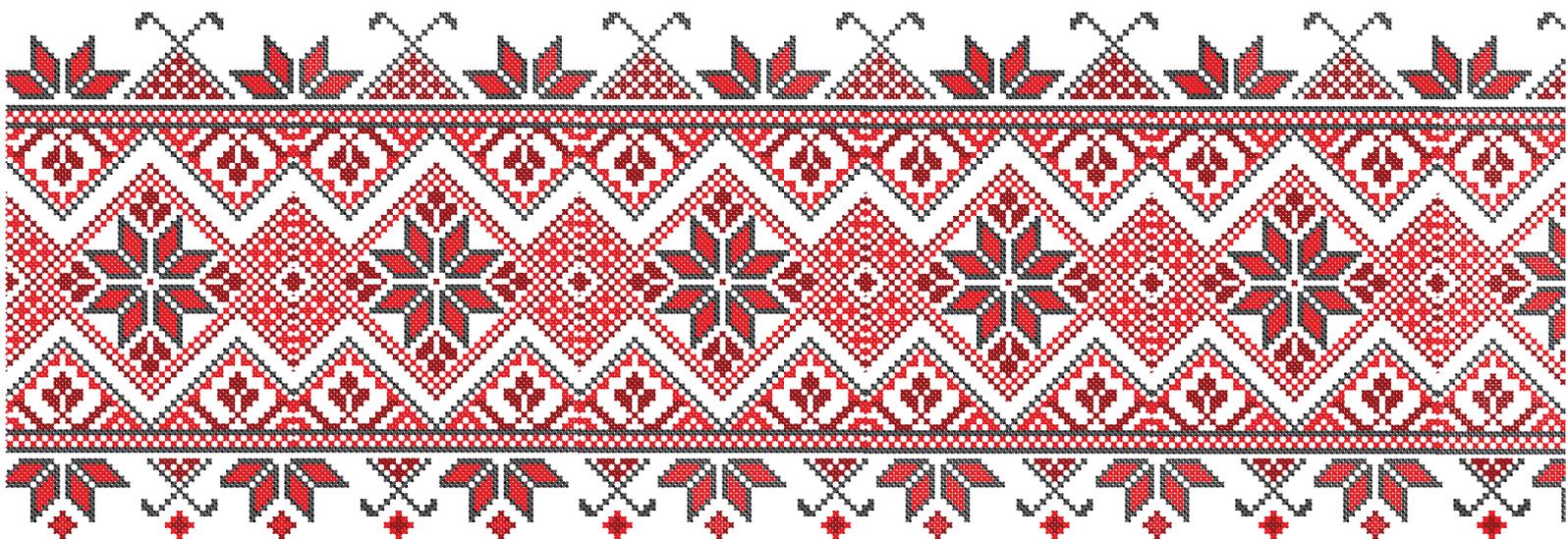
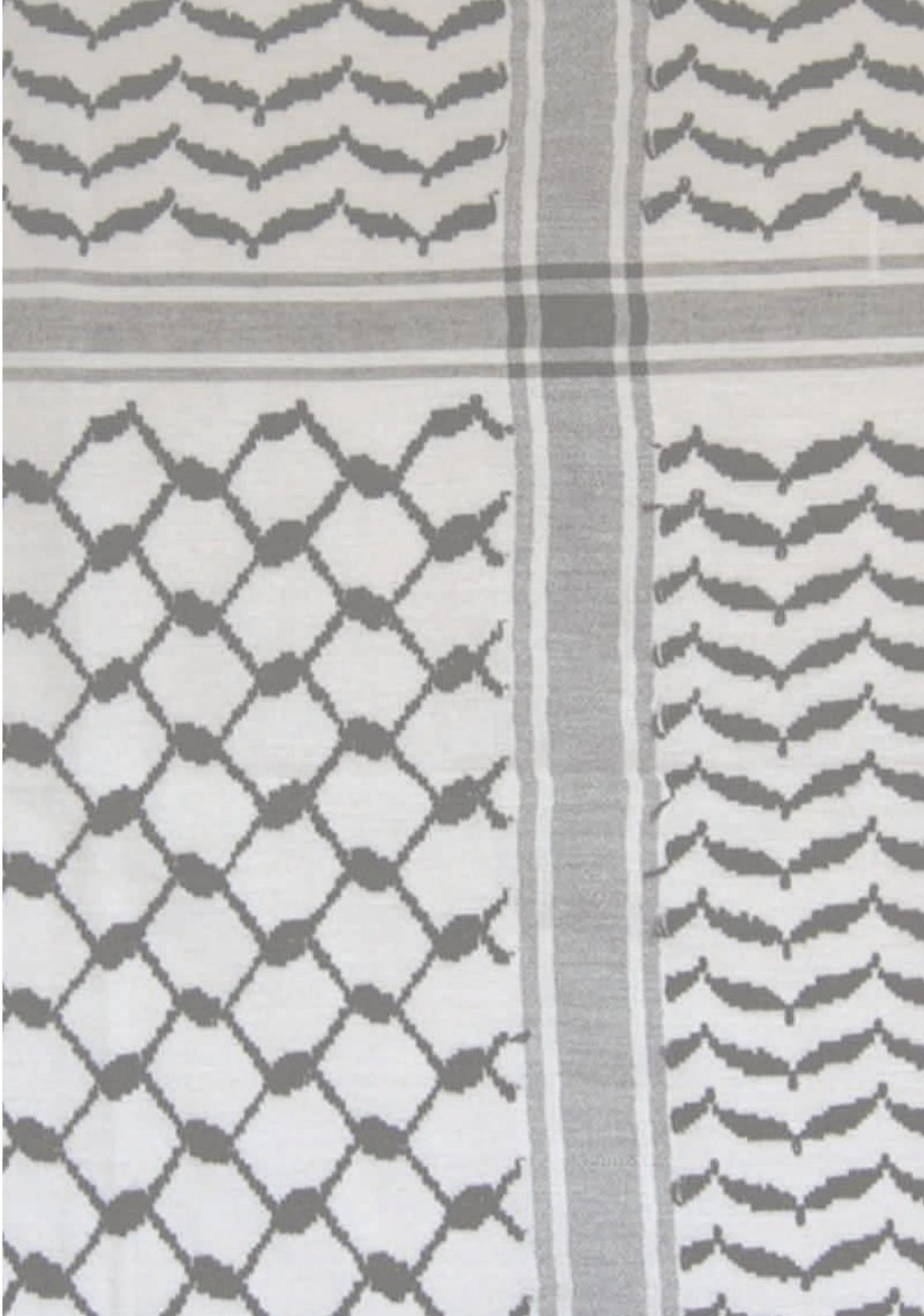




# Human **Rights** for **Palestinian Refugees** in Lebanon

Advocacy Dossier





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 Advocacy Dossier

Masar Association  
April 2016

نفسه

بجانبه

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# Preface

Masar Association works on advocating the rights of Palestinian refugees in Lebanon in cooperation with relevant stakeholders and duty bearers, seeking to build bridges and narrow the gaps of communication between the Lebanese and Palestinians people, notably among the younger generations. This is realized through the following activities:

This dossier comes in the framework of the second subject point mentioned above and is listed in 8 sections, namely: The right to personal identity and legal recognition; the right to education and health; the right to freedom of movement and decent housing; the right to work and social security; the right to ownership of property; the right to freedom of association; the right to choose representatives in the local government; the right to a fair trial and the rights of juvenile offenders.

Each section seeks to: Expound the current state of conditions of Palestinians in Lebanon; incidences of violations of



- Organizing strolls or study visits for the Lebanese and Palestinian youth to towns and villages across the country, and similar visits to Palestinian refugee camps, with the aim to expose the living circumstances of both sides, and help as such, in breaking the stereotypes they hold of each other.
- Presenting recommendations to different stakeholders working to endorse the human rights of Palestinians in Lebanon that allow them to live in dignity throughout their stay here and until their return to their homeland.

human rights and their impact on both the Palestinians and the Lebanese peoples; breaches of the international conventions and agreements, and finally, recommendations to readdress this reality. We will include in the annexes a set of draft laws and proposals that deliver the same goal.

This dossier serves as an advocacy tool for the rights of Palestinian refugees in Lebanon, with the hope to contribute to the realization of the objectives of the topic.

**Masar Association**





Overview of the **Palestinian**  
Presence **in Lebanon**



## Overview of the Palestinian presence in Lebanon

In 1984, and as a result of the atrocities, massacres and military operations of the Zionist militias, a considerable number of Palestinians (around 130,000 persons) fled to neighboring Lebanon, and were distributed on camps extending from the South to the North. And in the wake of the trio British-French-Israeli aggression launched against Egypt and Gaza in 1956, a new batch of some 5,000 Palestinian refugees arrived in Lebanon, and were later registered in the country.

The third category of refugees were not legally recognized by the Lebanese State, as they were members of families of militants fighting with the Palestine Liberation Organization (PLO) who were evacuated from the capital, Beirut, after the Israeli siege and occupation in summer 1982 and the subsequent massacres of Shatila and Sabra Camps. The estimated number of Palestinians left behind was close to 5,000 persons, mostly refugees from the West Bank and Gaza in 1967 (during the six-day Setback war, or Al Naksa).

In 1950, the UNRWA was founded to provide the basic services needed to alleviate the poverty of the Palestinian refugees, and to secure education, minimum health care, infrastructure and housing for some 15 camps, after the devastation of three camps during the Lebanese civil war (Tal el Zaatar, Jisr el Basha and Nabatiyeh). The latter, to note, has been knocked down by the Israeli jet fighters. El Bared Camp was also demolished in 2007 during the battles between the Lebanese Army and Fath al Islam terrorists, and is currently being rebuilt, but at a very slow pace.

The official Lebanese approach to Palestinian refugees throughout 67 years differed from other neighboring countries, namely, Syria and Jordan, where refugees enjoy their full social and economic rights. Lebanon, on the contrary, has deprived Palestinians from their basic rights, such as the right to work, social security, health care and others, discriminating them from other foreign nationals who had the right to own property or to move freely without restrictions. The camps were considered security emergency zones, and have been placed under extremely strict measures until 1969, which instigated wide differences between the two sides. The situation was exacerbated during Lebanon's civil war where Palestinians were regarded as a party in the strife. In 1990, with the signing of the famous Taef Agreement, the state of deprivation got more critical as Palestinian refugees were regarded in terms of security disturbances (possession of weaponry) and political conspiracies (settlement), with total disregard to their harsh living conditions.

The state of deprivation of human rights of Palestinian refugees in Lebanon started back in 1948 when the Lebanese authorities did not clearly classify the rights and responsibilities of refugees on its territory. Besides, the denial of their right of

return and of their human rights have worsened their conditions throughout 67 years of displacement, and led to higher rates of poverty, unemployment and emigration, as well as to a decline in their academic achievement and a parallel decline in health conditions caused by decreased UNRWA services. Other players involved with the provision of needs for refugees, notably the PLO and the Lebanese government, have also contributed to the state of neglect.

Despite the establishment in 2005 of so-called Lebanese-Palestinian Dialogue Committee (LPDC), the situation remained unchanged, on the level of living conditions and in the Lebanese official approach to Palestinian refugees in Lebanon. And despite the declared concern about the intolerable situation of refugees, no remarkable social, economic or political progress was made to change it. This is due to a lack of consensus on a humanitarian and political approach that could replace the narrow security and sectarian demographic-related postulations.

In this respect, some Lebanese officials still view the Palestinians as numbers disrupting the fiercely protected delicate sectarian balance, and as hotbeds for gunmen tampering with Lebanon's security, and have been building their strategies and policies on such fears. In this equation, the human and social rights of refugees have become victims of similar policies, as contained in the Taef Agreement, which never mentioned the human rights of Palestinians.





Stages of the Palestinian  
refugee influx to Lebanon



# Stages of the Palestinian refugee influx to Lebanon

The stages of Palestinian presence in Lebanon can be divided as follows:

- **Stage 1:** (1948 to 1969): Witnessed two approaches in relations between the official Lebanon and Palestinian refugees. While, the first was characterized with compassion, humanitarian and social solidarity, the second was burdened with security issues and was considered a heavy burden on Lebanon. As such, security constraints started to take shape and adversely affect the daily life of refugees.
- **Stage 2:** (1969 to 1982): Was characterized with a remarkable active role of Palestinian resistance movements. It saw the birth of the first official agreement between Lebanon and the PLO in Cairo that regulated bilateral relations. Nevertheless, the incomplete implementation of the deal sparked political and military clashes. This peaked with the Israeli occupation of nearly half the area of Lebanon, a siege of the capital and the evacuation of PLO affiliated militants and institutions and a subsequent decline of their heydays.
- **Stage 3:** It started with the deportation of the PLO from Lebanon followed by the massacres of Sabra and Satilla Camps in 1982. Shortly after, the Cairo Agreement came to an end, causing a vacuum in relations with the absence of an alternative mechanism to regulate them. The Lebanese State returned to its earlier policy of extreme and overt discrimination against Palestinians. On the other hand, in the wake of the Israeli control of a large part of the South and the countless hardships inflicted on the southern areas and the camps, the rights of the Palestinian refugees were again ignored and they were left without legal or physical protection.
- **Stage 4:** Following the pullout of the Israeli Occupation forces from Beirut, Mount Lebanon and the South, except for the border zone, a new round of fighting against the Palestinian camps erupted in 1986 and lasted till 1988. Later, the Taef Agreement between the Lebanese parties was signed. But instead of addressing the ramifications of war, primarily the state of extreme poverty among martyrs' families, or proposing reconstruction plans for the camps, or finding shelters for the displaced and working out an acceptable economic détente, a new but exceptionally discriminatory scheme was devised between 1991 and 2007. This scheme wiped out what remained of the rights of Palestinians through legislations drafted by the Lebanese Parliament, ministerial decisions and administrative directives which eradicated the right to free movement and the right to ownership of property. The right to work and social security were also removed from any discussion. All this led to a massive emigration of Palestinians to where they can secure their basic needs. As a result, the demographic number of Palestinians residing on the Lebanese terri-

tory shrank to 175,000- 225,000 persons (The Center of Development: The Legal Status of Palestinian Refugees in Lebanon, 2007), contrary to what is known (400 thousand refugees).

