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CASE STUDY 5

Issued July, 2020

Project Title:

RIGHTS BASED ADVOCACY IN LEBANON (2013-2018)

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This case study is made possible by the support of the American People through the United States Agency for International Development (USAID). The contents of this case study are the sole responsibility of Beyond Group and do not necessarily reflect the views of USAID or the United States Government.

THE COMMITTEE OF THE FAMILIES OF THE KIDNAPPED AND DISAPPEARED

ADVOCACY CASE STUDY ANALYSIS

COUNTERPART INTERNATIONAL is a US-based global development organization that has worked in 75 countries during our 55-year existence, administering nearly 500 USG-funded programs valued at more than \$800 million. From 2009 – 2016, Counterpart administered USAID’s Global Civil Society Strengthening Leader with Associates (GCSS-LWA) award. As USAID’s primary civil society strengthening partner, Counterpart managed a consortium of ten partners and implemented 36 associate programs valued at approximately \$350 million in over 60 countries. Through the GCSS-LWA, Counterpart and our partner Management Systems International (MSI) were awarded the BALADI CAP program. Due to its long history in country, MSI assumed an in-country technical implementation role. The program, which started in 2013, had three primary components: Capacity Building Component (CBC), Civic Engagement Initiative (CEI), and the Civic Engagement for Democratic Governance (CEDG) Component. The research, analysis, and reporting conducted through this assignment relates directly to the CEDG component and seeks to provide project partners with strategic insight, learning and recommendations through the completion of BALADI CAP and on future programs of a similar nature.

BEYOND GROUP is a mission-driven consulting firm specializing in policy research, public management, capacity development and partnership building. Beyond Group is renowned for its ability to bridge global knowledge with the Arab context, its partnership mindset, and its experiential methodologies. As part of our Policy Research service, Beyond Group undertakes interdisciplinary policy research using frameworks and methodologies tailored for each context and initiative to support policy makers and international agencies in finding viable, innovative and evidence-based solutions to socio- economic problems, and the challenges of governance and development. Using qualitative and quantitative research tools, we conduct policy analysis and evaluation, develop policy solutions, and implement perception studies and impact assessments. Through our Partnership Building services, Beyond Group offers support to design participatory and innovative strategies and tactics to engage stakeholders, be it governments, public institutions, civil society organizations, private sector corporations and communities. Through this engagement we help build partnerships with shared values and purpose, driven by service to lead political, policy and institutional transformations throughout the MENA region.

CASE STUDIES IN LEBANESE CIVIL SOCIETY ADVOCACY. Within the framework of the USAID Baladi CAP project, Counterpart International supported a research project on civil society advocacy in Lebanon, with the goal of broadening the democratic space for citizen participation in public affairs by creating platforms for informed public debate and increased citizen engagement outside of sectarian and confessional lines. Selected through an open competition, BRD undertook a mapping of advocacy campaigns in Lebanon 2013-18 and together with Counterpart developed five case studies in an effort to highlight best practices and common factors contributing to civil society advocacy’s success or failure and enhancing an understanding of the needs of CSOs working on advocacy to further advance rights and reform in Lebanon.

All final case studies will be posted on the website of Beyond Group at:

