://www.orderofnurses.org.lb/ArchivePDF/law1655.pdf#zoom=120>

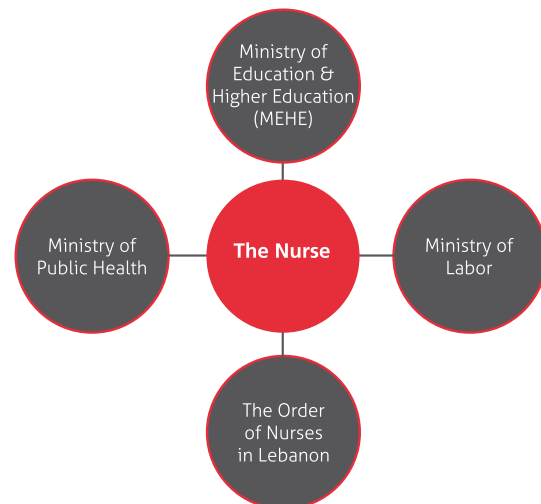
¹¹ Ibid.

nursing education, as well as training in the field as specified in the same law¹².

Also, the Legislator required that the percentage of foreign nursing educators in all Lebanese nursing schools not exceed twenty percent. Every school or institution seeking to employ non-Lebanese nurses is required to register them at the Ministry of Public Health and notify the ministry at the end of their services. The legislator also limited the residency of the foreign nursing educator in Lebanon to three years renewable as decided by the Minister of Public Health.

In light of the above distinction, the work permit for non-Lebanese, specifically Palestinians, remains subject to administrative decisions or directives issued by competent ministries and to the rules and regulations governing the practice of the profession, provided the Palestinian nurse meets the same conditions applied to the Lebanese nurse. Meaning, they should have a Lebanese school certificate, an accredited university or vocational degree or its equivalent, and have passed the colloquium exam given by the Ministry of Education and Higher Education.

Subsequently, the study will address the track nurses take with the official departments responsible for granting work permits to nurses in Lebanon. This track starts with the Ministry of Education and Higher Education (MEHE), as the nurse starts his/her career from here to get an equivalency for his/her certificate and pass the Colloquium Exam; to be followed by the role of the Order of Nurses. In the following section, we move to the role of the ministries of Public Health and Labor to chart the track of the Palestinian nurse (see diagram below). But before that, we have to clarify the condition of 'reciprocity' in Lebanese law, a term that will be brought up in all departments as they officially rely on it when hiring or not hiring Palestinian refugees.



12 Ibid.

MINISTRY OF EDUCATION AND HIGHER EDUCATION

The Ministry of Education and Higher Education is the ministry authorized to grant licenses of competency to nurses in Lebanon, be them Lebanese or non-Lebanese, by overseeing the Colloquium exam.

After earning a technical or university degree in nursing from private universities or institutes, the graduate sits for the Colloquium exam, an exam of competency for nurses. As for graduates of the Lebanese University and public institutes, they are exempt from this exam, regardless of their nationality. Palestinian nurses, graduates of the Lebanese University and official institutes, confirmed they did not sit for this exam.

However, the colloquium certificate for non-Lebanese includes a clause stating: "it should be noted that passing this exam does not give them the right to practice the profession in Lebanon". The Committee has left the decision to the Ministry of Public Health to make sure all other conditions required by law be met".¹³ Mazen, who graduated from the American University of Beirut in 1991, said he was shocked to know he could not practice the profession after passing the colloquium exam for he could not, at that time, get a permission to practice nursing. He then switched to administrative work in the hospital in which he has been working since graduation.

THE ORDER OF NURSES IN LEBANON

There exists only one Order of Nurses in Lebanon located in Beirut. According to Law 479 issued on 12/12/2002 and amended by law 250 issued on 15/04/2020 involving the mandatory establishment of a syndicate for nurses in Lebanon, non-Lebanese nurses are permitted to join the mandatory Order in the event of meeting the legal and educational requirements and conditions, provided a number of documents¹⁴ are submitted with the request.

13 Appendix No. 1. A Copy of the Colloquium Certificate.

14 The documents are:

- Two certified passport photos
- A certified passport copy
- A copy of permit to practice the profession issued by the competent authority in the country of the holder, certified according to the rule, and should be no more than 3 months old
- A copy of the academic certificate attached to an equivalent statement issued by the equivalence committee and which is in accordance with Lebanese laws and regulations.
- A certified copy of the work permit issued by the Ministry of Labor in Lebanon.
- A certified copy of residence, valid for at least six months and issued by General Directorate of General Security.



The council of the Order will examine the request during its first meeting following the submission of the application, or after a maximum period of two months from the date of registration in the Council's secretariat. The Council shall then decide the merit and accept the applicant in case s/he fulfills all legal requirements. Noting, the Council has no right to reject any applicants who have met all conditions, only if it provides a clear explanation behind this rejection. The rejected applicant has the right to appeal in the civil court of appeal in Beirut within 15 days from receiving the notice of rejection.¹⁵

On the other hand, the Syndicate, based on the opinion of the Legislative and Consultations Committee in the Ministry of Justice, mentioned above (Law No.91/161 issued on 09/07/1991), sustains that it is possible for Palestinian nurses only, among other non-Lebanese professionals, to join the Syndicate and practice all the functions of a licensed nurse, particularly those restricted, by the legislator, to Lebanese professionals only, namely the registered nurse, nurse, and practical nurse, as mentioned previously in the report. (Appendix 2).

During our interview with Dr. May Hammoud¹⁶, the legal officer at the Lebanese-Palestinian Dialogue Committee (LPDC), she said the Council of the Order of Nurses has decided in its session on 12/12/2015¹⁷ the following:

1. Creation of a special registry for Palestinian nurses in which all employees who meet certain conditions are registered.
2. All nurses who acquired permission to practice the profession from the Ministry of Public Health and a work permit from the Ministry of Labor, or those who submitted to the Ministry of Labor a request for a work permit after supplying the necessary documents requested by the Order with the number of the application submitted to the Ministry and date of registration, are entered in the registry.
3. A one-time application fee of 150,000 L.L. will be required, according to the Order of Nurses in Lebanon. The collection of such fees remains pending until the request is resolved by the Order Council, noting that the applicant will have to pay the dues with retroactive effect from the date of submitting the application or as the Council sees fit.
4. Palestinian nurses are completely excluded from joining the Retirement Fund, hence, they are not entitled, currently or in the future, to the Fund's benefits.
5. Requests will remain pending until appropriate legislation has been enacted, in light of which the appropriate decision to approve or reject the requests will be made.
6. Every nurse of Palestinian nationality working on Lebanese territory who does not meet the required conditions and does not submit a request to the Order of Nurses in line with the text

15 Establishment of a mandatory Order of Nurses in Lebanon, <http://orderofnurses.org.lb/HomeEn>

16 The interview was conducted with Dr. May Hammoud, the Legal official of the LPDC on 22 May 2020.

17 The Order of Nurses in Lebanon, "Mechanism of registering Palestinian nurses in the syndicate records"



of the prevalent decision, shall be considered in violation of the laws regulating the profession and the law establishing the Syndicate and its provisos.

Ms. Mirna Doumit¹⁸, president of the Order of Nurses, did not mention this decree. Rather she talked about the possibility of her resorting to the court to sue hospitals that hire nurses who are not registered in the Order and to hold the nurses themselves accountable, in consistence with item 6 mentioned above.

So, the legal track for the Palestinian nurse starts with the Ministry of Education and Higher Education to obtain equivalence certificate of private universities and institutes and the colloquium exam. The Palestinian nurse will proceed to the Ministry of Public Health to seek permission to practice the profession, and to the Ministry of Labor to get the work permit. After that, the nurse will submit his/her request to join the Order, noting that the majority of nurses do not join the Order as the study has shown.