Throughout these stages, and with the drastic fluctuations in the legal status of refugees, the latter opted to invent their own solutions to cope with the situation. They never gave up on their demands which run along two main paths: the first, a broad national and unwavering right of return rejecting any plans of resettlement outside Palestine. The second involves their daily life and the basic human rights, like the right to work, own property, health and education...

After the first and second uprisings (Intifada) in the Occupied Territories and the establishment of the Palestinian National Authority in 1993, a new public and official Lebanese attitude emerged which advised another approach to the Palestinian file in Lebanon. This approach, while based on human rights, did not prevent the marginalization of the role of Palestinians in domestic economy. In this respect, a study prepared by the Social Najdeh Association drew attention to the vital role of Palestinian refugees and their contribution to the overall Lebanese economy, as well as, their remarkable purchasing power (exceeding 10%). Besides, the study stressed the roles of pioneers in trade and finance, notably, Youssef Baidas, Rifaat Nimr, Hassib Sabagh and Saeed Khoury... in arts and culture, Riad Bandak, Salim Sahab, Tawfic Abdel Aal, Marwan and Wadiaa Jarrar, Abboud Abdel Aal... and in science and literature, Ibrahim Salti, Demetri Baramki and many others.

- **Stage 5:** (2005 to date): After the assassination of Prime Minister Rafic Hariri and the calamitous situation that followed, the United Nations Security Council issued a Resolution No. 1559 of 2005 which prompted a new line-of-attack aimed mainly at, disarming Palestinian organizations, and achieving a broader framework of human rights for refugees. To this effect, the Lebanese Palestinian Dialogue Committee (LPDC) was formed and a number of campaigns launched, namely, the campaign for the rights to work and the campaign for the rights to ownership of property for Palestinian refugees. Moreover, the implementation mechanism related to the international monitoring of human rights in Lebanon, notably, the Universal Periodic Review, has played an important role in activating said efforts. In August 2010, the Lebanese Parliament enacted the first legal amendment which 'conditionally' granted Palestinians the right to work and social security. The implications however are still unclear, particularly that some Lebanese circles consider that the amendment does not require applied measures, while others said they were necessary to guarantee and preserve the rights and obligations of Palestinian workers. To this end, the chief of the LPDC, Dr. Hassan Mneimneh, organized a series of meetings with representatives of Parliamentary blocs to reach a compromise on the issue of human rights of Palestinian refugees. Results are not out yet.





# Defining the Palestinian Refugee and statistics

## Defining the Palestinian Refugee

According to the UNRWA, the Palestinian refugees are “those persons who were in their natural territory, Palestine, during the period from June 1946 to May 1948, but who lost their houses and livelihoods as a result of the Arab Israeli conflict in 1948....” In contrast, the Lebanese jurists did not clearly define the term Palestinian refugee despite the fact that the latter has been living in Lebanon for over 67 years now, and neither did they adopt UNRWA’s definition of the Palestinian refugee. As such, in some provisos, Lebanon considers Palestinian refugees as foreign nationals, while in others it defines them as a ‘special category of foreigners’ or ‘Palestinian refugees’. The lack of clarity in this case is a main reason for the state of deprivation some 280 thousand refugees live up with.

## The total number of Palestinian refugees in Lebanon

There is a disparity on the exact number of Palestinian refugees in Lebanon between the Lebanese State and the UNRWA and some other related associations. Yet, the closest estimate, agreed by several researchers, is between 260,000-280,0000 persons, half of which are under 25 years of age. The majority lives in the South (Saida and Tyre). The estimated number of refugees unregistered with the UNRWA is 35000 persons, and the number of those who have lost their personal identification cards is around 5000 refugees, mostly living in Ain el Helweh Camp. Nearly 66.4% of the total population of refugees in Lebanon are impoverished (survive on less than USD 1.4 per day), and 56% are jobless (according to a joint study by the AUB and the UNRWA, 2010).

Regarding the registered Palestinian refugees, they total 483,000 (UNRWA figures, January, 2015), 60% of which are registered outside the camps and in the Palestinian concentration areas across Lebanon, and 40% are registered inside the camps as follows:

No.	Camp name	Number of registered Palestinian refugees
1	Ain el Helweh	47500
2	Nahr El Bared	31000 (2007)
3	Rashidiyeh	27500
4	Burj el Chemali	19500
5	Baddawi	16500
6	Burj el Barajneh	16000
7	El Bass	9500
8	Shatila	8500
9	Wavel	8000
10	Miyeh w Miyeh	4500
11	Dbayeh	4000
12	Mar Elias	600
	<b>Total</b>	<b>193,100</b>





Human rights for the  
Palestinian refugees in Lebanon



## Firstly: The right to personal identity and to legal recognition

### Description of situation on ground

As a result of the conflicts and war and the multiple forms of displacement, many of the Palestinian refugees had faced problems with identity cards and registration with the majority belonging to the category of Palestinians of 1967 (Uprising, known as Naksa). Around 5000 refugees in Lebanon are non-ID holders (unregistered with the Lebanese State or the UNRWA). Palestinian refugees currently in Lebanon have come from families of the West Bank which used to be under the Jordanian sovereignty, or from the Gaza Strip formerly regulated by Egypt. The larger part of those refugees are registered with the UNRWA at said regions, but have been prevented from returning or from renewing their identification documents originally issued in mentioned regions (nevertheless, facilities have been offered by the Egyptian authorities, hence some refugees were able to return to Gaza after the January 25 Uprising in Egypt, 2012). It should be noted, that their siblings who were born in Lebanon from a Palestinian or Lebanese mother are non-ID holders.

The non-ID holders are deprived of basic human rights, like for example, the right to own vehicles (which requires presenting an ID at the relevant public departments). They neither have the capacity to register their marriage contracts, and hence, cannot register their children at the public departments.

The Lebanese Ministry of Interior has in 2008 started issuing temporary residence permits for non-ID holders, but which were halted by the end of 2009. The emerging situation drove this category of refugees and human rights groups to protest in demand of regulating their status. As a result, the Lebanese Public Security apparatus began to issue temporary residence documents, but interruptedly. Besides, such documents did not encompass all the components of this category, neither did they allow their holders to work, enroll in schools or colleges or register personal contracts, like marriages, birth certificates or to receive health care services.

The situation was further complicated with the bureaucratic processes that delayed the registration of a large number of Palestinian refugees in Lebanon, plus the size of the Palestinian passport or identity card which is relatively large and requires writing by hand. This possibly will impede the future travel of all Palestinian refugees, especially with the top notch screening devices employed at the international airports and which do not accept hand written identification papers.

### Violations and implications

- This category of Palestinians did not benefit from UNRWA services (health-care, education and work).
- Non-recognition of the legal presence of Palestinians in Lebanon (applies on mobility and movement, ownership of property, car, other rights).
- Difficulty of social adaptation (unemployment, school dropouts...).
- Denying the right to personal identification and to the Palestinian nationality is in conflict with the Human Rights Convention.
- The lack of identification papers for some 5000 Palestinians unregistered with the UNRWA or the Lebanese State (non-ID holders).
- Reservations made by Lebanon on the Second Provision of Article 9 of the 'Convention on the Elimination of All Forms of Discrimination Against Women' (CEDAW) with relation to the right of the Lebanese woman to grant nationality to her children.

### Breaches of international agreements/treaties

- Universal Declaration of Human Rights, Article 15, Paragraphs 1 and 2
- The content and spirit of the Convention relating to the Status of Refugees or the 1951 Refugee Convention, Article 27 (Lebanon is not a signatory).
- The International Covenant on Civil and Political Rights, Article 24, Paragraph 3.
- The International Convention on the Suppression and Punishment of the Crime of Apartheid, Article 2, (C)
- The Conventions on the Rights of the Child, Article 7, Paragraph 1.

### Recommendations

- Registration of Palestinians unregistered with the Interior Ministry's Directorate of Refugee Affairs and with the UNRWA.
- Registration at the Interior Ministry of non-ID holders under special category persons, or issuance of a decision that grants them identification papers by virtue of a permanent decree that cannot be repealed.
- Identification of the Palestinian nationality in accordance with international laws.
- Conducting an accurate and reliable survey on Palestinian refugees in Lebanon, clearly indicating the number of registered Palestinians.
- Restoration of retroactive effects resulting from violations (adjustment of status birth certificate, registration of children), most importantly at the Directorate of Refugee Affairs.
- Upgrading the systems of identification papers and passports for Palestinians in Lebanon, i.e. automated ID system, (IDs and passports), reduction of relevant fees (symbolic).





## Second: The right to education and health

### Description of situation on ground

The deterioration in the level of health care at the clinics and hospitals run by the UNRWA and the Palestinian Red Crescent, coupled with lack of proper coverage of the costs of chronic diseases, has aggravated the situation of Palestinian refugees in Lebanon, particularly the poor communities. Besides, the Lebanese State has thrown the responsibility of health care completely on the UNRWA. In education, a visible decline has been noted in quality of education in UNRWA-run schools. Reasons for this, include: the double shift school system, overcrowded classes (sometimes reaching 50 pupils per class), the long school day, the inadequate number of UNRWA-run schools across Lebanon, and finally, the ban on Palestinian students by some schools of the state-run Lebanese University, like the schools of engineering and medicine.

### Violations and implications

- The lack of adequate and specialized health clinics and emergency facility, adversely impact the health of refugees.
- Non-coverage of costs often leads to health impairment and loss of life.
- The decreasing quality of education leads to failure, cases of dropouts and unskillfulness of high school graduates.
- While Palestinians in some regions of Lebanon, specifically Palestinian concentration areas, pay their dues to local municipalities, yet they do not receive any development services in return.

### Breaches of international agreements/treaties

- The Universal Declaration of Human Rights, Article 22, Article 25 and Article 26 (1) (2)
- The International Covenant on Economic, Social and Cultural Rights, Article 12, 1-(A,B,C,D), Article 13, 1-(A,B,C,D,E).
- The International Convention on the Suppression and Punishment of the Crime of Apartheid, Article 2 (C).
- The Convention on the Rights of the Child, Article 3, Paragraphs 2,3, Article 24, Paragraph 2, Article 28, Paragraph 1 (A,B,C,D,E) and Paragraph 2.

### Recommendations

- The contribution of the Lebanese State to improve the level of education and health care services.
- Accessing the services of the National Social Security Fund.
- Pressure from the Lebanese government on UNRWA to improve the educational and health services.
- Increasing opportunities for Palestinian students to join the Lebanese public schools and regulating the process through the following: issuance of clean-cut or neatly defined ministerial decrees which give Palestinian refugees an edge over other foreign nationals; removal of all limitations that prevent admission of Palestinian students to vocational schools and some schools of the state-run Lebanese University, namely the schools of medicine and engineering, by virtue of special decrees.
- Strengthen coordination between the UNRWA, PLO and competent Lebanese ministries to the end of the enhancement of health services to Palestinian refugees, while maintaining Lebanon's inspection and supervision of the quality of offered services, particularly at UNRWA and Red Crescent health centers.
- Participation of local community organizations, unions and institutions involved with Palestinian in the educational and health programs of the UNRWA.
- Pressuring the UNRWA to increase the number of schools and rehabilitate existing ones.
- The need to increase UNRWA-contracted hospitals in the proximity of the Palestinian camps.
- Grant registered Palestinian refugees in Lebanon direct access to health services provided by government-run hospitals, and not only through the UNRWA contracting system.
- Provision of technical support by the Ministry of Public Health to Palestinian health institutions and exempting them from customs duties and taxes, as well as facilitating their access to medical supplies and equipment from abroad, (raised mostly through donations).





فلسطين



## Third: the right to freedom of movement and decent housing

### Description of situation on ground

The restrictions imposed on the freedom of movement is one form of mental pressure on residents of the Palestinian camps. And in times of tension and internal skirmishes, the lives of people there are threatened by similar limitations on movement in and out of those camps because of the Lebanese Army checkpoints. Complications are also associated with adequate housing conditions related to repair or construction works as a result of the ban on the entry of construction material to most of the camps, particularly in the southern regions.