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CAMPAIGN ISSUE AND CONTEXT

ADVOCACY ISSUE	<ul style="list-style-type: none"> Over 17,000 Lebanese and non-Lebanese went missing or were forcibly disappeared during the Lebanese civil war between 1975 and 1990. Little to no information has been shared about their whereabouts and conditions. The families of these individuals came together in 1982 to exercise their right to know what happened to them and ultimately formed the Committee of the Families of the Kidnapped and Disappeared in Lebanon.
COMMITTEE'S OBJECTIVES	<ul style="list-style-type: none"> Releasing all those who were abducted and disappeared. Pressure the Council of Ministers to form an official independent and impartial commission to investigate the cases of the forced disappeared. Pressure the Council of Ministers to establish a social protection program for the parents and families of the disappeared. Pressure the Council of Ministers to officially recognize April 13th as the annual national day of remembrance.
ADVOCACY INTERVENTIONS	<ul style="list-style-type: none"> The committee has led multiple activities (1982 to present) that took different forms, including symbolic interventions such as sit-ins in front of the United Nations building in Beirut, the formation of the "Friends of the Parents of the Disappeared" group, outreach to human rights organizations and media through frequent press conferences, awareness campaigns (posters, flyers, pins, etc.), and lobbying at governmental and parliamentary levels.
ADVOCACY RESULTS	<ul style="list-style-type: none"> The creation of two national Commission of Inquiry (2000 and 2001) set up to find out the fate of all those kidnapped or forcibly disappeared. Although the committees failed to conduct an exhaustive investigation, their formation indicated the Lebanese government's acknowledgement that there are people who disappeared during the war who are still alive. Made "forced disappearances" a public issue and not only one affecting the families of the disappeared. In 2014, the committee lodged a case before the State Council - Lebanon's highest administrative judicial body – which recognized the families' right to know and right to information. Consequently, the Committee was granted access to the complete dossier on the investigations carried out by the two national Commissions of Inquiry or any investigations conducted by the government and the established commission. In 2018, Law No. 105 was passed to create a national independent and impartial commission. This was the first real step towards a neutral investigation from which hope stems for families and the public at large to know the truth after all these years.

Every April 13th for the past 30 years, under the slogan "Let It Be Remembered, Not Repeated"ⁱ, Lebanese commemorate the civil war that began on April 13th, 1975 and lasted until 1990. The slogan was initially coined by the Committee of the Families of the Kidnapped and Disappeared, an organization fighting for relatives who were kidnapped and arbitrarily detained in Syria or Israel during the war and continue to be detained, many since 1982.

Since the last census in the 1990s, a total of 17,415 individuals disappeared during and after the warⁱⁱ. Some were forcibly disappeared by militias during the civil war, others were taken when the Syrian army came into Beirut (1975-1990) and still others by the Israelis over the different rounds of war (1982-1990)

This situation has left many families in very difficult mental and physical conditions. The uncertainty of the fate of the disappeared makes it impossible to fully grieve, especially when families have proof (from victims who were released, or politicians or military figures they are close to) that their loved ones are still alive and detained in Syria or Israel.

In 1982, the families' determination brought them together to form the Committee of the Families of the Kidnapped and Disappeared. The motivation to create the group came from Wadad Halawani, an activist whose husband was kidnapped in 1982 and who called upon the families and other advocates to work together to call for the release of the disappeared. The group has been fighting tirelessly for this cause since then.

There are similar initiatives dedicated to this cause, however, this case study focuses only on the work of the

Committee of the Families of the Kidnapped and Disappeared (CFKD) and their efforts to demand information about their loved ones being held in Syria and Israel.

One of the major roadblocks facing the group occurred in 1991, when the militias were disbanded without being required to provide information about the persons they had kidnapped or to release any prisoners they were holdingⁱⁱⁱ. The situation was further exacerbated when the various militias evolved into the political parties of today, entering into government and parliament. This is cited as one of the reasons why the Lebanese government has never expressed any political will to resolve the question of the disappeared, although recently that is starting to change.

As the political events in Lebanon have evolved, CFKD revised its objectives to respond to the changing environment:

During the civil war (1982-1990):

- Demand the liberation of the committee members' relatives from all Syrian and Israeli jails.

After the civil war (1990-present):

- Formation of an impartial national commission that would investigate the cases of the forcefully disappeared.
- Adoption of a social protection program for the parents and families of the disappeared.
- Recognition of April 13th as a national day of remembrance.

Following two failed attempts (2000 and 2001)^{iv} by the government to form an independent and impartial commission to investigate cases of the missing and the forcibly disappeared, the committee continued to advocate for its creation. It was not until November 30, 2018 that the Lebanese government and parliament approved law 105: Law on Missing and Forcibly Disappeared Persons^v, 27 years after the end of the wars which began in 1975. The campaign for this new law was led by the Committee of the Families of the Kidnapped and Disappeared, a group which continues to advocate and pressure the government to ensure the law is implemented. Effective implementation of the law will be the true test of the political will of the Members of Parliament who voted to pass the law, especially because most of those in power today were previous members of war militias.