5. ABOUT THE CONDITIONS OF RECIPROCITY AND THE PRACTICE OF THE PROFESSION IN THE COUNTRY OF ORIGIN

The Legislator has required the presence of two conditions, the conditions of reciprocity and practicing the profession in the country of origin simultaneously, in order for the non-Lebanese to practice the nursing profession in Lebanon. As is well known, it is impossible for professionals in the Palestinian refugee community in Lebanon to meet these two conditions. Hence, the issue was resolved by the Lebanese jurisdiction, which considered the Palestinian refugee residing in Lebanon as incapable of meeting the reciprocity condition. There were even some judges who considered that reciprocity should not specifically apply to the Palestinian refugee due to the unfeasibility of fulfilling this condition. Noting, that applying these two conditions on Palestinian refugees prompts discrimination against them since they are impossible to fulfill¹⁹.

This goes back to the year 2010, when Article 59 of the Labor Law was amended in a manner that exempted Palestinians from its ruling, recalling that said Article states that foreign workers "after dismissal from service, enjoy the rights of their Lebanese peers, on the condition of reciprocity [...]" This further indicates that the Lebanese Legislator is aware of the impossibility of applying the condition of reciprocity in the case of Palestinian refugees. However, this legislative amendment did

18 The interview with the president of the Order of Nurses took place on 9 June, 2020.

19 Nizar Saghieh, Karim Nammour. Labour rights for Palestinian Refugees in Lebanon. Access to Liberal Professions. (Beirut: The Common Space Initiative for exchanging knowledge and building consensus, 2015.)



not include the laws regulating the professions and the establishment of professional syndicates²⁰.

This issue has also been raised on the level of public departments. For decades, the Council of Legislative and Consultation Committee of the Ministry of Labor has published many consultations based on requests received from different ministries to enable stateless people and Palestinian refugees to practice some professions and be members of professional syndicates in Lebanon under the prevalent condition of reciprocity. The new jurisdiction of the Legislation and Consultation Commission has settled on exempting Palestinian refugees from the reciprocity requirement. For example, the consultation related to Palestinian refugee practicing the nursing profession in Lebanon, and the consultation issued by the Legislation and Consultation Commission at the Ministry of Justice No. 161/91, dated 09/07/1991 and which alleges that the Palestinian does not belong to a nation state with complete specifications and thus cannot sign the Agreement of Reciprocity. And since it is not possible to sign the reciprocity agreement, this condition cannot apply on the Palestinian national, and accordingly, s/he could be granted the permission²¹.

Based on this exemption, this Lebanese legal jurisdiction is considered to be a breach and a significant interpretation of laws which one can build on to amend laws that require both the condition of reciprocity and the condition of the practice of profession in the country of origin on Palestinian refugees. The Judiciary might be the best arena to shift the terms of debate from the logic of fear to the logic of rights, as the right of litigation is a recognized right for every natural or legal person and could be considered an important strategy to improve the legal/human rights of Palestinians in Lebanon, even though there is no consensus within the judicial system regarding this issue. Still, this does not eliminate the possibility of making a legal breach²².

6. DISCRETIONARY POWER AND INSTITUTIONAL DISCRIMINATION TO MEET THE NEEDS OF THE LABOR MARKET

There is a de facto situation imposed by the labor market's need for nurses. This need has forced the concerned ministries to exceptionally deal with the reality of Palestinian nurses. Based on this, the Minister's discretionary power is used to invent decisions that are compatible with the needs of the market and might facilitate the Palestinian nurses' work. This discretionary is a double-edged

20 Ibid.

21 Ibid.

22 Nizar Saghieh, Karim Nammour, "Palestinian Refugees in Lebanon: What Strategies Can Be Employed to Improve Their Rights in the Judiciary?" *The Legal Agenda*.30/10/2017.

<https://english.legal-agenda.com/palestinian-refugees-in-lebanon-what-strategies-can-be-employed-to-improve-their-rights-via-the-judiciary>

sword in regards to the exceptional living conditions of Palestinians in Lebanon. On the one hand, this exception provides them with job opportunities, but on the other hand, it generally reinforces the feeling of insecurity and instability among Palestinian workers and professionals. In this section, we will address the role of the two ministries responsible for granting work permits to Palestinian nurses in Lebanon: The Ministry of Public Health and the Ministry of Labor.

6.1 THE MINISTRY OF PUBLIC HEALTH AND THE PERMISSION TO PRACTICE THE PROFESSION

The Ministry of Public Health is the party responsible for granting nurses permission to practice the profession. After graduation and passing the colloquium exam, the student submits a request to the minister of Public Health in order to obtain this permission.

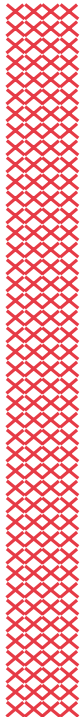
The Ministry of Public Health grants the permit to practice the profession to the Lebanese for life. However, in the case of Palestinians, the Ministry could either reject it completely or limit it to a period of time; or it could be done in a discretionary manner depending on the policy of each new incumbent minister²³. This was confirmed in an interview²⁴ with Mr. Antoine Romanos, the department head of medical professions at the Ministry of Public Health, who explained that multiple professions fall under the Ministry of Public Health's jurisdiction: general medicine, nursing, physiotherapy, and others, adding that the laws governing the practice of the profession differ based on specialization. As for the nursing profession, there are three levels:

1. Registered Nurse who holds a Bachelor degree (License Technique - LT)
2. Nurse (Baccalaureate Technique - BT)
3. Practical Nurse who has a Technical Vocational Brevet (Brevet Pratique - BP)

These three types of nurses submit the necessary papers as required by the information provided on the ministry website. The papers should be certified by the institutions where the student has pursued his/her studies. As for the students who studied in private institutes and universities, they are required to submit, in addition to these papers, their degree equivalency and pass the colloquium exam.

23 Ibid.

24 Interview conducted with Mr. Antoine Romanos, Head of Medical Professions at the Ministry of Public Health, on 30 June, 2020.





In regard to allowing Palestinians to practice the nursing profession, Mr. Romanos said: "Following the establishment of the Order of Nurses in Lebanon in 2002, we started in 2007 to receive enquiries about the possibility of granting Palestinians in Lebanon the right to practice the profession. After deliberation, it was agreed that since we do not have in Lebanon the needed number of nurses, while keeping in mind that the number of nurses, then, was not sufficient, it was decided to allow them to work."

Mr. Romanos based his judgment on the legal precedent of this permission, which is the advisory opinion by the Legislative and Consultation Committee at the Ministry of Labor No. 161/91 dated 09/07/1991, which considers that the Palestinian does not yet boast the full criteria of a sovereign state with which an agreement can be signed. And since it is not possible to sign a reciprocity agreement, therefore this condition does not work in the case of Palestinians; and as such, they should be granted the permission to practice. Since the beginning of 2007²⁵, the Ministry believed that permission to practice the profession should be granted within a limited period of time ranging from one to five years, subject to renewal.

The request a Palestinian submits is called a "petition". The applicant personally registers his/her request at the Registrar Department at the Ministry of Public Health. Every request requires a special permission to be submitted at the Department under the "petition" section, for it needs an exceptional approval from the minister.

Mr. Romanos further explained the mechanism of submitting a request to obtain a permission to practice the profession from the Ministry of Public Health. He said: "Submitting requests in the medical profession section has two tracks: First, the request will be registered in the medical profession section, under the name, 'the file meeting all legal conditions' and the applicant of this file should be Lebanese according to the law. Whereas the second track deals with granting permission to foreigners and is registered in the Registrar Department at the Ministry of Public Health. Noting, that the law of medical professions in Lebanon limits the practice of these professions to the Lebanese, besides the necessary requisites for the profession. Yet, as mentioned earlier, the debate about the likelihood of granting Palestinians permission to practice the profession in Lebanon began in 2007."

The table below shows the number of work permits granted by the Ministry of Public Health in the last three years only. We were unable to obtain from the Ministry the numbers issued before 2018.