### Violations and implications

- Ban of all repair or construction works inside some of the camps, without taking into consideration the increased population density.
- Impaired movement: can be seen in narrow entrances where a Lebanese Army checkpoint is placed, especially in South Lebanon camps and the Camp of Nahr el Bared.
- Non-Lebanese nationals need to obtain prior permits to enter the camps in the South and Nahr el Bared Camp.
- Ban of entry of construction material to camps which encourages acts of smuggling and the soaring of prices of such materials.
- A continuous rise in the rate of unemployment and poverty, and a corresponding upsurge in legal and illegal emigration as well as forced displacement.
- Social and mental instability.
- An increased population density inside the camps.
- Higher rates of environmental pollution and health hazards.
- Spread of chronic disease epidemic.
- A rise in aggressive behavior and social delinquency.
- A growing sense of isolation, spurring negative attitudes towards others.
- A higher rate of school dropouts.
- The presence of Lebanese Army checkpoints at the entrances of camps trigger stereotypes that often influence the decision of Lebanese friends to visit the camps (being dubbed as hotbeds for terrorists, instability, military checkpoints...).

### Breaches of international agreements/treaties

- The Universal Declaration of Human Rights, Article 13, Paragraph 2, and Article 25, Paragraph 1.
- The International Covenant on Civil and Political Rights, Article 2 (C).

### Recommendations

- Lift the siege of the camps, including allowing the entry of building materials, and allowing the free movement and residence of Palestinians over all the Lebanese territory in line with prevalent laws.
- End to military restrictions imposed on the camps, including removal of the wall surrounding them.
- Ease the various forms of security, political, media and humanitarian embargo to allow the Palestinian community be part of the life cycle in Lebanon, in all its divides.
- Separation of the humanitarian siege from the Palestinian camps weapons issue.
- Focus on addressing the fallouts of siege, detected in racist attitudes, ignorance, illnesses and political tension.
- End to false propaganda distorting the image of the camps as hotbeds for instability and efforts to improve this image through the media; draw attention to the bright side of Palestinian camp residents which is best shown in their struggle history, works of art, literature and culture.
- Organizing workshops for the Lebanese and Palestinians to raise awareness on the reality of life on both sides and develop bilateral relations in a positive and constructive way.





## Fourth: The right to work and social security

### Description of situation on ground

After seven decades of neglect, the Lebanese Parliament in August, 2010, made a reassuring move towards the Palestinian refugees in Lebanon, including a partial amendment of the Third Provision of Article 59 of the Labor Law, and Paragraph 3 of Article 9 of the Social Security Act. The said adjustment partly exempted Palestinian refugees from the condition of reciprocity, and similarly from the work permit fees, allowing them access to end-of-service benefits only.

Four years after the promulgation of above amendment, it was noted, that the implementation mechanism was lacking. Moreover, the most significant flaw in the adjustment to Law No. 128/2010 is that it endorsed the civil provisions of the Social Security Law currently in force. Said provisions bind Palestinian employers and workers to pay their full Social Security membership dues, but the Palestinian laborer can only benefit from end-of-service compensation and not from the coverage for sickness, maternity and family allowances.

The aforementioned amendment has created a situation which is unfair and discriminatory against Palestinian refugees. It clearly showed the need to make an additional adjustment to Labor Law 128 in order to reach a text consistent with the legal reasoning and which is fair to the Palestinian refugee.

The amendment to Article 9 of the Social Security Act, and Article 59 of the Labor Law, did not address the professional occupations that are still barred on Palestinian refugees who are competent college graduates. This is due mainly to the statutes which mandate and perpetuate the principle of reciprocity in line with an agreement between Lebanon and involved states, while applying it on all other non-Lebanese nationals within certain conditions.

The following professions are barred from Palestinian refugees: regulation of medical laboratories, certified lab technician, lab technician, medical doctor or dentist, orthotic and prosthetic technician, topographer, physiotherapist, certified health controller, pharmacist, healthcare controller, engineer, certified audit, dental laboratory specialist, veterinarian and lawyer.

### Violations and implications

- Lack of mechanism to implement amended legislations which could benefit the Palestinian refugee.
- Denying the right to work in liberal professions, the right to join unions.
- Denying the right to benefit fully from the social security and family allowances.
- Difficulties in granting work permits for Palestinians
- Widespread unemployment and destitution among Palestinians.
- Misery inside the camps, youth delinquency, increasing rate of crimes, violation of laws.
- Rise in the rate of violence.
- Widening gap between the Lebanese and Palestinian communities.
- Higher rates of legal and illegal immigration.
- Low levels of education.
- Rise in the rates and incidences of illnesses and health problems.
- Exploitation of Palestinians by their employers.
- Negative impact on domestic economy.
- Refraining from using the Palestinian expertise.

### Breaches of international agreements/treaties

- The Universal Declaration of Human Rights, Article 23, Paragraphs 1 and 4.
- The International Covenant on Economic, Social and Cultural Rights, Article 6,1 and Article 7.
- The International Convention for the Suppression and Punishment of the Crime of Apartheid, Article 2, (C).





## Fourth: The right to work and social security

### Recommendations

- The application of the labor law amendment on August 17, 2010 related to the right to work and social security, and exemption of Palestinians officially registered with the Interior Ministry from a mandatory prior work permit issued by the Labor Ministry.
- Allow Palestinian workers to benefit from the Labor Law a par with Lebanese workers, including full social security benefits, in return for full payment of membership fees.
- Amendment which allows professional Palestinians to practice their jobs, join trade unions and professional associations, and exempting them from the mandates of the Statutes of above unions, like the principle of reciprocity and possession of Lebanese nationality, etc.
- Endorsement of the principle of equality to all Palestinians covered in the Social Security.
- The Lebanese State should exert pressure on trade unions to allow Palestinians access to liberal professions without hindrances.
- Participation of local community organizations, unions and institutions involved with Palestinian in the educational and health programs of the UNRWA.
- Pressuring the UNRWA to increase the number of schools and rehabilitate existing ones.
- The need to increase UNRWA-contracted hospitals in the proximity of the Palestinian camps.
- Grant registered Palestinian refugees in Lebanon direct access to health services provided by government-run hospitals, and not only through the UNRWA contracting system.
- Provision of technical support by the Ministry of Public Health to Palestinian health institutions and exempting them from customs duties and taxes, as well as facilitating their access to medical supplies and equipment from abroad, (raised mostly through donations).





## Fifth: The right to ownership of property

### Description of situation on ground

Under the banner of encouraging investments, the Parliamentary General Assembly introduced an amendment (March 21, 2001) to the legislative decree related to foreigners' ownership of real estate in Lebanon. This prevented the Palestinians, without naming them, from the rights to ownership of property for "not holding a nationality of a recognized state or for associating them with the issue of resettlement". Later on, public circulars were sent to all notaries and real estate departments binding them to halt the completion of any official papers that validate the ownership of Palestinians of any property, particularly a swabbed sale contract. Yet, the injustice did not stop at this point. The amended law impeded the execution of some legitimate matters, like a bequest or inheritance of children from their deceased parents who bought the property before the decision of deprivation of ownership. Over and above, the children were prevented from inheriting the property of their Lebanese born mother (they are entitled to benefit from the bequest, yet according to certain measures enforced in some areas of Lebanon, the children cannot transfer the legacy to their names.)

This said, the above law aggravated the state of deprivation of the rights of Palestinians which peaked with the 1994 decision banning all construction works in the camps. The subject decision included an unparalleled racist discriminatory proviso reflecting an attitude which is contradictory to all the sentiments and historical ties between the Lebanese and the Palestinian people. Moreover, it instituted unfriendly relations that have always sparked off tension during the sixties of the past Century and the two nations are still suffering their repercussions.

Not until October 2015 did the Lebanese State make a progress on the subject of ownership of property of Palestinians. In December 2012, a number of associations involved with the Palestinian community and led by then minister of social affairs, Wael Abu Faour, launched so-called Real Estate Rights of Palestinian Refugees in Lebanon Campaign. The latter has already completed a dossier including a legal and field study, a draft proposal, a memorandum and other relevant publications. The file was submitted to the three branches of the government (the President, the House Speaker and the Prime Minister), in addition to all the MPs and ministers, political parties and the media. A documentary was also produced to be used in advocacy and awareness campaigns. The above Campaign sought to promote awareness on the right of property ownership, as well as to mobilize, advocate and press for the amendment of Law No. 296/2001.

### Violations and implications

- Increased population density in camps.
- Deprivation of the right to own property.
- Restatement of racist discrimination against Palestinians, unlike Arabs of other nationalities (a racist discrimination linked to nationality).
- Constraints in matters of Palestinians' inheritance of property owned before the enactment of the relevant ownership law.
- Violations of religious jurisdictions (the right to inherit).
- Palestinians use indirect ways to own property, risk of fraud and scam, infringement on the stability of legal performance.
- Negative impact on real estate market in Lebanon.
- Instability of the Palestinian community, a decreased sense of safety and protection.
- The prevailing situation contributes to the flight of Palestinian capital from Lebanon, hence, negatively influencing the various local economic sectors.
- Discrimination and diminution of the human rights of Palestinians are negative factors that widen communication gap between the Lebanese and the Palestinians.

### Breaches of international agreements/treaties

- The Universal Declaration of Human Rights, Article 1: 17 and Article 2.
- The International Covenant on Political and Civil Rights, Article 2.
- The International Convention for the Suppression and Punishment of the Crime of Apartheid, Article 2, (D).





## Fifth: The right to ownership of property



### Recommendations

- The contribution of the Lebanese State to improve the level of education and health care services.
- Accessing the services of the National Social Security Fund.
- Pressure from the Lebanese government on UNRWA to improve the educational and health services.
- Increasing opportunities for Palestinian students to join the Lebanese public schools and regulating the process through the following: issuance of clean-cut or neatly defined ministerial decrees which give Palestinian refugees an edge over other foreign nationals; removal of all limitations that prevent admission of Palestinian students to vocational schools and some schools of the state-run Lebanese University, namely the schools of medicine and engineering, by virtue of special decrees.
- Strengthen coordination between the UNRWA, PLO and competent Lebanese ministries to the end of the enhancement of health services to Palestinian refugees, while maintaining Lebanon's inspection and supervision of the quality of offered services, particularly at UNRWA and Red Crescent health centers.
- Participation of local community organizations, unions and institutions involved with Palestinian in the educational and health programs of the UNRWA.
- Pressuring the UNRWA to increase the number of schools and rehabilitate existing ones.
- The need to increase UNRWA-contracted hospitals in the proximity of the Palestinian camps.
- Grant registered Palestinian refugees in Lebanon direct access to health services provided by government-run hospitals, and not only through the UNRWA contracting system.
- Provision of technical support by the Ministry of Public Health to Palestinian health institutions and exempting them from customs duties and taxes, as well as facilitating their access to medical supplies and equipment from abroad, (raised mostly through donations).





## Sixth: The right to freedom of association

### Description of situation on ground

The Law of 1909 allows foreign nationals, including Palestinians, to participate by only 20% in Lebanese associations. While on the other hand, the Law No. 629/2004 issued by the Ministry of Youth and Sports, totally restricts Palestinians from the act of assembly or association, reflecting negatively on the social state of affairs and rights of Palestinian refugees in Lebanon.

### Violations and implications

- Ban of Palestinian associations hampers communication between them and parallel Lebanese associations. It also impedes convergence or exchange of skills, talents and cultures between the two sides.
- Denying the legitimacy of existing Palestinian associations and organizations makes them vulnerable to prosecution.
- Depriving young Palestinian men and women of their right to social and civil participation.
- The inability of networking and coordination between Palestinian and Lebanese youth in the absence of Palestinian associations, widens the gap between the two sides. This is a natural outcome of the attitude of relinquishing the potentials or capacities of the Palestinian youth.
- Unlicensed Palestinian institutions face difficulties in getting the adequate funding.

### Breaches of international agreements/treaties

- The Universal Declaration of Human Rights, Articles 20 and 23.
- The International Covenant on Civil and Political Rights, Article 21, and Article 22, (1)- (2)- (3).
- The International Convention for the Suppression and Punishment of the Crime of Apartheid, Article 2, (C).
- The Convention on the Rights of the Child, Article 15.

### Recommendations

- Enforce amendments to the two laws on associations: Law of 1909 and the Law No. 629/2004 issued by the Ministry of Interior and the Ministry of Youth and Sports.
- Work on the amendment of the above two laws and allow Palestinians to assemble and set up civil associations and parties.
- Authorization of existent Palestinian unions and associations.
- Cooperation between competent ministries and the authorized or legitimate Palestinian institutions, unions and associations.
- Set up networking mechanisms with Lebanese associations.
- The right of participation of Palestinian students as nominees or voters in the elections of student councils at universities, schools and institutes.
- Supporting youth, particularly sports-related Palestinian institutions, from within the state budget (the ministry of youth and sports), similar to other Lebanese institutions.







## Seventh: The right to choose representatives in local government

### Description of situation on ground

Most developed countries seek to promote participation of all components of society in the local elections, including the foreign nationals residing legally on their territory. Yet, Palestinian refugees inside and outside the camps are not allowed to partake in local committees, such as municipalities, where they can present their problems and find solutions to them. Over and above, Lebanon's non-recognition of the popular Palestinian committees inside the camps, on the one hand, and the latter's failure to enforce their bylaws concerning the right of nomination and voting, on the other, has limited the representation process to the act of appointing from within the factions. As a result, the right of participation of Palestinian refugees in the management of their life has been disrupted.