Activity Analysis

While the committee of the families came together sharing one concern and one request, that is, the release of their family members who had been kidnapped or forcibly disappeared, they could not anticipate that their efforts and calls would culminate in what is now known as the longest advocacy campaign in Lebanese history (27 years and continuing). Only a few months after launching their actions, the members found themselves facing warlords, militias, and high-level political bargainers who wanted to preserve their power irrespective of the human rights treaties Lebanon had ratified, including the U.N. Convention against Torture in 2000 and the Universal Declaration for Human Rights.

When the war ended and the CFKD realized that the government had not considered its requests, they refocused efforts to develop and carry out a long-term advocacy campaign to capitalize on the Lebanese legal framework while engaging with decision makers to advocate for their right to know and right to information, as well as to mobilize citizens and the media to join their cause. It is worth noting that the CFKD decided not to receive any donor funding from international organizations or embassy, however, they capitalized on individual donations as will be presented in the following sections.

A detailed timeline of events and activities is presented in Annex I of this case study.



Image 1. Families marching during the civil war. Photo from Umam Documentation and Research

Community Mobilization

To grow stronger and ensure that their voices would be heard, the CFKD decided to make the issue of forced disappearances a broad public issue, as opposed to a personal cause. However, many Lebanese perceived some of these victims as willing participants in the war and conflict and, as a result, mobilizing public support proved a difficult task. Hence, the CFKD undertook significant efforts to sensitize and depoliticize the issue. As explained by a member of the CFKD and the Lebanese Center for Human Rights, **"It was essential for the general public to know where we stand as families and that, although some of the people who were kidnapped or forcibly disappeared were fighters, this does not deny us our right to know their whereabouts or what happened to them."**

The lack of acknowledgement and support for the issue of the forcibly disappeared by the Lebanese government

spurred the CFKD to action. False promises and inaction from the government prior to 1990 continued under the new government at the end of the war. So, in 1990, members of the CFKD began unofficially organizing and ramped up their efforts to enhance their visibility and raise awareness of the issue beyond just the families of the victims.

In 1995, the CFKD became further incensed when the government issued Law 434/1995 asking the families to declare their loved ones deceased. The government's declaration that there were no survivors among the forcibly disappeared was proved false when the Syrian government released 54 detainees in the year 2000. The outrage caused by this action pushed the committee to amplify their interventions and that same year, the members organized and registered as an official association. One of their first activities focused on mobilizing members of the public as "friends of the committee". They reached out to about 200 individuals through word of mouth and by discussing the cause at events and conferences. These friends started contributing both financial and knowledge resources to support the committee in its efforts.

"The cause is not only for the 17,000 who were kidnapped... It is a national cause." Wadad Halawani, founder of Parents Committee.

To further gain public trust and mobilize fellow citizens, the CFKD activated supporters in media networks and on social media to share stories of family members who had disappeared, providing details on how the event had happened and what they were doing the day of the kidnapping or disappearance in an effort to help others feel the pain created by the disappearances. They not only wanted people to understand their emotional pain, but also to advocate with them. Supportive journalists and reporters featured their cause on television networks. "We lived for the hope that one day we will reunite with our husbands, fathers, brothers, cousins, neighbors..." said one interviewee. While they continued to meet with and pressure decision makers, the committee made sure to mobilize families and citizens across all religions, sects, and regions in Lebanon. "We managed to create a sect of all sects" said Wadad in reference to the diversity present within the committee and its supporters.

In addition, the committee carried out several national events and activities (documentary screening, sit-ins, screening of TV spots, photo exhibitions, workshops, songs etc.) each year leading up to the commemoration of April 13th as a National Remembrance Day. It is important to note that the Lebanese government does not officially recognize this day but Lebanese citizens hold activities and events to commemorate the war. In 2015, 40 years after the start of war, the CFKD organized a 40-day campaign to remind the Lebanese government that 40 years had passed but the successive Lebanese governments had not taken any action to declare the fate of those kidnapped or forcibly disappeared, did not take any action to reconcile, and did not take any action to enhance the living and safety and security conditions of the Lebanese residents. Picasso, a media and advertising company, supported the campaign by providing pro-bono use of their billboards across the country to deliver CFKD's messages.