25 Minister Mohamad Jawad Khalifeh's successive terms: 26/10/2004 – 13/01/2011.



TABLE 2
Number of permits to practice the profession issued over the past 3 years from the Ministry of Public Health

Minister	Year	Permit of registered nurses	Permit of nurses
Ghassan Hasbani	18/12/2016 – 31/01/2019	19	4
Jamil Jabak	31/01/2019 – 21/01/2020	161	51
Hamad Hasan	21/01/2020 – 30/06/2020	24	6

6.2 MINISTRY OF LABOR AND THE WORK PERMIT

Among other non-Lebanese professionals, only the Palestinian nurse can practice various nursing tasks, specifically the ones the Legislator has limited to Lebanese professionals as mentioned above: the registered nurse, the nurse, the practical nurse. This reality, which principally conflicts with what was stipulated in the law of organizing the nursing profession, was in fact validated by the consecutive directives issued in the past few years by a number of labor ministers exempting Palestinians who are born on Lebanese soil and officially registered in the records of the Ministry of Interior and Lebanese Municipalities, from the ban imposed on non-Lebanese to practice professions that are exclusive to Lebanese, including nursing. The work permit as well is renewed on a yearly basis free of charge for Palestinians, according to Law No. 129, dated 24/08/2010 – Amendment of Article 59 of the Lebanese Labor Law.

Obtaining a work permit issued by the Ministry of Labor is mandatory for every non-Lebanese person wishing to work in Lebanon. Any Palestinian wishing to get a work permit has to submit an application request after receiving a promise to work. In the case of Palestinian nurses, hospitals get this permit which is renewed on yearly basis. The Palestinian nurse's permit is classified as first category if his/her monthly salary is LBP 2 million and above, and as second category if his/her monthly salary is less than two million.

Table 3 below shows, in addition to the new and renewed permits, the number of permits granted to first and second category Palestinian nurses. The reason for starting to grant these first category work permits came after some of the nurses' monthly salary exceeded LBP 2 million in 2013.

TABLE 3
Number of new and renewed yearly work permit

Total Work Permits on Yearly Basis	Year	First Class		Second Class	
		New Work Permit Insurance	Renewed Work Permit	New Work Permit Insurance	Renewed Work Permit
25	2010	0	0	0	25
28	2011	0	0	5	23
42	2012	0	0	16	26
44	2013	0	0	10	34
39	2014	0	37	2	0
64	2015	1	47	9	7
49	2016	1	35	3	10
58	2017	6	31	7	14
55	2018	6	30	1	18
63	2019	6	46	3	8
35	2020	3	31	1	0

6.3 MARKET NEEDS OR DE FACTO LAW VERSUS LABOR LAW

In addition to granting Palestinian nurses the permission to practice the profession by the two ministries (Labor & Health), a market need arose which prompted this decision, specifically, the “law of the market”.

Mr. Romanos, head of the medical professions department at the Ministry of Public Health, has confirmed during the interview that market needs called for providing the opportunity for the Palestinian to work as a nurse in Lebanese hospitals, saying that said decision (No. 161/91 dated 09/07/1991) is based on the Ministry of Justice- Committee of Legislation and Consultations reading. Romanos said there are no clear and straight reasons that deny granting Palestinians the permission to practice the profession, and that the matter is up to the minister’s discretion. He also mentioned that unlimited permissions are granted in most cases, but did not clarify the criteria used in such cases, stressing that there is no specific quota vis-a-vis granting such permissions.

For her part, Mrs. Marlene Atallah²⁶, Acting Director General of the Ministry of Labor and Head of the Ministry’s Foreign Workers’ Division in Beirut, maintained that the urgent need for nurses in the labor market enabled Palestinians to enter the nursing sector. Noting that this contradicts Labor Laws and the law regulating professions banning foreigners from working in the sector. Atallah explained that the Minister of Labor has discretionary authority to decide on the professions foreigners are allowed to or banned from practicing in the country. Palestinian nurses are granted work permits free of cost, but without a bank guarantee or health insurance, after submitting all the necessary documents, namely the permit to practice the profession and the employment contract indicating the number of years provided they don’t exceed three years. The work permit is a requisite to receive end of service compensations from the National Social Security Fund.

Atallah went on to say that the law regulating the nursing sector in Lebanon prohibits a non-Lebanese from practicing the profession. Hence, pursuant to the legal text, the Ministry does not grant work permits. However, due to the labor market needs and nursing shortage in Lebanon, hospitals began to complain that this will adversely impact the medical sector, specifically nursing. Additionally, the Order of Nurses in Lebanon was cooperative in this regard, mainly because some nurses obtain their permit to practice the profession from the Ministry of Public Health. According to the Ministry of Labor, the Minister issues work permits to Palestinians based on his counterpart, the Minister of Public Health’s decision to grant the permission to practice the profession. Hence, the authorization issued by the Ministry of Public Health is the main document on which the Ministry of Labor bases its decision, along with the employer’s potential job offer. On the other hand, the Minister of Labor can use his ministerial discretionary powers, with the regulatory criteria in this case being the labor

²⁶ The interview with Mrs. Marlene Atallah, Acting Director General of the Ministry of Labor, Head of the Foreign Workers Division, took place on 30 June, 2020.



market's needs. In other words, should the Minister find a surplus of nurses in the labor market, s/he will not issue work permits for Palestinian refugees as the number of Lebanese workers is sufficient.

Article 9 of Decree No. 17561 dated 18/09/1964 dealing with regulating the work of foreigners in Lebanon, allows the Minister of Labor to annually determine the jobs and professions that s/he deems reserved for Lebanese by virtue of a ministerial directive. The most recent decision, issued on 15/02/2018 by former Minister of Labor, Mohamad Kabbara, (Decree No. 29/1), required reserving certain jobs exclusively for Lebanese- liberal professions (engineering, medicine, pharmacy, law, etc.) and all other professions regulated by law.

Article 3 of the abovementioned decision has, based on Article 2, excluded "Palestinian refugees born on Lebanese soil and officially registered in the Ministry of Interior and municipalities records" with the exception of free professions, and all professions, regulated by a legal text prohibiting the practice of non-Lebanese. This means that according to said decision, Palestinian refugees in Lebanon are allowed to practice professions that are restricted to Lebanese, with the exception of professions that are principally restricted to Lebanese by virtue of law (namely law, nursing, midwifery, etc.). Article 3 permits the Minister of Labor to exclude some foreigners from the aforementioned decision if they meet one of the conditions stated in the aforementioned Article 8 of Decree 17561, including:

- ✘ S/he should be residing in Lebanon since birth
- ✘ S/he should be of Lebanese origin or born to a Lebanese mother
- ✘ The country of origin of the foreign national should permit Lebanese to work or practice the profession the foreigner wishes to practice in Lebanon

But despite the fact that the consecutive Ministers of Labor have issued such decision, yet this did not enable Palestinian professionals to join the professional syndicates or to practice the liberal professions. And since this reality cannot be justified legally, especially that no ministerial decision could override a legal text, that is the decree which organizes liberal professions based on the principle of the hierarchy of laws, the de-facto practices are unquestionably in violation of the law, especially in the case of the nursing profession²⁷. This violation indicates the extent to which similar transgressions could take place, albeit in breach of the law, in order to meet the labor market needs, particularly due to nursing shortage in Lebanon.

7. DISCREPANCY POWER FROM THE NURSES' PERSPECTIVE

This non-statutory discrepancy causes lack of security and protection for the concerned groups, as it prevents any nursing student from planning their future, for not only s/he might not find a job or

27 Nizar, Saghieh, "Palestinian rights..." Op. Cit.



stability, but also they might not get the permission to practice the profession. Similar hurdles can never be an incentive for the new generation which is prone to drop out from schools. This non-statutory discrepancy becomes clearer in the interviews conducted with the nurses in this study. Respondents who graduated between 2016-2018 said they lost many potential jobs as they were denied a work permit without any clear or direct explanation, only that the minister did not want to grant permissions to Palestinians.