### Violations and implications

- Non-participation of Palestinians in municipal decisions, specifically, those related to development, as well as marginalization or exclusion of the camps from the agendas of municipalities in Lebanon and not providing them with the required services or needs.
- A multiplicity of authorities and a resulting division between popular committees affiliated with the PLO and committees loyal to the coalition factions (Palestinian factions not linked to the PLO).
- Non-recognition by the Lebanese State of the camps popular committees.
- Banning the participation of the various Palestinian groups and talents in such committees, in particular, the youth and women.
- Lack of coordination in development matters between the Lebanese State, the UNRWA and the popular Palestinian committees.
- The impact of the camps dreadful conditions on the camps themselves and on the Lebanese surroundings.
- Ban of democratic elections of representatives at the popular committees inside the camps and in the Palestinian concentration areas.

### Breaches of international agreements/treaties

- The Universal Declaration of Human Rights, Articles 20 and 21.24, Paragraph 2, Article 28, Paragraph 1 (A,B,C,D,E) and Paragraph 2.

### Recommendations

- Internally, conducting democratic elections of representatives at the popular committees, instating the right of Palestinian refugees to nominate or vote in local elections (popular committees).
- Recognition on part of the Lebanese State and the local municipalities of the camps' popular committees, and cooperation in the services sector that is not covered by the UNRWA.
- Assigning the role of municipalities in the camps through joint Lebanese-Palestinian committees.





## Eighth: The right to a fair trial and right of juvenile offenders

### Description of situation on ground

A number of human rights organizations have recorded incidences of arbitrary arrest, detention and torture of Palestinians by the Lebanese security apparatus. Besides, there is a documented list of thousands of wanted Palestinians inside the camps, namely in Ain el Helweh Camp, with total disregard to pertinent legal processes, unreasonable delays in the trials of inmates, and denying Palestinian prisoners access to the grant of legal aid as specified in the principle of reciprocity. As for Palestinian juvenile offenders, their protection is often obstructed in clear violation of the Convention on the Rights of the Child and the Lebanese law (Law of protection of juvenile offenders and those at risk No. 422 on 6/6/2002), particularly in legal and social follow-up and the fear for social workers under the pretext of poor security situation and difficulty of moving around in the camps. This, in addition to the transgressions against juveniles in Lebanon in general.

### Violations and implications

- Many Palestinian detainees and prisoners face inhumane conditions in detention and are subject to humiliation.
- Denying prisoners legal aid obstructs justice.
- The application of the rules of protection of Palestinian juvenile offenders leads to violations of their rights and to the recurrence of similar violations and arrests.

### Breaches of international agreements/treaties

- The International Covenant on civil and political rights, Articles 9, 7, 10 and 14.
- The Convention Against Torture, Article 2, (Paragraph 2) and Article 11.
- The Convention on the Rights of the Child, Articles 38, 39 and 40.



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### Recommendations

- Immediate release of any detainee not involved in a criminal offense as contained in the principle of international law which gives any person charged with summary offence the right to be presumed innocent until proven guilty. Besides, the right to a fair trial and the right to ensure an independent and impartial judiciary, while considering that any forced confession is null and void.
- Detainees should have access to immediate legal assistance, legal representation, regular family visits and health care.





# Palestinian refugees from Syria to Lebanon

## Description of situation on ground

The absence of legal protection for Palestinian refugees displaced from Syria created many complications in relation to free movement, education and health, notably for those who have lost their identification papers for one reason or another. This, besides the extra fees required to obtain residence papers every few months.

The United Nations High Commissioner for Refugees, UNHCR, has sidestepped from its follow-up of the conditions of Palestinian refugees from Syria, throwing the responsibility on UNRWA, being the international authority in charge of Palestinian refugees. Yet, with the continuing daily flow of refugees from the neighboring country, the needs have grown exponentially (until mid-2015). Added to that, is an uncertainty in plans or intentions to stop the influx of displaced Palestinians because of the continuing conflict in Syria.

Matters have gotten a bit more complicated with the directive No. 15325 on 3/5/2014 issued by the Lebanese Security General. The ordinance prohibits airlines from carrying any Palestinian refugee from Syria to Lebanon or travelling to the country, notwithstanding any relevant documents s/he holds. But after the wave of protests to the above decision, the Interior minister announced on 8/5/2014 a set of rules and conditions regulating what he termed the “process for entry into Lebanon of Palestinian refugees coming from Syria”. Requirements included a prior visa approved by the General Directorate of the Security General or a multiple entry visa valid until the date of expiration.

The period between 2012 and 2015 saw many tragedies with a large number of ships and ferries packed with illegal migrants, including Palestinians fleeing Syria, capsizing in the Mediterranean. Regrettably, UNRWA has followed a policy of neglect under the motto ‘the budget cannot afford’, and has, since July 2012, repeatedly said that it is on the lookout for funds to secure an additional budget. However, under the pressure of a burgeoning number of refugees and growing popular pressure, the Agency provided some services related to emergency and compulsory displacement needs. But the UNRWA, to date, continues to act like one of many Palestinian relief organizations and not like it is the only authority legitimately and legally in charge of the dossier.

## Violations and implications

- Palestinians flocking from Syria unable to meet the minimum requirements of life, basically food, shelter and health.
- A rise in illegal emigration, greater risk at sea.
- Exposure to detention by Lebanese security apparatus for reasons of illegal entry or non-renewal of residence permit.
- Encouraging human smugglers and brokers of illegal emigration.

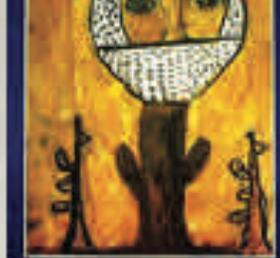
## Breaches of international agreements/treaties

- The Universal Declaration of Human Rights, Article 13 (Paragraphs 1 and 2), Article 22, Article 25 and Article 26 (Paragraphs 1 and 2).
- The International Covenant on Civil and Political Rights, Article 2 (C).
- The International Covenant on Economic, Social and Cultural Rights, Article 12, Paragraph 1, Paragraph 2 (A, B, C, D, E), and Article 13 (Paragraph 1), Paragraph 2 (A, B, C, D, E).
- The International Convention on the Suppression and Punishment of the Crime of Apartheid, Article 2, Paragraph (C).
- The Convention on the Rights of the Child, Article 3, Paragraphs 2 and 3, Article 24, Paragraph 2, and Article 28, Paragraph 1 (A, B, C, D, E).

## Recommendations

- Putting pressure on the international community to ensure the international legal protection and the right to life for Palestinian refugees coming from Syria out of consideration to the tense security situation and risks threatening their lives.
- Increasing the pressure on donors to provide immediate shelters for Palestinian refugees from Syria, providing emergency relief aid, including food, shelter and hospitalization or medical care.
- Giving more attention to Palestinian host communities in the camps and ensuring that the humanitarian aid allocated for the refugee crisis meets the needs of the host communities.
- Urging UNRWA to take full responsibility in distributing the allocated aid, and the need to secure additional aid for Palestinian families in Lebanon that host refugees from Syria.





معرض رسوم الأطفال  
الفلسطينيين





## Parties/ authorities concerned with Palestinian refugees in Lebanon

### **The United Nations Relief and Works Agency for Palestinian Refugees (UNRWA)**

In the wake of the Arab-Israeli conflict in 1948, UNRWA was established by virtue of Resolution No. 302, issued on December 8, 1948 by the United Nations General Assembly, with the aim to provide direct relief and work programs for Palestinian refugees. The agency began operations on May 1, 1950. And in the absence of a solution to the question of Palestinian refugees, the General Assembly repeatedly renewed UNRWA's mandate, (the last extension, to note, is until June 30, 2017). The UNRWA provides assistance, protection and advocacy for nearly five million refugees from Palestine, Jordan, Lebanon, Syria and the occupied Palestinian territories until the Right to Return, contained in UN resolution 194, is realized. The UNRWA is entirely funded through contributions of UN member states. The Agency's services cover education, health care, relief, infrastructure, enhancement of camp conditions, provision of community support, microfinance and, emergency response, including periods of armed conflict.

### **The representative authorities of Palestinians in Lebanon**

#### **The Palestine Liberation Organization**

The PLO was created in 1964 upon a decision by the first Arab summit held in Cairo. Before that, Palestine had a formal representation at the Arab League since its inception back in 1945. The level of this representation has increased after the 1948 war and the subsequent creation of "the state of Israel." Later on, the first Arab Palestinian conference, held to this effect in Jerusalem, declared the formation of the Palestine Liberation Organization (PLO) on August 28, 1964, and approved its national charter and statute. Ahmad Shuqairi, elected as head of PLO executive committee, was asked to appoint its members. Later, it was chaired by Yahya Hamouda, followed by the late Palestinian leader Yasser Arafat and is currently headed by Mahmoud Abbas (Abu Mazen).

#### **The Embassy of Palestine in Lebanon**

Early in October, 1964, under Lebanese Prime Minister Hussein Ouaini, a PLO office was inaugurated in Lebanon and was considered like any other Arab embassy, observing the general rules of diplomatic missions. To recall, this PLO office was the first in the Arab capitals to hold the status. To this effect, Shafiq el Hout from the Executive Committee was asked to represent the organization in Lebanon. During the Israeli invasion of the country in 1982, the PLO office closed until the year 2006.

Then, Abbas Zaki was appointed as representative of the Executive Committee of the PLO until September, 2009, to be succeeded by Abdallah Abdallah, as PLO representative in Beirut.

During the term of President Michel Suleiman, a ministerial decree was issued which upgraded the level of Palestinian representation to the level of diplomatic mission. On 17/8/2011, the Palestinian President Mahmoud Abbas, opened the Embassy of Palestine in Lebanon, and on 1/1/2012, Ashraf Dabour was assigned and still is the ambassador of Palestine to Lebanon.

#### **The Lebanese-Palestinian Dialogue Committee**

The Committee, set up in November 2005, was directly affiliated with the Presidency of the Lebanese Council of Ministers under the then Prime Minister Fouad Sanioura, and it inaugurated a new stage in the relationship with Palestinian refugees. To this effect, a Lebanese task force, led by Ambassador Khalil Makkawi, was formed from the various ministries and was succeeded respectively by Maya Majzoub (under PM Saad Hariri), Ambassador Abdel Majid Kassir (under PM Najib Mikati), and later, by Dr. Khaldoun al Sharif. Currently, the Committee, which receives support from international organizations, is chaired by former minister Dr. Hassan Mneimneh.

The assigned role of the above Committee is to improve the living standards and ensure a decent life for Palestinian refugees. It was agreed that policy recommendations on various matters shall be submitted to the Cabinet until the return of refugees to their homeland (UN Resolution No. 194). Other tasks assigned to the Committee included: resolving the subject of disarmament of Palestinians outside the camps, and the control and regulation of weapons inside the camps under Lebanese sovereignty; restoration of diplomatic representation between Palestine and Lebanon. The Lebanese State is totally aware that the refugees in camps are under tremendous pressure and that the absence of opportunities prevents them from enjoying a dignified life under the rule of law. Yet, the most notable achievement of the Committee is the re-establishment of the Palestinian diplomatic representation in Beirut.





Annexes



## Annex 1: Focus Group Discussion with a group of Lebanese youth on the rights of Palestinians in Lebanon

**December 2015**

**Cathy Mroueh, the youth and students sector in the Lebanese Communist Party:**

The life of Palestinian refugees in Lebanon can be described as gloomy at all levels. They face discrimination for more than a reason, primarily for their past involvement in the Lebanese civil war. On the economic front, their situation is the harshest compared to Palestinians residing in other Arab countries. They live inside ghettos that carry high risk factors.

**Tammam al Ali, the youth sector in the Future Movement:**

Palestinians living in camps in Lebanon put up with the worst humanitarian circumstances, as they are deprived of their basic rights (the right to work, to free mobility, to own property... etc). They are not allowed to own property even within the legal standards regulating foreigners' proprietorship in the country, and this is continuously fostered by playing on the fear of naturalization of Palestinians. On the security issue, when living conditions improve, the Palestinian refugee cuts off himself from any actions that seem provocative, and instead, strives to better serve the Palestinian cause.

Similarly, and after the famous Taef Agreement, Palestinians apologized for their irresponsible intrusion in the civil strife. Nowadays, they no longer encroach on the internal Lebanese affairs. We ought to learn from the past and kick off a new chapter here and now. To recall, during the 2007 Nahr el Bared camp events, the Palestinian Leadership firmly stood by the Lebanese government.

**Roy Berro, the students' organization in the National Liberal Party:**

The state of affairs of Palestinians in Lebanon is the least to say painful inside the camps, where they have become a heavy burden, developing into a confrontational community. I am with benefitting from their presence in a positive and constructive manner to the good of Lebanon and the Lebanese people: they have the education but they cannot get a job to utilize it.