During the 2018 parliamentary elections period, many families saw the names of their relatives who were kidnapped or disappeared during the war on the lists of voters. This provided further evidence that their relatives had not been declared dead. Capitalizing on this major political event (parliamentary elections), the committee moved to raise further awareness of the issue by compiling a list of candidates for parliamentary elections under the name "The List of the Disappeared for Lebanon." They disseminated the list across the country to show that those who disappeared came from all over the country, were from different sects and religions, and had diverse or no political affiliations. The message was carried by popular Lebanese figures such as actors, singers and journalists.

Egnaging Decision Makers

During the early years of Lebanon's 15-year civil war, the families of individuals who disappeared started informally organizing to collectively ask for their release. Meetings with authorities started in 1982 and continue to date. Over a period of 36 years, the CFKD has met with each of the prime ministers that have headed the different governments, lobbied and advocated members of parliament, protested, organized sit-ins, and arranged press conferences. Their focus shifted over the years from demanding the release of those detained to include issues of national justice and the right of the families to learn the truth from the Lebanese government. This shift was reflected in the types of actions directed at decision makers.

In 1995, the CFKD was approached by the government of late prime minister Rafik Hariri who had issued Law 434/1995 asking families to declare their relatives deceased. This law and request shocked the families and they refused to comply, explaining that no serious investigation has been conducted and the decision was unfair. The committee received little response from the authorities and in 1999 they changed their tactics to become more confrontational and based their actions on legal arguments. They worked closely with legal experts for support and advice and presented their research files to the Lebanese authorities and respective courts to push forward their demands.

The committee continued its advocacy strategy through meetings with political and religious officials coupled with community and media mobilization to pressure the government to form an independent and impartial inquiry commission to investigate the cases of the disappeared. The Council of Ministers subsequently responded to these efforts and issued a decree to form an inquiry commission in the year 2000 to investigate cases of the disappeared. They gave the commission six months to investigate the whereabouts and conditions of the missing and forcibly disappeared. Unfortunately, the commission's report was never released, primarily because political authorities were themselves involved in the war and any information released would have held them accountable.

In its second attempt to respond to the demands of the CFKD, the Lebanese government formed a second commission in 2001 to conduct further investigations. The investigations acknowledged the presence of mass graves and named the regions in which they had been found. The CFKD capitalized on this development and asked the commission to analyze the DNA of the remains found in these mass graves, in hopes of obtaining information on missing family members.

The CFKD then announced its first achievement: the Lebanese authorities' admission that there had been war crimes and mass graves and that there was a possibility of determining the identity of the remains and sharing that information with the families. Not surprisingly, since the national commission was formed by heads of the security units, political interests remained in play and little information was shared with the committee.

In 2000, after the Syrian authorities released 54 Lebanese detainees from its prisons, the CFKD intensified its meetings with Lebanese authorities and demanded they act, knowing that peoples' lives were at stake as evidenced by Syria's declaration that there were additional detainees. After Lebanon's liberation from the Israeli army in 2000, and following the Syrian army's withdrawal in 2005, the CFKD filed a petition to the state consultative council asking for recognition of their right to know the truth about what happened to their disappeared family members and for full access to the reports issued by the both inquiry commission. As a result of sustained pressure by the committee and their lawyers, the council finally recognized this right in 2014 and granted the committee complete access to the dossier on the investigations carried out by the Official Commission of Inquiry^{vi}.

Years into their advocacy campaign, the committee decided to take a different approach and demand their rights through legal channels. With the help of legal experts, they prepared a draft law for the missing and forcibly disappeared and presented it to the parliament in 2012^{vii}. The main elements of the draft law included: give families the right to information on the whereabouts and the fate of those missing or forcibly disappeared and create an impartial national commission to investigate the cases with detailed descriptions of its roles and responsibilities. Sadly, the Parliament did not even discuss the draft law, as many MPs asserted that approving or even debating such legislation would reignite the civil war by digging up the past and involving militias and politicians currently in power. Nothing came out of this attempt and the draft law was set aside by the parliament.

Parallel to its work on the law, the CFKD collected DNA samples from the families of the disappeared, particularly elderly relatives, to keep track of their ties to disappeared individuals should they either be released, or their remains found and identified in the mass graves.