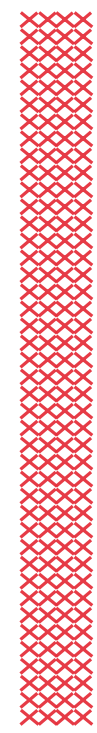
About discrepancy and its repercussions, Yusuf recounted his experience in this respect. He said he graduated from Beirut Arab University in 2017 and passed the Colloquium Exam, but failed to get a permission to practice the profession then. Later in 2019, he managed to obtain an unlimited work permit. Yusuf described his suffering for two long years trying to lay hold of that permit. His journey through anguish started in 2017 until he received the work permit in 2019. Whenever he received a permit rejection, Yousef boasted, he would reapply, with all the distress involved in preparing required documents, bearing expenses and braving the rough waiting period. "I frequented the Ministry, he said. "When a new minister of Public Health is appointed, and since I frequently visited the Ministry, I became friends with the minister's two administrative assistants who were kind to me and understanding." and since the minister's working team changes when the minister changes, Yusuf visited the ministry every day for any new updates from the Department Head, who, according to Yusuf, was responsible for the delay in issuing the permit. "Whenever the Department Head found out that the applicant is Palestinian, he cast aside the application. But due to my persistence and regular visits to this end, the Head of Department took the matter seriously and ended up signing the request. Through perseverance, I managed to get the permission," Yusuf boasted.

Rabih, on the other hand, was authorized to work for one year only during the same period Yusuf got an open permission to practice. He said Ministry of Public Health officials told him that he could have secured an open permission if he were born to a Lebanese mother, while noting that Yusuf, whose mother, reminding that Yusuf, whose mother is non-Lebanese, received that permission.

Commenting on so-called "petition", Mohammad said: "The administration in Lebanon constantly innovates new ways to make the status of Palestinian refugees an exception from the existing public order. Even his/her request to practice the profession is not considered a regular request; rather it is called a petition. They always exclude Palestinians from the public order and general situation, always marginalizing them."

Farah graduated from Balamand University at the end of 2019. Once she passed her Colloquium Exam, she submitted a request to practice the profession via LibanPost in February 2020 like her Lebanese colleagues. She received the rejection in March of the same year with the note "Please submit your plea petition in person".

Sabri, on his part, lamented saying: "Although I do not feel that Lebanon is foreign to me, but this country pushes me to feel am a foreigner due to discrimination practiced against you... Maybe the hospital administration is not against hiring Palestinians, but there is a whole community opposing





Palestinian refugees and preventing them from moving forward, especially that the public system does not protect them at all. We want promotion and work development to be based on professional performance and merit instead of on nationality.”

Muhammad recounted how he did not receive an administrative promotion, knowing that he succeeded in the job interviews at the hospital where he applied; to say nothing of his success in the required exam and signing a contract with the director of human resources. Yet, he was not hired, simply because he is Palestinian. “The Palestinian nurse makes the first move at work, knowing it could be risky or unsafe, only to avoid being sacked,” he said.”

Along the same lines, Omar mentioned the glass ceiling preventing Palestinians from reaching an administrative position or from getting work promotion. This was reiterated by many Palestinian professionals in similar studies²⁸.

Mahmoud on the other hand said “Palestinians would not complain for fear of being told anytime that they are free to leave if they don’t like it.” “Palestinians, no matter how pressured they are, don’t try to look for another workplace because they don’t feel secure given that administrative or legal obstacles might arise anytime threatening their working status and thus facing long-term unemployment... This fear barrier is always there for Palestinians,” Mahmoud added.

Ahmad, a 2016 nursing AUB graduate recounted how in his last training sessions in Cardiology, the nursing official replaced him with his Lebanese colleague. Her excuse was that since the hospital would not hire him nor his five other Palestinian friends, it made more sense to allow his Lebanese colleagues to benefit from the training. Ahmad was moved to a less competitive department than Cardiology, even though he was well qualified for that original training. Voicing his fear contingent upon employment, he said: “The Palestinian has this constant fear of losing the opportunity to work. We accept what is given to us because of the lack of other options.”

As for Mona, also a 2016 AUB graduate, expressed her disappointment for not getting hired at AUB Medical Center, unlike her Lebanese classmates.

Finally, Marwa stated that her contract was cancelled after she got the official signed job offer at AUB Medical Center in 2016. She was told this was due to the Lebanese Ministry Labor laws. This incident has left a negative impact on her psyche till this day.

Apparently, a great number of Palestinian professionals face similar situations of terminating their work contracts after the disclosure of their nationality²⁹.

28 Sari Hanafi, Åge A. Tiltnes (2008), “The Employability of Palestinian Professionals in Lebanon: Constraints and Transgression,” Knowledge, Work and Society, vol. 5, n°1.

29 Sari Hanafi, Åge A. Tiltnes, “Discrimination against Palestinian professionals in Lebanon,” Journal of Palestinian Studies,



These interviews reveal that such discretionary decisions and double standards lead mostly, on the personal and humane levels, to professional insecurity. These professionals/employees suffer because they have to cope with feelings of fear, injustice and insecurity. Second, these decisions encourage the health institutions to disregard their legal obligations, albeit limited, towards their employees. Some hospitals merely suffice obtain the permission to practice the profession without seeking a work permit for Palestinian nurses. This is either due to the complexities associated with this permission process, or to the discrepancies between what the hospital is willing to pay and the incoming nurses salary expectations. This all depends on the hospital’s internal policy. Some hospitals consider the contract annulled once the permit is not renewed. Mahmoud expressed his fear in this regard, saying: “In the event that the work permit is not renewed, the hospital has the right to cancel the contract, which puts us in permanent insecurity.”

Between the labor law and the job and its requirements, a discretionary [process] dominates the nursing field, starting with applying for so-called “plea to practice”, to the law related to the employer and the institution. So, between the public and private spheres, and the legal and career tracks, the employee gets his/her job after being worn out.

8. THE CHALLENGES OF THE PROFESSION

Three challenges face the nursing profession and nurses, in general, and the Palestinians in particular. The first challenge is circumstantial, relating to the current epidemic and the ensuing economic crisis. The second challenge is administrative, and the third is related to legal rights.

8.1 ECONOMIC COLLAPSE, COVID-19 CRISIS AND THE NURSES JOB MARKET

Currently, the economic and health crises greatly affected the job market in Lebanon. Hospitals have closed some of their departments due to the Covid-19 pandemic, and sacked a number of their health staff because of the economic crunch in the country. The situation is bad, in general, for nurses whether Lebanese or Palestinians. But as one of the nurses mentioned, “it is easier to lay off Palestinian staff”, given the complexity of their legal status. Yet, while some Palestinian nurses are quite sure the hospital will not give up on them because of their high qualifications, feelings of instability and insecurity are always dominant. The interviews revealed that Lebanese as well as





Palestinian nurses are all currently facing the following difficulties:

- ✘ They are pressured to take yearly leaves, sometimes unpaid, and to accept a salary reduction because some departments in the hospitals are shutting down.
- ✘ They are not getting paid on a regular basis.
- ✘ Due to the economic and health crises, some contracts were terminated rather than renewed.
- ✘ Many nurses agreed to serve in the designated Covid- 19 departments, hoping this would keep their jobs.

In the interviews, most of the nurses have mentioned that as of 2013 the job market was no longer easy to access as it used to be, for many reasons. To mention a few:

- ✘ A larger number of Lebanese are choosing nursing as a specialty. And Lebanese graduates of universities and vocational institutions satisfy the needs of the local labor market, which might deprive many Palestinians of an awaited job opportunity.
- ✘ Public Health and Labor ministries have placed restrictions that make it more difficult for Palestinians to obtain a work permit in the field.
- ✘ Due to their current financial situations, local hospitals are satisfied with the existing number of Lebanese and Palestinian nurses.

Meanwhile, and according to Mrs. Mirna Doumit, the Job market in Lebanon is always in demand for nurses, especially that most hospitals have a nursing shortage as per the nurse-to-patient standard ratio. Some health sector caretakers emphasize as well that the Corona pandemic increases the pressure on nurses, which might create a greater need for nurses at the moment. But the question remains, will the Corona pandemic be considered an opportunity to employ a larger number of nurses, or does the deepening economic impasse Lebanon is experiencing has the strongest impact on hospitals?