Every person has the right to a decent living, education, work and development, and Palestinians in Lebanon have the right to advancement on the educational and employment levels until their return to their homeland. I am with recruiting them in place of the foreign workforce, specially, as daily wage earners. As regards the other occupations, the Lebanese themselves are still far from retrieving their own rights. I am with the Palestinian refugee working as a foreigner in line with relevant laws.

**Victor Gemayel, the students' department in the Kataeb Party:**

It is important that the Lebanese and Palestinians meet in the middle of the road. They have security-related obligations towards the Lebanese State, including addressing the issue of arms. On the other hand, the Lebanese State is responsible for rehabilitating the infrastructure and everyday life inside the camps... this compromise is not easy to reach as it is hampered by emotional residues of the Lebanese Civil War.

**Elie Bou Hanna, the students' department in the Kataeb Party**

Speaking of the Palestinians in Lebanon, the bottom line is the right of return and, as such, their presence in Lebanon is temporarily. Yet, it is important to disengage the social from the political when deliberating this matter. On the one hand, it is within the powers of the Lebanese state to improve the living conditions inside the camps, which will positively influence both the Palestinians and the Lebanese. On the other hand, the camps should observe the Lebanese laws in force, and accordingly, any violations to this law, including the proliferation of arms, is a violation of the state's sovereignty. We do not support the integration of Palestinians in the Lebanese society, especially in view of their extended presence in the country. We as young people at the start of our career life, don't want to see the Palestinians take our jobs. Lebanon has been burdened with the toll of the Palestinian cause as compared to other Arab countries, and likewise, the latter are asked to act responsibly and press for the return of Palestinians to Palestine. Arab countries must as well take on part of the burden by opening their markets to Palestinian workforce, or support them financially.

**Monzer Yahya, the youth and students' sector in the Lebanese Communist Party:**

Every person living on the Lebanese territories is a contributor to the national economy, including the Palestinians. However, a destitute individual cannot be an active player for his national cause, meaning the Palestinians, in order to realize the right to return. On the other hand, while the Lebanese state deals with the Palestinian factions unregistered with the Ministry of Interior or with the municipalities, as a fait accompli, their presence should be legalized in order to work under the umbrella of the Lebanese legitimacy. It should be emphasized here, that: Palestinians have infringed on their national cause when they intervened in the Lebanese internal affairs during the civil war. Yet, they have learned lessons from the past and apologized for their blunders.





## Annex 2: Focus Group Discussion with a group of Palestinian youth on the rights of Palestinians in Lebanon

**December 2015**

### **Hussein Arid, the Islamic League for the Students of Palestine:**

In Lebanon, we neither enjoy the rights of refugees nor the rights of foreigners or citizens' rights. We suffer injustices at all levels, and injustice breeds extremism. All this said, yet we have survived this state of unfairness. Yes, it is true, that the Lebanese citizen does not benefit fully from the State, which basically is his right, but at least, he maintains this right. Palestinians in comparison, are discriminated against twice, because they are deprived of all rights by virtue of the law itself.

### **Hassan Arid, the Islamic League for the Students of Palestine:**

The conditions inside the camps are miserable. This includes condensation and dampness, lack of light due to the state of encroaching buildings, which causes numerous skin and respiratory illnesses, particularly among children and adolescents. The latter have no proper recreational spaces to play or for exercise needed for their natural growth. Eventually, such conditions build up frustration, which is manifested later on in actions of violent nature. The swarming populace in the camps often prevents privacy and creates unwanted problems within the family. Depression has become a common malady, and everyone feels stuck at all levels of life. To make the tense economic and security situation worse still, the UNRWA decided to cut its services. Meanwhile, the Lebanese State's approach to our rights is incomplete and conditional, which is against the universal definition of the right itself, as indivisible, interdependent and interrelated. Therefore, we are called on to spread awareness on the culture of rights and advocate for them.

### **Ahmad Abu Jaafar, the Popular Front- General Command:**

Whenever unrest starts, Palestinians are accused of instigating it. The various political Palestinian leaderships have given their reassurances to the Lebanese government that they will not interfere in the country's internal affairs. In Syria, Palestinians have the right to own property, and this did not affect their identity or their emotional affiliation with Palestine. We invite the Lebanese to visit the camps to get to know the reality as it is, without any bigoted judgements.

### **Ali Ayoub, the Palestinian Progressive Youth Organization:**

There is a systematic plot against Palestinians to accelerate their surrender and relinquish their cause. One strong indication, is the latest move by UNRWA to cut the services to Palestinian refugees. While noting that education is a key asset to Palestinians, inspiring their emigration anywhere in the world to this end, this pressurized state of anguish in the camps increases the number of school dropouts among the Palestinian youth. We are being pinned down in order to accept any proposed solution to our cause. The goal of all these external agendas is the permanent settlement of our people. We hope that the topic of Palestine (the Palestinian cause) would be reincorporated in the Lebanese curricula, in such that it allows Lebanese students to learn about

it justly. We also demand that the local government propose to UNRWA to hoist the Palestinian flag at all the schools run by the Agency and request that students chant the Palestinian national anthem.

### **Wissam Ahmad, Fateh Movement Central Student Office:**

The conditions in the Palestinian camps have worsened with the influx of Palestinians fleeing from Syria, and the emergency situation extended to the Palestinian refugees in Lebanon as well, increasing xenophobic attitudes towards the camps which are considered hotbeds for harboring terrorists. International aid organizations have prioritized assisting the displaced Syrians in Lebanon, closing the eyes to Palestinian refugees in the country. The political instability in Lebanon negatively impacts us as Palestinians, especially with the absence of a Lebanese consensus on the Palestinian dossier. Each political faction has its own perception that serves its own interests and the overall regional situation. As for us, we have succeeded in disengaging ourselves from the Lebanese confessional system and refused to be a dagger pointed to civil peace in Lebanon. All we want is to bring all the Lebanese people around Palestine, as it is the central issue for Arabs.

### **Mohamad Hussein, the Palestinian Democratic Youth Union:**

Palestinians in Lebanon are under attack, as if every one of them is guilty until proven innocent. Generally, the Palestinian camps are viewed in terms of security or friction-generating agent, which is a past build-up, at the expense of the Palestinian rights in Lebanon. We have distanced ourselves from the internal affairs of the country and have been standing in the middle-of-the-road for 10 years now. Nevertheless, this political correctness did not positively influence the Lebanese handling of issues related to Palestinian refugees and neither did it alleviate the anguish or lift the injustice they suffer. Yet, we still have faith in dialogue to resolve all the issues of common interest, in anticipation of positive moves that make the Palestinian refugee sense a solidarity on part of his Lebanese brother. We largely count on the young generations of Lebanon and its civil society groups to play a constructive and helpful role in communicating the reality of life of Palestinian refugees to Lebanese decision makers in order to reach a point of commonality in facing all the outside dangers and conspiracies against Lebanon and its people, Palestine and the Palestinian refugees.

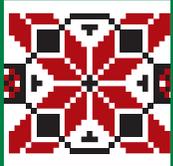
### **Jihad Koussa, Islamic Jihad Movement Student Office:**

We are refugees in Lebanon, but we do not enjoy the rights of asylum seekers. The Lebanese government holds accountable the Palestinian Liberation Organization and the Palestinian Authority, as well as UNRWA. But being the host country, it is still responsible for approving and endorsing our rights on its territory. We seek to sustain ourselves through maintaining a relatively high rate of academic performance among our people, despite the massive discrimination against us.

### **Bassam Salah, the Palestinian Youth Organization:**

The security situation in the camps is always under scrutiny, but no one inquires about the conditions of schools inside the camps or the impact of the UNRWA's move to cut services to camps residents. On the other hand, while the Lebanese side relates the endorsement of the human rights of Palestinians in Lebanon to the removal of Palestinian weapons, the Palestinian factions have actually handed over their heavy weapons after the Taef Agreement. As for the small arms, it is carried to secure the camps, and it is done in coordination with Lebanese authorities.





## Annex 3: Draft bills on the rights of Palestinian refugees in Lebanon

### A draft bill aiming to accord Palestinian refugees in Lebanon the right to work

#### Explanatory Statement:

The Lebanese Constitution in its preamble is based on the Universal Declaration of Human Rights. As such, Lebanon has signed the International Covenant on Civil and Political Rights, 1972, and the International Covenant on Economic, Social and Cultural Rights, 1966. In 1971, Lebanon ratified the International Convention on the Elimination of All Forms of Racial Discrimination, but is not a signatory of the Geneva Convention relating to the Status of Refugees, 1951.

As Palestinian refugees are required by duty to observe the public order and laws and regulations at par with all residents on Lebanese territory, whether local citizens or nationals of foreign countries, the Lebanese State is required to observe its duties towards the refugees. And what Palestinians in Lebanon want is to see justice applied in both (rights and duties) and to know and feel they are not marginalized. Theoretically, one can say, that the Lebanese society with all its constituents recognize very well the just demands of Palestinians related to human rights. However, this recognition is weakened when fears and questions are raised that link the rights to possibility of permanent settlement. There are contradictory approaches to handling this file, despite admitting that, when analyzing the nature of human rights, one realizes a clear and established fact that there is a real likelihood of conceding said rights while totally rejecting permanent settlement and retaining the right of return. It all depends on the way each demand of the rightful Palestinian demands is handled.

Over the years, the country has suffered severe political divisions which reflected on the conditions of Palestinians in Lebanon, whether on the general political arena or on the living conditions, while noting that the national dialogue sessions have addressed the security situation and the spread of arms inside the Palestinian Camps. However, said sessions did not address the social and economic affairs of Palestinians even though everyone is aware of the rightful demands of refugees in the country.

Some parties pained to thrust the issue of refugees in the quandaries of local politics and use the national consensus rejecting the notion of settlement as an excuse to deny the rights of Palestinians in Lebanon and make it look like it is the main peril endangering the Lebanese identity, and, conclude that their expulsion would eventually be the proper solution to the multiple crises in Lebanon. Yet, all political factions in the country agree that political instability is instigated by various local,

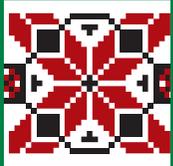
regional and international factors that has no relation to Palestinians, particularly that all recent events have proven that Palestinians remained neutral and did not intervene in the country's domestic affairs.

We are not bringing this up to defend the presence of Palestinians and their interests in Lebanon, but as an intervention on our part to re-address the refugee issue, here in Lebanon, in its proper political context. Everyone is concerned as far as suggesting solutions and initiatives that are reconciliatory to both sides. From the Palestinian view: Palestinian refugees in Lebanon constitute an integral part of the millions of Palestinian refugees who consider the right of return as legitimate and irreversible according to the International Resolution No. 194. From the Lebanese view: it is a downright rejection of attempts to displace or crack down on refugees under the pretext of fighting settlement agendas, or it is an attempt to challenge UNRWA's alleged financial crisis that led to cutting down the basic services for refugees, a policy, many believe, is encouraged by the friends of "Israel" pushing for elimination of the right of return.

Palestinian camps in Lebanon have become a 'special case' compared to camps in Arab states neighbors of the Occupied Territories. Camps here have shifted from temporary concentrations of refugees fleeing carnage in hope of return, which never happened, to heavily armed throngs living in security chaos and nurturing dormant terrorist cells that have been turned, according to political profiling, into problematic 'security hotbeds'. What is common in these camps, is the unyielding anguish of its residents. The camps have become unlivable for tens of thousands of families of Lebanese and non-Lebanese people looking for cheap shelter. And since the break of the Syrian crisis in 2011 and its impact on neighboring Lebanon, Palestinian camps have been in focus, particularly as they make a recipe for explosive danger. The dire conditions, deprivation and impoverishment in the camps, combined with the tightened restrictions imposed on them, have turned the camps into a sanctuary for extremists. And according to David Schenker (Director of Arab Politics Program at the Washington Institute), Lebanon, among UNRWA operating countries, is known "skeptically for having to deal with a number of intricate issues, meaning it boasts the largest number of the poorest of the poor people, who represent nearly 30% of the Palestinian population in Lebanon."

<http://www.washingtoninstitute.org/ar/policy-analysis/view/palestinian-refugees-languish-in-lebanon>





## Annex 3: Draft bills on the rights of Palestinian refugees in Lebanon

The situation of Palestinian refugees in Lebanon has worsened in the wake of the Syrian war with the influx of thousands of Palestinians and Syrians to Lebanon, inflating the populace of the camps with all the social, humanitarian and security ramifications on the Lebanese, Palestinian and Syrian communities. For example, the population in Ain el Helweh Camp (one of the biggest in the country) in the southern part of the city of Saida, has increased after March 2011, from around 80,000 people living on one square meter area, to nearly 105,000 persons, mostly Palestinians (as reported the Magazine of London in its February 2014 edition). The former minister of labor, Trad Hamadeh issued a ministerial decree No. 67/1 dated 7/6/2005 authorizing the exemption of Palestinians born on Lebanese soil and officially registered in the records of the Ministry of Interior from the provisions of Article 1 of the Directive 79/1. The latter, to note, requires withholding from Palestinians specific professions that are reserved for the Lebanese citizens. As such, and while many predicted that Palestinian workers will flock in large numbers to apply for a work permit, the disappointment was big after two years. The number of Palestinian applicants (between 150 and 300 work permit forms) remained intact. (reference: Ministry of Labor records).