The discussions on the law continued between 2014 and 2018 during which the CFKD attended parliamentary committee meetings to provide input and take part in the discussions. In addition, the committee capitalized on its wide network with the community and with families and friends of the committee to secure 5,187 signatures on a petition to push the 2012 draft law to parliament's agenda. In November 2018, the petition was submitted to the General Secretariat of the Parliament, who in turn presented it to parliament members.. Following these efforts and a series of meetings with MPs and members of the parliamentary committees as well as personal phone calls to MPs, the committee managed to push the parliament to discuss the draft law prior to the parliamentary elections in May 2018. The law was ratified and published in the National Gazette on December 6, 2018^{viii}.

With the passing of the law, the Committee realized a significant achievement, specifically setting the context for establishing an independent and impartial national commission to investigate and respond to the issue of the forcibly disappeared. The law further details the formation of this commission and it is on the CFKD agenda to follow through on its implementation. As per the law, the commission will eventually work with the judiciary and the Internal Security Forces to decide whether potential mass grave sites qualify to be legally protected from interference, the commission will be established when the law implementation is in place.

REFLECTIONS

“We succeeded as a women advocacy movement to form a group across all sectarian and confessional differences and ensure our right to know the fate of our relatives and loved ones.”

Wadad Halawani,
Founder of the
CFKD.

Over its 37 years of advocating and challenging government and political parties, CFKD has faced numerous challenges but it has also achieved significant successes, including:

- **Passing the Law on Missing and Forcibly Disappeared Persons:** The passing of the law in 2018 stands as a major success for CFKD and a breakthrough in advocacy work in Lebanon, particularly on such a politicized issue. With the legal framework now in place, the committee is determined to ensure implementation of the law and access to the information on the fate of the victims of kidnapping and forced disappearances.
- **Sustainability without International Donor Funding:** The committee prides itself for maintaining its neutrality by not receiving any international funding of any sort over the course of its many campaigns. Initiated by families seeking the truth about the fate of their loved ones, this effort has been more of a personal than political effort and seeking international support was not on their agenda. The main argument of CFKD about funding is that this is a local national issue and any effort put to work on it should be funded locally. The only donations raised came from the families themselves and their supporters, and to avoid the appearance or expectation of undue influence, the committee set the donation ceiling at \$1,000 USD from a single entity or individual.
- **Acknowledging April 13th as a National Remembrance Day:** Although the Lebanese government did not officially recognize the day, the entire country commemorates the war and the memory of the war on April 13th as a result of ongoing efforts by CFKD.
- **Making the Cause National:** The support that the committee was able to generate throughout these years is remarkable. They managed to successfully make their cause a national one and not the cause of a few, as it was originally perceived, even though they are advocating on behalf of over 17,000 victims of forced disappearance. Through sharing stories and de-politicizing the issue CFKD succeeded in mobilizing support. The challenge though continues as the committee tries to maintain this support and the energy to follow on the implementation of the law and ensuring national support to do so.
- **Winning a Case for the “Right to Know” at the State Consultative Council:** The case for recognition of the “right to know” has been one of the very few actions in which the court has ruled in favor of the plaintiff. The committee believes they won because they presented sufficient proof of the lies perpetrated by the Lebanese government throughout the years and a strong case that the families of the kidnapped and disappeared have the right to know how the government is dealing with their cases.
- **Government’s de-facto admission to war crimes:** When the second inquiry commission issued its finding that mass graves had been located in its attempt to convince the committee that the victims were deceased, the committee took advantage of this statement and announced that the Lebanese government’s de-facto admission to war crimes that took place and demanded they be held accountable.

LESSONS LEARNED

- **Developing Clarity and Focus of Objectives and Tactics:** The committee has clearly set its objectives and worked towards their achievement over all these years. They have not diverged nor were they driven by a political or monetary agenda. The committee’s only drive was and continues to be families’ right to know the whereabouts of those who were kidnapped and forcibly disappeared.
- **Mixing Advocacy Tools:** Although they started with a call for the release of those kidnapped, the committee members came to the realization that throughout the process and through connections with other NGOs, CSOs, and legal experts, that the advocacy track is lengthy and requires constant adaptation. Their use of mixed advocacy tools and tactics helped the members stay focused and determined and believe, even over 37 years, that they would succeed in achieving their objectives. Incorporating meetings, sit-ins, protests, petitions, and other tactics allowed them to respond to different target groups, address various challenges, connect with citizens, and present sound arguments to various political groups.