8.2 ADMINISTRATIVE AND SYNDICATE CONTRADICTIONS: INABILITY TO ORGANIZE AND ASSEMBLE

Mrs. Doumit emphasized that she is open to and cooperative with all Palestinian groups to encourage and facilitate the registration of Palestinian nurses' in the Order. According to her, despite the fact that they cannot benefit from the Order's retirement funds, they can still benefit from the training that the Order organizes for its members. And while underlining the need for Palestinians to join the Order in order to protect them from any arbitrary action at the workplace, she made clear that the Lebanese still take precedence. Palestinians are next in line, a privilege not accorded to any other nationality, as she said.



Lebanese and Palestinian membership fees vary: while the annual membership fee for the Lebanese nurse is 250,000 LBP, of which 100,000 LBP goes to the Order Fund and 150,000 is earmarked for end of service compensation, Palestinian nurses pay a one-time-fee of 150,000 LBP as they don't benefit from end of service pension fund.

Even though Palestinian nurses meet all the criteria for the Order's membership, set forth in Article 2 of its organization law (i.e. obtaining permission to practice the profession from the Ministry of Public Health and a work permit from the Labor Ministry), they did not join the Order because of the absence of motivation and lack of work protection, as they put it. They don't believe it is necessary to register in the Order since they are not entitled to all the membership benefits. The membership of a Palestinian is inadequate, they stated, given that they cannot run for elections, have no voting rights, nor can they benefit from the pension fund.

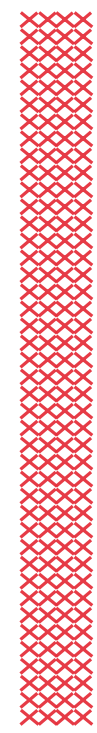
According to the Order's records, and to the date of this report, out of 16,356 members in total, of which 13,007 are females and 3,349 are males, only 16 members are Palestinian. Besides, two Palestinian nurses who joined the Order after marrying to Lebanese benefited from the pension plan after becoming Lebanese citizens.

According to the interviews conducted with Palestinian nurses, the latter are banned as well from casting their votes during the elections of Workers and Staff Syndicate of the American University of Beirut Medical Center, despite the fact that they are registered syndicate members, which left them in shock and distress. To this Ghassan says: "There is a general agreement not to listen to Palestinian voices, especially that the system does not protect them. Also, this same system prevents Palestinians from improving their nursing career and from taking any initiative."

Thus, the mere marginalization of Palestinian nurses, placing them outside the professional organizational framework, and depriving them of their democratic electoral rights unsurprisingly make them more vulnerable, fearful, and less secure than their Lebanese peers.

9. LACK OF SOCIAL PROTECTION

Once they obtain their work permit, Palestinian nurses are entitled to join the National Social Security Fund (NSSF). At that point, a new dilemma arises which adds to the anguish of all Palestinian workers, including nurses, at the level of legal rights and employers at the level of duties and provision of legal protection. As mentioned earlier, the Lebanese Parliament issued amendments to article 9 of the Social Security Law (Law No. 128) and article 59 of Lebanese Labor Law (Law No. 129) on August 17, 2010. These amendments allowed Palestinians residing in Lebanon to benefit from the end of service pensions at the NSSF. However, according to this law, Palestinian employees can benefit only from the end of service benefits, after the law has created a separate account for





Palestinian employees.

Palestinians, on the other hand, benefit only from end-of-service branch/department despite the fact that they are subject to all departments. Accordingly, for each employee the employer pays 25.5% of the salary base, distributed in the following manner: sickness and maternity 11% (employer pays 8%, employee 3%); family compensations 6% (from the employer); end of service 8% (from the employer); and Fund's management 0.5% (from the employer).

Mr. Shawki Nassif³⁰, NSSF Financial Director, explained that in the beginning Palestinians were treated like foreigners; and thus, were not entitled to benefit from NSSF and were expected to apply for a work permit. Obtaining this permit required the condition of reciprocity between the Lebanese and Palestinian states. But since this condition could not be fulfilled, amendments have been made on the provisions of Law No. 128 (24/08/2010) published in the Official Gazette (02/09/2010), No. 41, to change Article 9 of the Social Security Law by virtue of which working Palestinian refugees residing in Lebanon and registered in the General Directorate of Political and Refugees Affairs - Ministry of Interior and Municipalities, are subject to and can benefit from the provisions of the Social Security Law - end of service compensation branch. In light of this amendment, it was decided that employed Palestinian refugees on Lebanese territories who are contracted with one or more employer, must be subject to the end of service compensation branch, and that employers must comply with all obligations as specified in the Social Security Law and with its provisos as of 02/09/2010, provided that the refugee meet the following criteria:

1. To be residing in Lebanon
2. To be registered in the General Directorate of Political and Refugees Affairs
3. To be employed by one or more employer
4. To possess a work permit in accordance with observed laws and regulations in effect

In relation to the National Social Security Fund, and based on what has been mentioned above, Palestinian nurses are considered wage earners and fall under the auspices of three branches³¹ as long as they meet the aforementioned conditions.

A fundamental problem appears here for both the Palestinian worker and the employer, namely the loss of about 17% of the value of participating in this Fund because s/he benefits only from end of service benefits, that is 8% only. It is in this context that the law stipulates a condition for the Palestinian wage earner in order to benefit from end of service compensation. S/he has to possess a work permit with all the obstacles it entails in obtaining or renewing the permit³². For Palestinians, the end of service benefits is tied to providing the annual work permit, for S/he has to present all

30 The interview with Mr. Shawki Nassif, Financial Director of the National Social Security Fund (NSSF), took place on 02 July, 2020.

31 The branches are: Sickness and Maternity, family compensations, and end of service benefits.

32 Ibrahim Khalil Sharara, "Did you say social security for the Palestinian refugees?" 14/05/2015



the annual permits which S/he received upon submitting a request for the end of service benefits.

In order to implement this amendment, the NSSF committee issued the Information Memorandum No. 437 dated 23/05/2011, which dealt with "subjecting and benefiting Palestinian refugees working in Lebanon from the provisions of Social Security Law." The most important conditions in this Memorandum are:

1. While keeping the provisions governing the application of the Social Security Law, Palestinian refugees working on Lebanese territory are subject to end of service benefits according the following conditions:
 - ✗ To be a residing in Lebanon
 - ✗ To be registered in the General Directorate of Political and Refugees Affairs - Ministry of Interior and Municipalities
 - ✗ To be employed by one or more employer
 - ✗ To hold a work permit in accordance with laws and regulations in effect
2. Palestinian refugees working in Lebanon and who have met the conditions stipulated in paragraph one will benefit from the services of the end of service compensation branch under the same conditions from which the Lebanese worker benefits. They will be exempted from the condition of reciprocity which is mentioned in the third paragraph of this memorandum.
3. Those covered by the provisions of Law No. 128 do not benefit from the services of Sickness and Maternity and Family Benefits Fund.
4. End of service compensations will be given to those who are insured in accordance with the necessary legal and regulatory provisions. Neither the NSSF nor the State Treasury bear any financial commitments or obligations towards them.

In light of the above, it becomes clear that Palestinian nurses must obtain a work permit in order to benefit from end of service Compensation Branch; that is 8% out of 25.5%, paid on a monthly basis for the NSSF. In this way, Palestinians find themselves deprived of the dues of Illness and Maternity Branches, and the family services, keeping in mind that the employer pays the two branches dues. Depriving Palestinian nurses from these dues creates a feeling of injustice and a constant fear of deprivation of their families of the basic health benefits, especially with the existing disparity of alternative health insurance that hospitals provide for their nurse employees. Most hospitals provide Palestinian employees health insurance that covers them only within the hospital where they are employed. Whereas a small number of hospitals grant them private insurance with limited benefits, it remains to say, that they don't benefit from sickness, maternity and family compensations. During the interviews, nurses have mentioned that anxiety arising from the inability to provide healthcare for family members, especially the elderly ones, permanently haunts them, since not all hospitals offer health coverage for parents.