To inquire the reason behind the reluctance of Palestinian workers to apply for work permits, is a good starting point in approaching the issue of the right to work of Palestinians in Lebanon. Still, what prevents Palestinians from applying to work permit lies in the conviction that, as long as it does not provide any new rewards to workers, therefore, there is no reason for Palestinians to venture. These anticipated rewards include social security benefits, which while Palestinian employers and workers are bound to pay their full Social Security membership dues, yet they cannot benefit from the reimbursements. This proves that the amendment of Article 59 of the Labor Law did not change the dire reality of workers.

The current hitch in the work status of Palestinian laborers is subject to two conditions: firstly, the principle of reciprocity of treatment, and secondly, the work permit. The Lebanese Parliament has realized the unfeasibility of enactment of the first condition due to the sensitive political and legal status of Palestinian refugees, and hence, it has been obliterated at the level of the right to work. Thereafter, the said obliteration was supposed to prepare the ground for easing all related restrictions enforced on foreigners, which is expected to improve the social and economic conditions of refugees. However, retaining the work permit, albeit free of charge, as requisite for work, keeps the Palestinian worker at the mercy of the labor minister and the labor department. Previous examples which have displayed favoritism and discretion in handling the cases of Palestinian workers, could continue in the future, which means increasing the burden of costs of additional documents required for

the permit. This confirms the possibility of a stalemate at the level of work of Palestinians in Lebanon.

The Lebanese laws have been a stumbling block in this respect. Palestinians have been banned access to some 72 occupations, except in the case of an agreement of reciprocity of treatment signed between Lebanon and the country of origin of the worker. As such, the Palestinian workforce was limited to simple professions, particularly in the construction and agriculture fields. And according to UNRWA figures, only 53,000 out of the 120,000 actual Palestinian labor force were recruited, noting that nearly 81% of Palestinian refugees in the South (Saida and Tyre), live in extreme poverty.

(<http://www.washingtoninstitute.org/ar/policy-analysis/view/palestinian-refugees-languish-in-lebanon>)

Notwithstanding the aforementioned initiative by former labor minister, Trad Hamadeh, who issued a ministerial decree easing the ban on Palestinians which withheld them from specific professions, yet, the directive did not live up to a decision by the Council of Ministers, which still denied Palestinians many dream jobs.

While Palestinian refugees are born in Lebanon and study at its schools and colleges, yet, their earned degrees, especially in medicine, engineering, pharmacy or law do not qualify them to work in the country. Palestinians willing to work in above, or other professions, have to either, work illegally inside the camps (at special UNRWA run programs for engineers and medical doctors) or leave the country.

By virtue of minister Hamadeh's decree, Palestinian refugees have the right to practice the following professions: administrative and banking, namely the title of assistant manager, human resources manager, secretary, accountant, clerk, archivist, computers programmer, syndical, marketing rep, foreman, storekeeper, retailer, jeweler, tailor, electric extensions, mechanics maintenance, paint, glass, doorman, driver, waiter, hairdresser, electronics, Arab cuisine chef, technician in the construction industry, including whitewasher, tile maker, aluminum, iron, wood and decor works, car mechanic, upholstery, nursing, jobs at pharmacies, drug warehouses and medical laboratories, elementary and intermediate teachers except for teaching foreign languages if needed, plant engineering, topography and landscaping.





## Annex 3: Draft bills on the rights of Palestinian refugees in Lebanon

As for the occupations that are still barred for Palestinians, they are: commerce business, currency exchange, certified audit, broker, engineer, jewelry designer, printing press, publishing and distribution, dyeing, in addition to free occupations that are restricted for members of syndicates under the Lebanese Law, and they are, law, journalism, pharmacy and medicine.

In conclusion, the Parliamentary amendments of the Labor Law of 2010, despite being a progressive step in realizing the rights of refugees, remained incomplete and lacking. Modifications were restricted to the human rights to work, and, only, partially, without consistently responding to the demands Palestinian refugees pain to achieve to this end. These include: annulment of work permits, the right to practice free occupations (such as law, medicine, engineering, pharmacy and others) and the right of a Palestinian worker to benefit from Social Security equally with his Lebanese peer, provided this does not deny him access to UNRWA services or interferes with his legal status as a refugee, or be interpreted as a form of, or prelude to, permanent settlement.

Thereafter, what was ratified remains inconclusive from many perspectives, particularly that discussions and decisions by the (2010) Parliamentary Committee for Administration and Justice did not reach the minimum rights aspired by Palestinian refugees in Lebanon and by a large segment of the Lebanese civil society.

And hence, based on the various international conventions supporting the elimination of all forms of racial discrimination and the establishment of equality under the law, particularly as per enjoyment of all rights,

And based on the State of Lebanon's pledge, as signatory of the International Declaration of Human Rights ratified and published by the General Assembly Resolution 3 D/217 on December 10, 1948, calling for the promotion of universal respect and observance of human rights and fundamental freedoms, whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

And based on Article 23 of the International Declaration of Human Rights which states that:

"(1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests."

And, as the deprivation of Palestinian refugees from their civil and social rights is contrary to provisions of the Constitution and to the successive ministerial directives to this effect, and as it is in breach of the International Covenant on Human Rights, as well as, agreements concluded with the League of Arab States, notably, the Casablanca Protocol,

And, as preventing Palestinian refugees in Lebanon from attaining their social, civil and political right weakens their collective capacity in rejection of permanent settlement scenarios and adherence to the right of return,

Therefore, and in light of the above,

We present this proposal which supports the right of Palestinian refugees in Lebanon to work.

### **Proposal to accord Palestinian refugees in Lebanon the right to work**

**Article 1:** Palestinian refugees officially registered in the Interior Ministry records shall be exempt from the work permit condition;

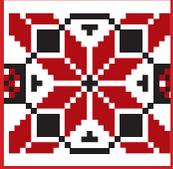
**Article 2:** Palestinian refugees wage earners officially registered in the Interior Ministry records shall benefit from the provisions of the Labor Law and its provisions related to the work of Lebanese citizens, as well as, from provisions of the Decree Law No. 13955 dated 26/9/1963 related to social security;

**Article 3:** Notwithstanding all discrepant texts, Palestinian refugees officially registered in the Interior Ministry records shall be exempt from payment of non-resident taxes, but shall observe the income tax law provisions;

**Article 4:** This law is not in contradiction with the right of the Palestinian refugee in Lebanon to hold on to the right of return and reject permanent settlement;

**Article 5:** This law becomes effective as soon as it is published in the Official Gazette.





## Annex 3: Draft bills on the rights of Palestinian refugees in Lebanon

### A draft bill aiming to accord social security for Palestinian refugees in Lebanon

#### Explanatory statement:

"Palestinian refugees have a status that is unique under international refugee law. Unlike any other group or category of refugees in the world, Palestinians are singled out for exceptional treatment in the major international legal instruments which govern the rights and obligations of states towards refugees: the 1951 Geneva Convention Relating to the Status of Refugees (Refugee Convention) and its 1967 Protocol (Refugee Protocol); the Statute of the United Nations High Commissioner for Refugees (UNHCR); and, specifically with regard to the Palestinians, the Regulations governing the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)."

And in accordance with its mandate to help refugees, UNRWA applies the status of 'refugee' exclusively to Palestinians who meet certain criteria and hence, are 'in need' of this specific assistance by UNRWA. As such, the United Nations created an independent 'protection' committee with the sole aim to resolve the Palestinian refugee crisis. To note, that every UN directive or resolution on Palestinian refugees provides for international community consensus for reaching a final settlement, returning Palestinian refugees to their homes and receiving adequate and fair compensation for their losses.

And in view of a deliberate generality many parties use in unfittingly interpreting UN resolutions to evade commitments as per the provision of protection and care for displaced persons, the Palestinian refugees have become ineligible to receive some of the daily services provided by UNRWA. As a result, they have been left outside the scope of protection and assistance mandated by the UNHCR and the Geneva Refugee Law.

The observer of the general legal status of Palestinian refugees in Lebanon, directly notes that there has not been any substantial change in the Lebanese laws towards them, hence their conditions remain in a stalemate and they remain deprived of their rights.

And rather than improving its services to Palestinian refugees in Lebanon, and while being aware that the host state of Lebanon does not provide them with the basic services, and in light of the continuous deprivation of their social, civil and economic rights, the UNRWA recently decided to cut its services to Palestinians in Lebanon, in terms of:

- Reduction of educational services, through the merger of UNRWA-run schools and jamming classes (some 50 students in one classroom);
- Suspension of staffing while persuading old employees to have early retirement;

- Granting mandatory and unpaid leaves of absence to employees totally disregarding their living conditions;
- Cutting the number of scholarships for university students by nearly 50% compared to previous years;
- Reduction of health services, while forcing patients to pay a share of the cost of the treatment, often higher than what they can afford, amidst outspread destitution and unemployment;
- Suspension of housing allowances to Palestinian refugees coming from Syria and Nahr el Bared Camp who still live in temporary shelters, poor quality rental accommodation and garages;
- Suspension of the emergency program for Nahr el Bared refugees and reduction of associated education, health, relief and employment services;
- Reconstruction works in Nahr el Bared practically stalled, with ongoing squander and waste of money on administrative issues, besides the customary administrative bureaucracy in dealing with Nahr al-Bared Camp files.
- Inadequate monitoring by UNRWA engineers of the reconstruction process or the implementation of infrastructure projects in the camps, which results in many unwanted defects and design mistakes;
- Termination of work contracts for emergency program employees or warehouse workers and drivers without replacement.

<http://nna-leb.gov.lb/ar/show-news/216429/nna-leb.gov.lb/ar>

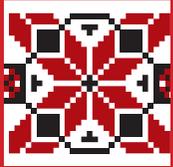
The above move to reduce services has exacerbated the living conditions of Palestinians in Lebanon and Palestinians displaced from neighboring Syria, prompting a wave of protests against UNRWA policies. Such dissents presented as well a real challenge to the Lebanese government, being the main host party to Palestinian refugees, and being the most affected from the said reduction. As such, it is required to find an alternative that safeguards refugees' dignity and secures their basic rights, as well as pressure the UN and UNRWA state sponsors to revoke reduction measures that had detrimental effects on refugees as beneficiaries, and on the Lebanese government as the host state.

When the Lebanese legislators first addressed the issue of social security regarding the Lebanese worker, they based their jurisdiction essentially on the fact that he is a human being who enjoys a right and a corresponding duty.

Notwithstanding the reasons for the timing of the implementation of the Social Security Law, it covered the following areas: health insurance, family allowances, and end-of-service compensation. The part related to accidents at work or work-related injuries and diseases has not been finalized yet.

The Palestinian refugees in Lebanon who have been forcibly living in the country since 68 years are also human beings boasting the right to participate in so-called





## Annex 3: Draft bills on the rights of Palestinian refugees in Lebanon

general welfare in a democratic society, in line with the Universal Declaration of Human Rights, which Lebanon signed and included in the preamble of its Constitution in the wake of the Taef Agreement, and which according to Article 2 of the International Covenant on economic, social and cultural rights states the following:

1. "Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals."

And in Article 9, the above international covenant identified areas covered by social security as follows: medical care, injury or sickness benefits, maternity benefits, old-age pensions, disability benefits, family allowance, industrial accident benefits and unemployment benefits.

The Lebanese State's handling of the issue of Palestinian refugees on its territory passed through two major phases:

**Phase 1**, when the Arab League concluded so-called Casablanca Protocol which sets forth a formula clarifying the method of dealing with Palestinian refugees, and Lebanon signed it with reservations focusing on the term (specific conditions and resources of each host country), whereby the suitable interpretation would be not to grant Palestinians above rights.

**Phase 2**, started with the endorsement of amendments in August of 2010 by the Lebanese Parliament to laws relating to Palestinians, specifically those related to work and social security. This prompted the National Social Security Fund NSSF to issue an informational memorandum as per the access of Palestinian refugees working in Lebanon to the end-of-service provisions of the Social Security Law, with the exception of health insurance and family allowances. This situation, in other words, the adoption of legislations in Lebanon, is in response to the stipulation of the International Covenant, as well as, to the demands

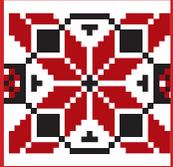
of the Palestinians, in addition to being a rectification of a flaw in the area of humanitarian justice itself.