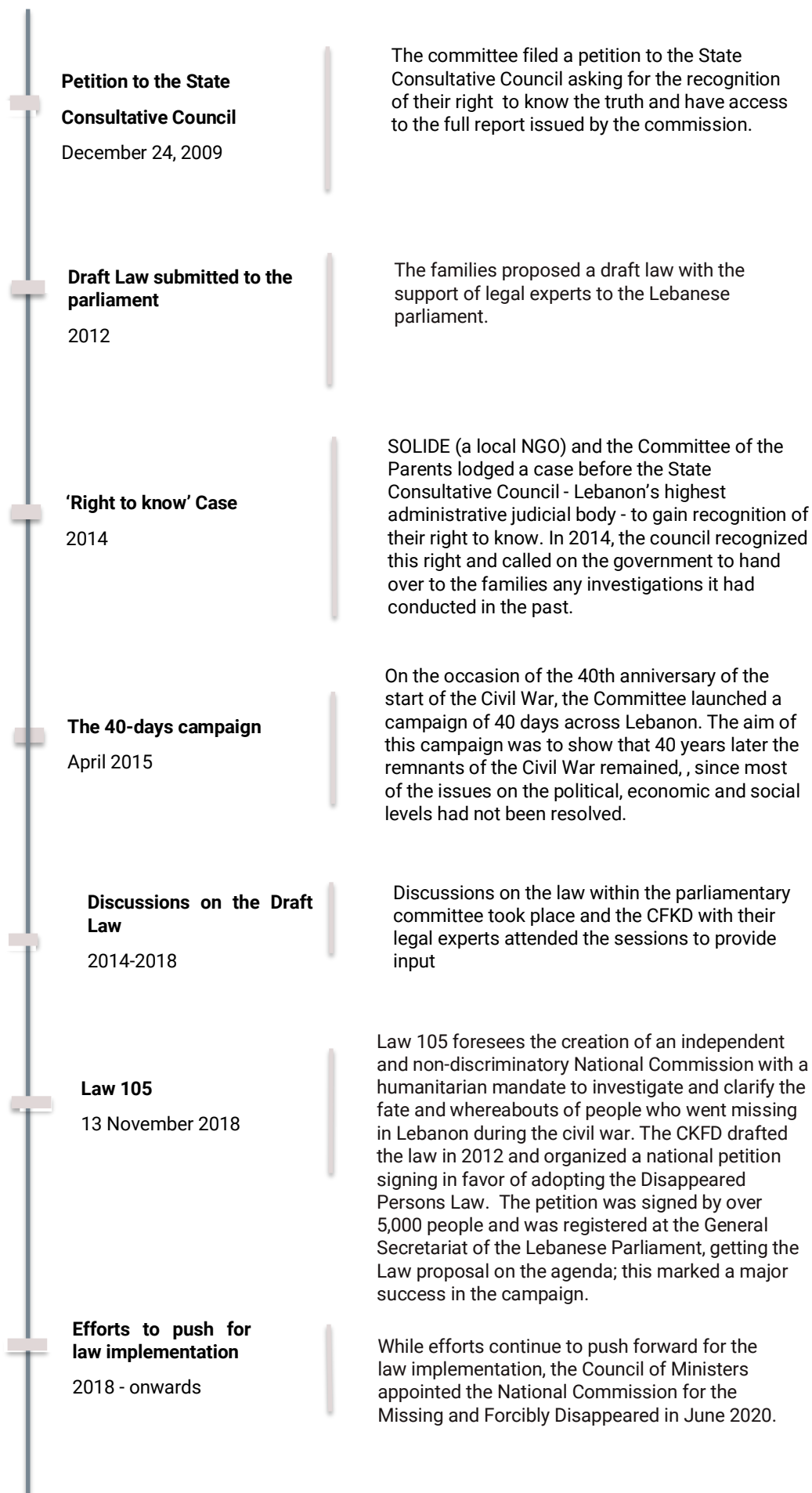
- **Depoliticizing the Issue:** Advocating for the right to know and for information on the whereabouts of the kidnapped and forcibly disappeared is a highly political and sensitive issue given the role of previous governments in the kidnappings and disappearances and the fact that individuals who participated in the militias during the war now run the government and parliament. Consequently, it was essential to humanize and portray the individuals as victims of war and not fighters or militia members in order to gain the trust and support of the public first, and then influence and pressure the decision makers to act accordingly. This was not an easy process, but by sharing personal stories, remaining in close contact with the families of the kidnapped and disappeared, attending events, and delivering tailored messages, the CFKD succeeded in depoliticizing the issue, contributing to the success of the campaign.
- **Choosing the Right Timing and Approach:** CFKD took advantage of windows of opportunity that opened. With every political event, milestone, and turning point, the committee made sure it was present to make and push its case, choosing different tactics, tools, and messages that adapted to the particular event or scenario.
- **Avoiding Confrontation:** Despite the high emotions around this issue for CFKD members, the committee made the decision to avoid confrontation in order to gain traction and calmly advance their cause as human rights activists and not political fighters. This decision allowed them to understand and track political and government events and messages and respond accordingly to advance their agenda.
- **Ensuring Transparency:** To avoid being politically labeled, the committee announced in its meetings and activities the amount of donations received and how the funds were used. They openly and honestly shared information on the support they received in meetings with the affected parents and families and the community at large. They kept them involved, engaged in strategizing, and drawing on each other for strength and unity. Sharing information on financial and in-kind campaign donors showed that there was not any outside influence on the campaign from a political figure, a foreign embassy, or a political party.
- **Networking with other Initiatives:** It was important for the committee to join efforts with other networks, initiatives, and groups such as SOLIDE, the Lebanese Center for Human Rights, the Legal Agenda, and International Center for Transitional Justice, Act for the Disappeared, and others to advocate together and get the necessary and needed expertise and input.