However, Shawki Nassif, the Financial Director of the National Social Security Fund (NSSF), did not consider that to attenuate Palestinian rights. He believes UNRWA should be the one providing health coverage for Palestinians, and should not renegade on its responsibility in this area. He



maintained that UNRWA must guarantee Palestinians the right of return, since, according to him, Palestinians should not be integrated within Lebanese community since they are considered as refugees and consequently the international community is responsible for all their living needs. Nassif stressed as well that allowing Palestinians to practice nursing violates the law governing the nursing profession, noting, it was just an exception due to the dire market needs for labor in the field.

On the other hand, nurses who have been interviewed for this study expressed their resentment toward the Social Security Law, for they believe it as unfair in their case. Moreover, they didn't find this decision to be justifiable on account that the NSSF receives all dues but does not, in return, give them their expected rights. According to them, UNRWA's involvement in this matter is irrelevant. Besides, Palestinian nurses incur additional expenses related to higher private health insurance expenses, for they don't benefit from so-called "insurance difference", that is the medical and medications expenses insurance companies do not cover, in addition to family compensations and health insurance for children and parents. Based on the interviews, it became clear that some hospitals provide partial health coverage to spouses and children, but not to parents, which is not the case with the Lebanese social security. This makes Palestinian nurses feel helpless and concerned over their families' wellbeing, particularly that, according to some nurses, UNRWA's financial situation is collapsing and covers only a fraction of limited medical cases.

The Insurance Law raises another predicament dealing with nurses who started working before 2010. Ali, a nurse employed since 2000, said he was furious when he was told by the hospital administration where he works that he was registered in NSSF only in the year 2010. He was duped not because he has been paying his NSSF membership fees in full since 2000 which guarantees his end of service benefits, but because of the problematic issue involving end of service benefits. His NSSF registration starts as of 2010 without being retroactive, which means that end of service years covered by the NSSF will be less. This will affect the compensated amount he is expected to receive from the "Fund" upon retirement, even if the hospital committed to pay him end of service compensation for the 2000-2010 period. Until now, calculations of end of service years for NSSF remain unclear.

According to Article 52 of NSSF Law, end of service compensation is calculated after a 20-year service at the rate of a month and a half for every year. Whereas in the case of Ali, and although he has been working for 20 years, his registration in the Fund started in the year 2010, according to which he would have lost a 10-year compensation.

On the other hand, according to some Palestinian nurses participating in the interviews, certain hospitals do not procure a work permit nor register the nurse in the NSSF in order to avoid the expenses on both parties. In return, these hospitals allow the nurses to join their internal mutual fund to be able to profit from end of service benefits. This instigates job insecurity on part of the Palestinian nurse, mostly because end of service benefits is not mentioned in the contract, in case this contract initially exists. Rabih ended up without end of service benefits because he did not get a work permit, knowing that the hospital in which he used to work had promised him an annual work permit



renewal. As we have mentioned above, the work permit is a prerequisite for receiving end of service benefits from the Fund (NSSF). Rabih is unable today to make any legal claims for his end of service benefits against the hospital simply because the hospital has closed. Rabih lamented that "Palestinians live not only day to day but rather hour to hour, as the chances to plan for a better future for himself and his family are nonexistent and shattered."

In this context, lawyer Carol Mansour³³, Coordinator of the Project for Palestinian Rights and Legal Aid at United Nations Relief and Work Agency for Palestinian Refugees in the Near East (UNRWA), explained that the project has made some achievements to the end of securing work compensations for Palestinians in agreement with the Lebanese Labor Law, which provides for a monthly compensation for every year of service for employees who are not registered in the NSSF and/or who do not possess a work permit. This was realized through resorting to the Labor Arbitration Council, based on Article 59 of the labor law, in order to receive the end of service benefits, arbitrary dismissal compensation and other indemnities.

10. RESEARCH RESULTS

This study highlighted the reality of Palestinian nurses' employment situation. It pointed out that working circumstances and conditions vary according to each hospital and its internal regulations, as well as its relationship with its entire staff, whether Lebanese or Palestinians, in general. The study also revealed a clear disparity in the monthly salaries of Palestinian nurses included in the study, noting this value is contingent upon the type of certificate, employment system and salary scale at the workplace. Salary cuts from nurses' salaries have been recorded due to the economic collapse in the country, in addition to the health crisis associated with the Corona pandemic. Also, there have been a number of cases where employees stopped receiving salaries due to the economic crisis.

Despite the fact that Palestinians now have the opportunity to work in the nursing sector, they still don't receive the same social protection like their Lebanese peers. Palestinian nurses cannot fully join the Order of Nurses in Lebanon since their membership is suspended, neither can they benefit fully from the NSSF, although they pay all dues or contributions to the Fund, in addition to the administrative hitches they encounter in relevant ministries. Accordingly, Palestinian refugees are subject to "clemency" but don't in fact enjoy the right to practice the profession. This "clemency" sustained by the "petition" request is the gateway to denying him/her the right to work or the ob-

³³ The interview was conducted with Lawyer Carol Mansour, Coordinator of the Project for Palestinian Rights and Legal Aid at United Nations Relief and Work Agency for Palestinian Refugees in the Near East (UNRWA), took place on 10 June 2020.





ligations the employer commits to the employees, notably social protection and health insurance. However, this discretionary approach in employment, which is based on constantly changing laws and decisions, has led to integrate a group of Palestinian refugees in the Lebanese labor market, and through it, to the Lebanese society. It also broke, albeit partially, the cycle of deprivation, exclusion and marginalization. Hence, under the pretext that Palestinians are refugees pending their return to their homeland, their stay in Lebanon is not linked to their employment. Therefore, no rights are granted to them as a result of their forced stay in the country for over 70 years, noting that their stay is considered permanent in practicality, as they are not required to renew their residence papers in Lebanon. Despite this, the absence of a clear definition of their legal status makes them vulnerable to administrative discretion which affects their economic and social lives and deprives them of prospects of human development, progress and self-realization.

The study also showed the contradictory views of Lebanese state institutions in their relations or dealing with Palestinians. It clarified as well the possibility of making progress in Palestinian rights dossier through resorting to strategic litigation. For instance, the law regulating the nursing profession, which bans the practice of the profession for non-Lebanese, has not been an obstacle to inventing administrative decisions which excepted Palestinians allowing them to practice the profession, due to high market demand, and to prove their competence in this discipline. Likewise, the judiciary's intervention in some cases to abolish the implementation of the condition of reciprocity, is something that could be used to create broader legal violations that will eventually and positively impact the economic and social lives of Palestinians and their human progress and development.

Recently, it became apparent that the employment conditions for Palestinian nurses have deteriorated with the economic crisis and hospital staff reduction. The fact remains that the fear of Palestinian nurses is greater than that of their Lebanese colleagues, because their situation correlates not only with the hospitals' decisions or financial conditions, but also with the respective decisions of the Ministries of Public Health and Labor. Regardless of their competence and dedication to the job, Palestinian nurses can be instantly denied permission to work, in the event that the Ministry of Public Health declines to issue a permanent permission for a nurse to practice the profession, as is usually the case, or refuses to renew the permit, or if the Ministry of Labor refused to renew the work permit or issue a new one for Palestinian nurses. The state of instability and insecurity for Palestinians is continuous, but is interrupted by changes in public administrations in Lebanon.

Finally, the study showed that Palestinian work in the nursing profession in Lebanon is governed by essential factors, most importantly the market needs and the discretionary power of the respective ministers of Public Health and Labor, which determine the prospects for Palestinians to work in the nursing profession in Lebanon. Despite the fact that Palestinians have for years proven competence in the field and competitiveness in the labor market, yet relevant public departments continue to use this competence and experience solely to meet market needs. They also continue to use the pretext of safeguarding the right of return to deprive them of rights, employment opportunities and professional development, as we have already mentioned.



Strikingly, concerned stakeholders, in professional syndicates or ministries, did not mention during the interviews the economic dimension related to the integration of the Palestinian labor force. In addition to the humanitarian, legal, and political dimensions of Palestinian refugees in Lebanon, be it in nursing or any other profession, one must emphasize the economic dimension which has a significant and direct impact and urgency amid the economic crisis in the country. Hence, the economic integration of Palestinians, without discrimination, is expected to increase the gross domestic product (GDP) and contribute to economic development, and in the same manner, to social development.