Although the legislature has made a quantum leap, apparently, in dealing with the issue of refugees from the humanitarian aspect, yet in principle, it is still exceptionally problematic. In this respect, the conditions specified in the above NSSF memo are as follows:

1. The Palestinian refugee should be residing in Lebanon, and this leaves us with the question on how can the Palestinian person prove this. Registration at the Lebanese Ministry of Interior, to note, is not equivalent to residency papers but it is the right to stay or reside, with the possibility to leave the country. So, what would be the status of a Palestinian laborer who was working for a company in Lebanon before being repositioned, by his employer, to a branch abroad and for several years? Justice and receptiveness should inspire the NSSF to treat above case equally with the case of a Lebanese citizen in a similar situation, and who does not benefit from a social security abroad, which necessitates an appropriate adjustment of afore-mentioned formula.
2. The Palestinian refugee should be registered with the Directorate of Political Affairs and Refugees (DPAR) at the Ministry of Interior and Municipalities, as mandated by the bill endorsed by the Parliament. This again poses a problem that should be taken care of, and which is related to Palestinian refugees residing in Lebanon who do not enjoy the right of registration with the DPAR. Some five thousand Palestinian men, women and children do not enjoy said right, but the Interior Ministry has come up with an answer to legalize their stay through setting up a special registry to this effect at the General Directorate of General Security validated by official identification papers. This category, to note, is the poorest among the Palestinian refugees. Therefore, in view of a persistent incompetence in resolving the impasse outside Lebanon, finding a better humanitarian status for this category ought to be considered. An early response to this dilemma would be useful for the Palestinian and Lebanese sides in order to offset the unavoidable consequences of an aberrant state of deprivation which is growing to become a real obstacle in the way of a sought-for just and unwavering compromise for the Lebanese-Palestinian relations.
3. In the core of entitlements, are predicaments which impelled us to submit the proposal at hand as a transition from a dilemmatic situation into a reconciliatory arrangement, as such:

Acknowledging Lebanon's progressive steps in the issue of social security, yet there remain glitches, particularly, in the implementation of provisions. A notable one can be seen in the lingering loopholes in the application of mandates of afore-men-





## Annex 3: Draft bills on the rights of Palestinian refugees in Lebanon

tioned international covenant on areas covered by social security, namely: medical care, sickness benefits, maternity benefits, work accident benefits, family allowance and unemployment benefits. Therefore, while noting the relentless efforts on part of the Lebanese society and the Parliament to realize a comprehensive coverage of all citizens, it would not be a surprise for the destitute Palestinian refugee to expect that this all-embracing just and fair human right be enjoyed by both Lebanese and Palestinian residents of Lebanon, especially in terms of unemployment, old age and disability benefits.

And since the Lebanese parliament has endorsed the Law No. 128, issued in the Official Gazette No. 41 on 2/9/2010 to amend Article 9 of the Social Security Law, but that the actual implementation of said law has proven inadequate, in terms of securing the minimal requirements for a decent life for the Palestinian refugee, which, necessitates the application of provisions governing the implementation of Decree law No. 13955 dated 26/09/1963 on social security. In a nutshell, it means equalizing Palestinian refugees to Lebanese citizens in this respect.

And since the Lebanese law, on the issue of the right of Palestinians to work and to social security, has sustained the inclusion of the condition requiring the issuance of work permits, and since the Lebanese State has taken action to issue special cards for refugees (which were considered an evidence of their legitimate residence), and after the annual renewal of residency permits for foreigners no longer applied on Palestinians, pertaining to their special status, while noting, that the residency of Palestinian refugees in host countries, including Lebanon, is open until their return to their homes according to the UN General Assembly Resolution 194, therefore, it was mandatory, as per legal reasoning, that said actions and considerations should have operative effects allowing the exemption of these refugees from the work permit requirement as well.

Therefore, and based on the Universal Declaration of Human Rights Article 23 providing for:

- Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
- Everyone, without any discrimination, has the right to equal pay for equal work.
- Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- Everyone has the right to form and to join trade unions for the protection of his interests.

And since the deprivation of the civil and social rights of Palestinian refugees in Lebanon is contrary to the provisions of the Constitution and to the successive ministerial ordinances, and is in breach of the Universal Declaration of Human Rights and the conventions signed with the Arab League, notably the Casablanca Protocol, And since the prevention of Palestinian refugees in Lebanon from their human rights weakens their collective longstanding capacity and determination to reject all scenarios of resettlement and to uphold their right of return,

4. Accordingly, the soundest adjustment for retaining the lawful right of the Palestinian refugee who boasts an indisputable right of return to their homeland, Palestine, and for maintaining a humane treatment as an Arab person who has been forcibly displaced to Lebanon, lies in granting Palestinian workers the full NSSF benefits equally with the Lebanese citizens, in the prospect of reaching a stage that is free from discrimination until their return to their homeland.

Therefore, and in view of the above, we submit to your esteemed council a draft proposal requesting the granting of social security rights to Palestinian refugees in Lebanon, looking forward to your approval.

Proposal to accord Palestinian refugees in Lebanon the right to social security

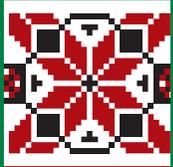
**Article 1:** A Palestinian refugee in Lebanon is defined according to the definition of the UN Convention establishing UNRWA and is applied as well to the descendants of persons who became refugees in 1948, with no other definition whatsoever, pending, first, the Ministry of Interior's revision, over a period of 6 months from the date of enactment of said law, of the status of refugees removed from the Interior Ministry registry, Non-ID holders, and holders of travel documents who are registered with the ministry but not registered with UNRWA, second, the adjustment of all statistical mistakes contained in the data of the Directorate of Refugee Affairs, and, third, stepping up family reunification applications process.

**Article 2:** Palestinian refugees officially registered in the Interior Ministry records shall benefit from the Labor Law terms and relevant legislations regulating the work of the Lebanese citizens, and in accordance with the provisions governing the implementation of Decree Law No. 13955 dated 26/09/1963 on social security on par with Lebanese citizens.

**Article 3:** This law is not in contradiction with the right of the Palestinian refugee in Lebanon to hold on to the right of return and reject permanent settlement;

**Article 4:** This law becomes effective as soon as it is published in the Official Gazette.





## Annex 3: Draft bills on the rights of Palestinian refugees in Lebanon

### A draft bill aiming to provide health care for Palestinian refugees in Lebanon

#### Explanatory Statement

The issue of Palestinian refugees is considered one of the most challenging and complex subjects as it is linked to a forced expulsion of nearly 750 thousand Palestinians in 1948 in the wake of the Nakba (UNRWA statistics).

The tragedy of the Palestinian refugees begun and their distress deepened for more than half a century, particularly with the creation of the Israeli entity on the ruins of Palestine, and the displacement, dispossession and dispersal of its people in refugee camps and the Diaspora. After the declaration of so-called "State of Israel", the number of Palestinians expelled to Lebanon reached nearly 100 thousand to 110 thousand persons (then representing about 12% of the total number of Palestinian refugees).

After more than six decades of their displacement to Lebanon, the census of Palestinian refugees varied with the varying relevant committees. While the register of the United Nations Relief and Work Agency for Palestinian Refugees in the Near East, UNRWA, has estimated the actual number refugees at over 400 thousand persons, figures of the Lebanese Interior Ministry Directorate General for Political Affairs of Refugees pointed out to some 345,000 displaced persons (reference: Directorate for Refugees at the Ministry of Interior). For its part, the Central Bureau of Statistics in Ramallah said the estimated number was close to 203 thousand Palestinian refugees in Lebanon (Dunia al Watan magazine of Palestine, September edition, 2015). The closest figure to accuracy, however, can be detected through practicable statistics conducted by non-government institutions, which was roughly 175,000 to 200,000 refugees, (Human Rights of Palestinian Refugees in Lebanon: Advocacy file, Masar Association, April 2016).

A number of researchers reached a consensus on the closest number of Palestinian refugees in Lebanon, which is between 260 thousand -280 thousand persons, half of whom are under 25 years of age, with the majority living in the South (Tyre and Saida). As for non-registered refugees, they count nearly 35 thousand persons, while Non-ID holders were only 5 thousand refugees, mostly living in Ain el Hilweh Camp. Nearly 66.4% of overall Palestinian refugees are poor (one person living on less than USD 1.4 per day) and 56% are jobless (a joint AUB-UNRWA survey, 2010).

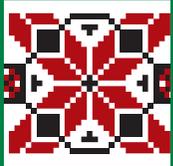
Despite the great magnitude of the Palestinian refugee case, and contrary to other refugee host countries, Palestinian refugees in Lebanon are subject to various forms of restriction of freedom. This is partly explained in terms of a Lebanese unanimity opposing the naturalization or resettlement of Palestinians in Lebanon as this move disrupts the fragile demographic balance in the host country. This situation has negatively impacted Palestinians who categorically reject the principle of resettlement. But instead of presenting a common Lebanese-Palestinian cause that mobilizes joint efforts to fight it, the opposite happened. A series of restrictive procedures were imposed on Palestinian refugees in Lebanon that were viewed by many as not helpful in defying settlement plans.

The Lebanese State, while treating the matter as extremely sensitive, has drastically aggravated the suffering of Palestinian refugees, and this coincided with the move by UNRWA to cut its services.

Moreover, Lebanon's official approach to refugees has varied occasionally. At some time, they were treated as foreigners, and later as refugees with special resident status. In the fifties of the past Century, Palestinian refugees were put under subject to observe the laws for non-resident aliens, where in 1950 the Lebanese government created the Central Committee for Refugee Affairs, followed in 1959 by the Department of Palestinian Refugee Affairs at the Ministry of Interior by virtue of a Presidential Decree 42-1959. In 2002, the State changed the name of the concerned directorate into 'General Directorate for Political Affairs and Refugees'.

By returning to official UNRWA figures, the number of registered Palestinian refugees in Lebanon has reached nearly 483,000 persons (UNRWA, January 2015): 60% of which are registered outside the camps and in Palestinian concentration areas deployed across Lebanon, and 40% are registered inside the camps. But instead of expanding its services to Palestinian refugees in Lebanon, particularly that the host country, for many intents, does not provide them with basic services or recognize their civil, social and economic rights, UNRWA has decided to cut or reduce its services to Palestinians in many sectors, notably in health, despite the insupportable conditions in this area. For according to a socio-economic survey conducted by UNRWA and published on the website below:





## Annex 3: Draft bills on the rights of Palestinian refugees in Lebanon

- About one third of the refugees suffer from chronic diseases;
- All families with members suffering from a form of disability live in extreme poverty;
- 21% of respondents disclosed that they have had a nervous breakdown, or suffered from anxiety or depression;
- 95% of Palestinians lack health insurance;
- Any case of intractable disease could push the family of the refugee patient into poverty;
- 63% of Palestinian refugees suffer from food insecurity;
- Prevalence rate of diabetes among Palestinian refugees aged above 40 is nearly 3.4%, against a rate of 3.5% for hypertension prevalence.

<http://www.unrwa.org/ar/newsroom/features/>

Meanwhile, a survey in 2000 by the Norwegian Foundation for Applied Studies and Research, FAFO, has revealed the following: one in five refugees suffer from chronic health problems; nearly one in ten suffer from an acute health problem; 3% suffer from a chronic health problem caused by war, and 8.5% suffer from chronic health problems leading to severe mobility impairment.

On health conditions of children, the above study has shown (a review of the study is published on FAFO website) the following results: 5% of children aged from 3 to 5 years suffer from malnutrition; 4% of children are in critical condition and that 43.2% of children under 5 years of age suffer from respiratory illnesses, including 25% who develop coughs and colds.

Since the onset of the Palestinian displacement, UNRWA was and remained the main provider of health care to registered refugees in Lebanon, in the absence of any official Lebanese role to this effect and in the presence of a community based sector that manages health facilities providing minimal services.

A report issued by UNRWA 12 years ago (December 2004), while it was still providing full services to refugees, pointed out that the Agency has been running 25 health facilities providing family and care planning services, particularly in urology, high blood pressure and diabetes, and a more specialized care in cardiology, obstetrics and gynecology, as well as children pediatric and ENT care. In addition, 17 of above facilities provided dental care, and 15 centers were equipped with laboratories, including three equipped with radiography. UNRWA, according to above report, has had contracts with 14 private hospitals specialized for general diseases, mental illnesses and tuberculosis. But, the patient in need of a surgery was confronted with a shortage in hospital beds contracted by UNRWA (some 70 beds). Besides UNRWA's reimbursements do not cover the full cost of the surgeon and the hospital, which

forces the patient to pay a percentage of the cost of surgery and the cost of the contracted bed for the excess bed day payment, besides the full cost of medications and sedatives. Such percentages were not consistent with the number of Palestinian refugees then, so, envisage, what would be the situation after the elapse of 12 years? And more, what would be the situation after UNRWA's recent cut of health services to Palestinians?

More accurate statistics has revealed that the general physician at UNRWA contracted clinics sees about 85 patients every day over the course of 6 hours, which means that each patient will have less than 4 minutes' doctor's examination to diagnose his case (research on health status of Palestinian refugees in Lebanon, Al Awda magazine, October 2001). That remained the case to date. In a report by the Commissioner-General of UNRWA for the year 2004-2005, he states the following: "According to World Health Organization, the annual spending per capita on health in low-income countries ranges from USD 2 to USD 50, whereas the average spending by UNRWA on health in 2004 was estimated at USD 14.6 per refugee". In other words, the Palestinian individual comes last in the scale of developing countries in what he receives from the health care spending.

The UNRWA clinics are indispensable for the Palestinians in Lebanon, not because of their outstanding services, but due to the conditions of extreme poverty Palestinian refugees live up with. A poll carried out by Human Rights Institution, Shahed, has shown that "about 88 percent of Palestinian refugees in Lebanon lack health insurance.