THE WAY FORWARD

To date, the campaign continues with its supporters focusing their actions on the implementation of Law 105/2018. CFKD alongside other CSOs and initiatives, will continue its advocacy efforts to ensure that the implementation of the recently passed law takes place and they are given the information about the fate of their family members. On June 18, 2020 the Lebanese Council of Ministers appointed the National Commission for the Missing and Forcibly Disappeared, 19 months after the adoption of the Law 105/2018. The next steps will be to appoint a president for the commission and kick off the work under its mandate.

ANNEX I: COMMITTEE OF THE FAMILIES OF KIDNAPPED AND DISAPPEARED





ENDNOTES

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- i Lebanon: The right to know for the families of disappeared', Lynn Maalouf, Amnesty International, 3 April 2019. <https://www.amnesty.org/en/latest/news/2019/04/lebanon-the-right-to-know-for-the-families-of-disappeared/>
- ii Mission d'Enquête Internationale, Campaign efforts continue to ensure law implementation "Liban, l'attente continue pour les familles des détenus et disparus" F.I.D.H, SOLIDA, 2001. http://www.rightsobserver.org/files/SOLIDA_Joint_Mission_FIDH_FR_2001.pdf
- iii Committee of the families of kidnapped and disappeared in Lebanon", Civil Society Knowledge center, Lebanon Support <https://civilsociety-centre.org/party/committee-families-kidnapped-and-disappeared-lebanon>
- iv Mission d'Enquête Internationale, "Liban, l'attente continue pour les familles des détenus et disparus" F.I.D.H, SOLIDA, 2001. http://www.rightsobserver.org/files/SOLIDA_Joint_Mission_FIDH_FR_2001.pdf
- v https://www.umamdr.org/uploads/advance_content/file/download_the_law_in_english_190214124858_all.pdf
- vi Lebanon's Disappeared: Ruling Consecrates Right to the Truth, Legal Agenda 2014 <https://www.legal-agenda.com/en/article.php?id=2986>
- vii Committee of the families of kidnapped and disappeared in Lebanon", Civil Society Knowledge center, Lebanon Support <https://civilsociety-centre.org/party/committee-families-kidnapped-and-disappeared-lebanon>
- viii Umam, Law on Missing and Forcibly Disappeared 105/2018 https://www.umam-dr.org/uploads/advance_content/file/download_the_law_in_english_190214124858_all.pdf