We believe that providing jobs for Palestinian refugees in line with international and legal standards is essential, not only for Palestinians, but also for Lebanon and the international community. Therefore, it is unfeasible to maintain the status-quo of the Palestinians in Lebanon. Rather it is more useful to enact proactive policies that contribute to alleviating their miserable economic and social situations, to the interest of both the Palestinians and the Lebanese.





11. RECOMMENDATIONS

The recommendations in the table below address the challenges and difficulties presented by this study, particularly with respect to the situation of Palestinian nurses in Lebanon, and to prospects to improve this situation building on the results of the study. While the first batch of recommendations addresses Palestinian refugees in Lebanon in general to improve their conditions, and as a result improves the overall conditions of nurses, the second batch addresses Palestinian nurses directly.

TABLE 4
Recommendations

Challenges	Recommendations	Responsible Party
Recommendations involving the situation of Palestinian refugees in Lebanon, in general		
Absence of a clear legal definition for Palestinian refugees' legal situation in Lebanon	Issuing a clear legal definition that is not restricted to classifying and defining Palestinian refugees in Lebanon, but includes a clear explanation of relevant laws applied to them, provided that it is in agreement with public and private international law (Foreigner, non-foreigner, permanent resident, non-resident, stateless, etc.)	The Lebanese-Palestinian Dialogue Committee, and Lebanese Parliament



Challenges	Recommendations	Responsible Party
Conditions of Reciprocity and practicing the profession in the country of origin; Discretion in decision-making	Demanding Lebanese Legislators to amend laws related to excepting Palestinian refugees in general from both conditions: Reciprocity and practicing the profession in the country of origin, similar to what they did in 2010 when they amended Article 59 of the Labor Law to the end of excluding Palestinian Refugees from its provisions.	The Lebanese - Palestinian Dialogue Committee, and Lebanese Parliament
	Issuance of a work permit to Palestinians for a three-year period as required by Lebanese labor law pending the abolition of work permits for Palestinians in Lebanon, as well as the elimination of discretionary power which changes with the policy of each new minister. In this regard, we would like to emphasize that the identification card issued by the Division of Palestinian refugee Affairs of the Ministry of Interior and Municipalities, should be considered as equivalent to a work permit.	Ministry of Labor; Lebanese Parliament



Challenges	Recommendations	Responsible Party
Absence of social protection and full coverage benefits from the National Social Security Fund (NSSF)	Amending the Social Security Law in relation to Palestinian nurses' ability to benefit from all of NSSF divisions, including health and hospitalization in consistency with the full membership fees they pay.	Lebanese Parliament
	Scrapping the requirement to attach a copy of all work permits in order to obtain end-of- service benefits and only pay subscription fees as a condition for entitlement to compensation.	National Social Security Fund (NSSF)
	Inspection of sums accumulated in NSSF since 2010, and use of these amounts in the best interest of the Palestinian employees, based on the principle of financial and administrative transparency as demanded by Lebanese citizens and the international community	National Social Security Fund (NSSF), Lebanese Parliament
	Pursuance and expansion of the file of Palestinian refugees' rights and legal aid in UNRWA and other organizations in order to help the largest number of Palestinians claim work compensation. This would prevent exploitation of Palestinians in the labor market and contribute to building their human rights awareness in terms of their right to work.	UNRWA, concerned organizations, and Donors



Challenges	Recommendations	Responsible Party
Recommendations involving the Palestinian nurses in Lebanon, in particular		
Conditions of Reciprocity and practicing the profession in the country of origin; Discretion in decision-making	Resorting to strategic litigation in the event that the Ministry of Public Health and the Ministry of Labor refuse to issue or renew permission to practice the profession, work permit. This is subject to judicial decisions which believe reciprocity should not be applied specifically on Palestinian refugees because of the unfeasibility to sustain this condition.	Lebanese Judiciary
	Abolishing the practice of discretion and discrimination against Palestinian nurses in granting and determining the validity date for the permits and setting clear criteria for granting these permits.	Ministry of Public Health
Absence of opportunities for organizing, and right based awareness	Building a network of Palestinian nurses with the aim to raise awareness about their right to work and organizing them to negotiate with the Order of Nurses in Lebanon and the Ministry of Labor and Ministry of Public Health to the end of improving work prospects and conditions.	Civil Society, Palestinian nurses
Prevailing stereotyping of Palestinians in Lebanon	Organizing media and promotion campaigns. Private hospitals are invited to participate in order to break down stereotypes regarding Palestinians in Lebanon and raise awareness on the contribution of Palestinian nurses to the health sector in the country.	Non-Governmental Organizations; Palestinian Nurses



12. APPENDICES

APPENDIX 1: GUIDE TO INTERVIEWS CONDUCTED WITH PALESTINIAN NURSES

- ✘ Educational certificate
- ✘ Career path: Various jobs the Palestinian nurse has held whether related to nursing or to other professions; accounts on the lookout for jobs in Lebanon within the limited scope given to Palestinians by the law.
- ✘ Permission to practice the profession, and renewal by the Ministry of Public Health
- ✘ Work permit and renewal by the Ministry of Labor
- ✘ Social end-of-service benefits, health insurance, social protection, and social security
- ✘ The Order of Nurses in Lebanon: Relationship with the Order and its role in protecting their rights
- ✘ Conditions, circumstances and challenges of the job
- ✘ Impact of the economic crisis and the Corona pandemic on work and its continuity
- ✘ Future aspirations of Palestinian nurses

APPENDIX 2: GUIDE TO INTERVIEWS WITH KEY OFFICIALS

- ✘ Mr. Antoine Romanos, Head of Medical Professions at the Ministry of Public Health. The interview took place on 30/06/2020.
- ✘ Mrs. Marlene Atallah, Acting Director General of the Ministry of Labor, Head of the Foreign Workers Division. The interview took place on 30/06/2020.
- ✘ Mrs. Mirna Doumit, President of the Order of Nurses in Lebanon. The interview took place on 09/06/ 2020.
- ✘ Mr. Shawki Nassif, Financial Director of the National Social Security Fund (NSSF). The interview took place on 02/07/2020.
- ✘ Dr. May Mahmoud, Legal Officer at the Lebanese-Palestinian Dialogue Committee. The interview took place on 22/05/2020.
- ✘ Lawyer Carol Mansour, Coordinator of the Project for Palestinian Rights and Legal Aid at United Nations Relief and Work Agency for Palestinian Refugees in the Near East (UNRWA). The interview took place on 06/10/2020.



Interview questions with key officials revolved around:

- ✘ Laws regulating the work of Palestinians and granting them the permission to practice the profession.
- ✘ Conditions and requisites to be met by Palestinian nurses in order to obtain the permission, and its validity.
- ✘ Relationships between public departments and private hospitals.
- ✘ Social protection and current or projected job security for Palestinian nurses similar to their Lebanese colleagues.



APPENDIX 3: PERSONAL NARRATIVES/ STORIES OF PALESTINIAN NURSES

Story No. 1

Name: Ahmad Tafesh

Age: 32

Residence: Saida

Educational Institution and Graduation Date: Beirut Arab University, 2009

Place of Work: American University of Beirut Medical Center (AUBMC), since 2011



After his graduation from the university, Ahmad worked for two years at the Central Hospital in the town of Mazboud, district Iqlim al-Kharroub (Mount Lebanon), before moving to work in the Intensive Care Unit at AUBMC in 2011. Once the state of emergency was declared due to the Corona pandemic, Ahmad decided to move to the Corona Unit bringing with him his experience which he acquired at the Intensive Care Unit.

Because of his work with the Corona Unit, Ahmad was forced to leave his house, wife and his three children alone. He had to stay the whole week away from them to protect them from being infected in case he was. In the presence of such pandemic, the sense of responsibility increases, not only for the family but also for society as a whole. Ahmad considers the Covid-19 Intensive Care Unit is not a typical working unit or something easy to deal with. No one can imagine wearing head to toe protective gear, even the eyes were covered for eight hours or more, nothing is clear. It was difficult in such situations to take delight in your achievements as a hero in front of tired patients. Despite providing the necessary and basic care to patients, this dangerous and fierce infection ended the lives of many. All at once, you are struck by the inhumane human feeling, a useless feeling of helplessness, as you are unable to help them or save their lives.

Ahmad went on to say, the August 4 Beirut Port explosion, which resulted in hundreds of casualties and injured, has exacerbated the burden and responsibility on nurses who were prompted to save the largest possible number of lives, while at the same time being constantly cautious about the Corona Pandemic.

Link to Ahmad Tafesh story on AUB's website and Facebook:

<http://aubmc.org.lb/Pages/A-Tribute-to-our-Nurses-our-Frontline-Heroes.aspx#st-hash.Xx3V022E.dpbs>

<http://www.facebook.com/AUBMC/posts/3552370644830506>

Story No. 2

Name: Ahmad Thaybesh

Age: 27

Residence: Saida

Educational Institution and Graduation Date: Lebanese American University, 2013

Place of Work: Rizk Hospital, Lebanese American University Medical Center, since 2013



Ahmad Thaybesh believes that upon graduating from university, timing and a stroke of luck helped him to immediately get a job at Rizk Hospital in Beirut, where he has been working since October 2013 in the medical orthopedic surgery unit. When the Corona-virus outbreak started, Ahmad volunteered in the Covid-19 Unit, specifically the PCR testing unit. He also volunteered in the mobile clinic the hospital has started.

Ahmad participated in preparing the mobile clinic from A-Z, strictly complying with all safety needs. He believed that through working in this unit, he acquired a special kind of field experience as a public health nurse in the times of pandemics. The biggest challenge at that time was to be away from his family and to live alone to keep them safe and sane, Ahmad said. The feeling of belonging to humanity is what pushed him to carry out his humanitarian and professional duty, and to join the team of the Corona mobile clinic. Ahmad began to work at the clinic in April 2020 and toured all Lebanese regions, from North to South and from Coast to Mountain. "We spent two hours in each region and we worked ten hours every day, six days a week."

Ahmad recounts his story, talking about "the difficulty of being shackled with insulated clothes the whole day, particularly if you had to work in the heat of the summer and conduct tests outdoors. This was indeed an extremely difficult situation that I even lost 6 kilograms (about 13 pounds) during the first month" of my work at the clinic. Ahmad continued to work at the mobile clinic till July 2020 before returning to the orthopedic section.

Link to Ahmad Thaybesh story in LAU's magazine

<https://www.lau.edu.lb/lau-now/voices/ahmad-theibich-bsn-13-nurse-at-lau-medical-center-rizk-hospital-.php>

Story No. 3

Name: Mona Abdel Hadi

Age: 25

Residence: Shatila Camp in Beirut

Educational Institution and Graduation Date:

American University of Beirut, 2015

Place of Work: Al Makassed Hospital, since 2016



When she was little, Mona had a dream of becoming a doctor, but she gave up on her dream for many reasons. Most importantly, because of the high costs of medical school which she is unable to bear and the ban on the practice of Medicine for Palestinians in Lebanon. She chose nursing, because as a Palestinian, she is allowed to practice.

Mona graduated from AUB, but could not work at the hospital simply because she is Palestinian. She voiced her frustration over the fact that the AUBMC rejected her because she is Palestinian. Mona said she received the feedback indirectly from the human resources department, and realized that her Lebanese colleagues were taken on instead. She added that the rejection got to her and she was emotionally drained, and was unable to resume her job search until ten months after graduation and overcome her psychological distress. Her shock was great because she believed that the American University of Beirut was different from the Lebanese society which discriminates against Palestinians. However, she quickly discovered that the Lebanese general climate and structure of the country are, according to her, strongly seen in this university. Mona speaks bitterly about her job search journey, as she tried to get a job as a nurse in private companies. She was surprised when told that her Palestinian accent is obvious and thus there is a fear that clients do not want to hear it.

Once she passed her Colloquial Exam and was able to get a permit to practice the profession, her request for a work permit from the Ministry of Labor was denied by the then minister of Labor, who refused to grant these permits to Palestinians. "I was tenured after four years at the job, and a monthly sum is deducted from my salary for the National Social Security Fund. However, I will not be able to receive end-of-service compensation without having a work permit. For this reason, I have to follow the matter seriously in order to secure my rights," Mona said.

"Today, I only think of leaving the country, but this decision is put on hold due to the Corona pandemic," she added.

Story No. 4

Name: Ahmad Al-Sammak

Age: 25

Residence: Saida

Educational Institution and Graduation Date:

American University of Beirut, 2016

Place of Work: Al-Nakib Hospital, Saida



Ahmad decided to go into the nursing career, thinking that this profession is suitable for Palestinians living in Lebanon. Unfortunately, it didn't take him long to discover that this was no longer the case. He faced this reality during his last year of study at AUB. During his senior year, Ahmad was selected to train in the department of Coronary Care Unit (CCU) because of his high academic achievement. However, the chairwoman made it clear to him that since his cohort included 37 Lebanese students and 5 Palestinian students, and while Lebanese students who get the CCU training will be guaranteed a job upon graduation, it made sense he steps aside in order to allow his Lebanese classmates to benefit from that training.

Today, Ahmad is the Director of Nursing at the Nakib Hospital in Saida, a well esteemed position for a considerably young person. Getting appointed to this position did not come without problems on part of the hospital's administration. However, the matter was soon resolved because the owner of the hospital happened to be Palestinian.

Getting appointed to that position was not the first problem Ahmad bumped into for his Palestinian nationality. In order to practice nursing legally in Lebanon he had to get the permit from the Ministry of Public Health. And like any foreigner he was required to obtain a work permit from the Ministry of Labor. Every nurse receives these two permits once s/he submits required documents as posted on the two ministries' websites. However, it remains up to the minister to approve granting the permit to the nurse even though all documents were properly forwarded. This is the case because the rules are ambiguous. In this regard, Ahmad stated: "I could not get the permit to practice the profession in 2016 because the Minister of Health at the time refused to give it to me, until another minister replaced him and granted me permanent permission. The work permit on the other hand, is granted based on the contract with the hospital, and accordingly the latter keeps this permit."

Ahmad loves his career but he understands that it is not enough to provide a secure future, especially in light of what Lebanon is currently going through. "The outlook on the future in this country is unclear and vague as we don't really know in which direction we are heading."



APPENDIX 4: LEGAL ROADMAP FOR THE PRACTICE OF NURSING IN LEBANON

The First Step - Ministry of Education and Higher Education

- ✘ Graduates of public institutes or Lebanese University don't need to obtain an equivalency certificate or to sit for the Colloquium exam.
- ✘ Graduates of private institutes or private universities have to submit the equivalency from the Ministry of Education and Higher Education and to pass the Colloquium exam.

The Second Step - Ministry of Public Health

- ✘ Submit an application for "permission to practice the profession" at the Registry Bureau (maslahat al diwan) at the Ministry of Public Health, which will in turn get transferred to the Medical Profession Division in the Ministry to solicit an opinion for this application. The file will be then sent to the Minister to get his initial approval.
- ✘ Palestinian nurses submit a request called "plea request" to be registered at the Registry Bureau (maslahat al diwan) at the Ministry of Public Health and which requires an exceptional approval from the minister. The Student will submit a letter explaining his/her situation and need for the permit to practice the profession. S/he can as well request to obtain the permit to practice the profession for life.

The Third Step - Ministry of Labor

- ✘ Private hospitals which employ Palestinian nurses will obtain a work permit from the Ministry of Labor.

The Fourth Step - The Order of Nurses in Lebanon

- ✘ Registration in the Order of Nurses in Lebanon. Please check the registration mechanism on the following link: https://drive.google.com/file/d/1PVhHmEbSNqn59uPU7RIFO9kYYG_WE6xP/view?usp=sharing



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