Over and above, and as a result of the tormenting economic and social conditions of Palestinian refugees in Lebanon, the first area to be affected is the mental health of a person. Doctors Without Borders organization has announced, based on its health and psychological program launched in 2008, that one of every three adults in Burj al Barajneh refugee camp in Beirut suffers from a mental disorder.

Other data reported by same organization, maintained that nearly 96% of those diagnosed with mental illness or who are in need of psychological support did not receive the appropriate specialist services.

<http://www.msf-me.org/ar/mission/in-the-field/voice-from-the-field/mdecins-sans-frontieres-msf-in-the-middle-east-and-north-africa-1>.  
<http://lkdg.org/node/5054>





## Annex 3: Draft bills on the rights of Palestinian refugees in Lebanon

Despite this alarming data, UNRWA has recently taken a decision to cut health services to Palestinian refugees forcing patients to contribute to the unaffordable cost of medical treatment, giving no regard to their state of destitution and unemployment, and in spite of the fact that Lebanese state-run health institutions withhold health care services from Palestinian refugees in Lebanon.

This recent cut by UNRWA of health services has exacerbated the daily suffering of Palestinian refugees in Lebanon and the Palestinian refugees displaced from neighboring Syria instigating a wave of dissent and protests against UNRWA policies. It also faced the Lebanese authorities with a real challenge on all fronts due to its primary obligation as a host country to those refugees. Therefore, Lebanon being the most affected party from above cut, is compelled to find an alternative plan that ensures the human dignity of refugees and secure their basic rights. The government is also asked to put pressure on the United Nations and UNRWA-funding states to fully observe its financial obligations and repeal the recent reduction of services which hurt Palestinian as beneficiaries and the Lebanese state as a sponsor for those refugees.

And since the first paragraph of Article 25 of the Universal Declaration of Human Rights stipulates that:

“(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

As such, above-stipulated requires the adoption of legislative measures in Lebanon that brings about specific change in handling the humanitarian issue of refugees in line with provisions of the International Covenant and the Universal Declaration of Human Rights, and in response to the demands of the Palestinians and the Lebanese society equally, and to correct the existing imbalance in the subject of human justice itself.

Subsequently, the legislator is asked to act quickly to protect the most basic rights of Palestinian refugees to a proper healthy life through the provision of health care in consistency with the contents of all laws and regulations and the Universal Declaration of Human Rights.

Therefore,

Considering all of the above

We submit to your esteemed Assembly the attached draft hoping that you give it your approval.

With sincere thanks and appreciation

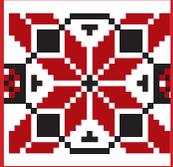
### Health care for Palestinian refugees in Lebanon Draft law

**Article 1:** The Lebanese government, represented by the Ministry of Public Health, pledges to fully cover the medical treatment of all Palestinian refugees on its territory who are registered in relevant public departments in the event of non-coverage by UNRWA, as well as cover the differences in normal cases.

**Article 2:** The law is not incompatible with the right of Palestinian refugees in Lebanon to uphold right of return and say no to resettlement, and is effective until the adoption of a solution to the issue of Palestinian refugees in Lebanon.

**Article 3:** All contradictory provisions or texts that are inconsistent with subject law shall be repealed, and this becomes effective as soon as it is published in the Official Gazette.





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### A draft bill aiming to amend law related to acquisition of real estate rights by foreigners in Lebanon

(Amendment of Paragraph 2 of Article 1 of the Law No. 296 approved on 3/4/2001)  
(And amendment of some provisos of the Decree No. 11614 on 4/1/1969)

#### Explanatory Statement:

Perhaps the plight of Palestinian refugees in Lebanon is the gloomiest and most tragic compared to refugees in other parts of the world. Their agony appears to be great, due to their social and economic conditions built on deprivation of their human rights and marginalization at all levels.

Undoubtedly, the UN General Assembly Resolution No. 67/19 taken by an overwhelming vote on February 29, 2012 at the GA's 67th meeting, has been a paradigm shift towards global acknowledgement of Palestine as an official state and accordingly, its status of 'non-member observer state in the UN being considered a non-member entity.

And as the majority of countries have started to deal with the Palestinian cause and nation on the basis of equality and humanity, the Lebanese State has since 1997 imposed tight restrictions on the entry of construction material into refugee camps, namely in the South. These include the following items: (soil, gravel and rocks, iron and steel, sand, tile, paint, doors and windows, power lines and water tanks). It is an added predicament to the continuous deprivation of their right to own property, not even one housing unit. Bringing in building materials required a special prior permit issued by the ministry of defense, and this has equally been enforced on UNRWA if the Agency wanted to build infrastructure or repair the houses of refugees, or even rehabilitate its facilities inside the camps.

As a result of the deprivation of the basic rights of Palestinian refugees, we can picture the enormous potential for a social uprising inside the camps. The state of misery, poverty and deprivation is a direct cause for the multiple social crises at different levels. According to David Schenker (Director of Arab Politics Program at the Washington Institute), Lebanon, among UNRWA operating countries, is known "skeptically for having to deal with a number of intricate issues, meaning it boasts the largest number of the poorest of the poor people, who represent nearly 30% of the Palestinian population in Lebanon."

<http://www.washingtoninstitute.org/ar/policy-analysis/view/palestinian-refugees-languish-in-lebanon>

The discrimination against Palestinian refugees is reflected in the Law No. 296/2001 (which needs to be modified) aimed at depriving Palestinians from the right to ownership of property as an exception to all other persons of Lebanese origin or foreigners from various nationalities, as mandated in Paragraph 2 of Article 1: "Anyone who does not have a nationality issued by a recognized state has no right to acquire an in rem right of any type whatsoever. The same applies to anyone, if ownership goes against the provisions of the Constitution to reject Palestinians' settlement in Lebanon".

Going back to the previous text, we find that it is in clear violation of the provisions of the Lebanese Constitution which stipulates the following:

"Lebanon is Arab in its identity and in its association. It is a founding and active member of the League of Arab States and abides by its pacts and covenants."

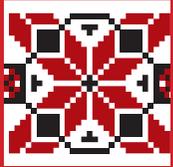
And, as Palestinians are citizens of an Arab country officially recognized as such by the United Nations, their deprivation of the right to own real estate is considered a clear violation of the provisions of the Constitution, for the Preamble has a full constitutional value being an essential part of it.

In addition to the above, the article of the Law to be amended is also in violation of the provisions of the first paragraph of Article 17 of the Universal Declaration of Human Rights, which states the following:

"Everyone has the right to own property alone as well as in association with others." It also is in violation with provisions of Article 2 of the above Declaration stating that:

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, ... or national or social origin... and that the International Declaration of Human Rights is considered a binding part to the state in conformity with its provisions" as stipulated by the provisions of Paragraph B of the Preamble of the Lebanese Constitution, which states that, "Lebanon is a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception."





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Again, the article in the Law which requires amendment is in violation of the International Convention on the Elimination of All Forms of Racial Discrimination published on 20/11/1963 and which, in Article 5, prohibits any discrimination in the treatment of persons or groups on the grounds of race, color or ethnic origin. The text stated the following:

“In compliance with the fundamental obligations laid down in Article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

d) Other civil rights, in particular:

5) The right to own property alone as well as in association with others.

Besides, Paragraph 2 of Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination published on 7/3/1966, to which Lebanon was granted accession by virtue of Law No. 44/71 on 26/2/1971, has stated the following: “The Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.” The different approaches adopted by the host Lebanese government, UNRWA and other involved associations to obtain an exact number of Palestinian refugees are incongruent. But, while the closest to reality, according to a consensus of researchers, was estimated between 260 thousand to 280 thousand persons, UNRWA provided another set of figures, 483 thousand refugees (UNRWA, January 2015), 60% of which are registered outside the camps and in concentration areas deployed over the Lebanese territory, and 40% registered inside the camps.

Back to the actual distribution of the inhabitanacy of Palestinians in Lebanon, we see that it is based on the following formula:

**The first:** Outside camps, located mainly in towns and villages, particularly in Beirut, Saida, Tyre, Tripoli and Baalbek.

**The second:** Concentrated inside 12 camps across Lebanon, as such:

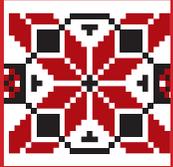
Number	Name of Camp	Number of registered refugees
1	Ain el Hilweh	47500
2	Nahr Al Bared	31000 (in 2007)
3	Rashidiyeh	27500
4	Bourj Chamali	19500
5	Baddawi	16500
6	Bourj el Barajneh	16000
7	Bass	9500
8	Shatila	8500
9	Wavell	8000
10	Miyeh w Miyeh	4500
11	Dbayeh	4000
12	Mar Elias	600
Total		193100

(Human Rights of Palestinian Refugees in Lebanon, Masar Association, April 2016)

**The Third:** With the passage of time, increased population density and multiple work locations, new Palestinian concentration areas originated that were not recognized by the Lebanese government or UNRWA as standard camps. Those located in Tyre area are, Jal el Bahr (750 square meter), Qasimiyah (1000 m2), Shabriha/Burgliya (110,000 m2), Maashouq (13,600 m2); in Bekaa, notably in Bar Elias, Taalbaya and Saadnayel and in the Shouf area, mainly Wadi Zini, etc.

Accordingly, if you assume the average Palestinian household size is 5 members, refugees residing outside the camps, according to UNRWA figures, require the following:





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The number of refugees outside the camps (289900 refugees), presumed members (5) require 57,980 lodgings. As the regular apartment (2-room, 1-living room, kitchen) does not exceed 100 square meters, the property apportionment would be nearly 5,798,000 m<sup>2</sup>. This subsequently means that the estimate Palestinian occupancy is about 58 km<sup>2</sup> of the total designated surface area of Lebanon (10 452 km<sup>2</sup>), by 0.006% (evidently, this figure hypothetically shows that houses are adjacent and are not units inside vertically adjacent apartment buildings).

Noting, that the figures of the Ministry of Finance have reported that since the beginning of 1993 until 25/8/1993, property owned by Palestinians outside the camps has represented one quarter of property owned by foreigners in Lebanon, equivalent to 0.00001% of the total surface area of Lebanon during the designated period. (An Nahar, edition of 26/8/2002).

Note the following:

This insubstantial fraction of surface area, has been registered in line with the previous Decree No. 11614 on 4/1/1969 related to acquisition of real estate rights by foreigners in Lebanon, and shows lack of interest on part of Palestinians to seize this right in ownership in order to buy a substantial piece of land for settlement goals. On the contrary, the modest and unfrequented real estate endeavors by Palestinians confirms the declared principle on part of all Palestinian groups in upholding the right of return and rejection of permanent settlement.

The housing conditions of Palestinians in the camps have worsened during the Lebanese civil war. The number of camps shrunk with the destruction of the camps of Nabatiyeh, Tal el Zaatar and Jisr al Basha, causing the displacement of their residents to other locations and increasing population density in the surviving camps. Besides, other non-political factors have contributed to this nonchalant attitude by Palestinians in Lebanon, like for example the spiraling real estate prices and attempts to cut off the socio-cultural parameter uniting the Palestinians scattering them in unconnected concentration areas.

The Palestinian refugee camps, because of the failure of relevant Lebanese ministries or municipalities, within which these camps are located, to rehabilitate or develop their infrastructure, have been reduced to pockets of poverty and misery. Common features are, crumbling housing infrastructure with poor health conditions, lack of sewer systems, concrete or even water and electricity networks.

Successive Lebanese governments have been firm in preventing the horizontal expansion of Palestinian camps despite the growing population. They also banned vertical construction, particularly after the Taif Agreement came into effect and the legitimate authorities reigning over entire Lebanese territory... (in fact, the reconstruction of the

Shatila camp was a fait accompli after the blatant failure in provision of an alternative to the IDPs of the devastated camps in the Shouf region of Quraiah; only 110 families were successful in building their homes in the camp.

Since the start of implementation of the Taef Agreement, the Lebanese authorities, have issued clear directives to UNRWA banning the repair of infrastructure or restoration of houses inside Palestinian refugee camps in Lebanon. Accordingly, UNRWA limited its activity to reconstruction of some schools or to building new schools or clinics based on prior permits.

And in view of the instable conditions in the camps, the decision was taken by the Government to tighten the security grip on the camps. The Lebanese Army established checkpoints at the entrances blocking them with sand berms and leaving one corridor open to be under its control. All raw material used in building or reconstruction has been banned which left many houses about to fall and families forced to look out for better accommodation.

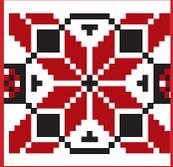
With the continuation of such stringent procedures and failed calls to rescind them, many refugees were forced to leave the camps seeking refuge in Lebanese towns and villages, or to leave country when they could. This led to a massive Palestinian youth migration abroad, in search for work or for economic asylum, which created a negative image of Lebanon in the world.

The amendment of the Law No. 296 issued on 4/5/2001 is clear in its discrimination against the Palestinians on the basis of national origin, which contributed to the creation of severe restrictive measures in their everyday life, besides its infringement on international agreements and treaties and the Universal Declaration of Human Rights. In this context, three challenges are noted:

The first predicament: Concerning a number of Palestinian proprietors who bought land since a long time without registering in the Land Register for various reasons, either because they did not have sufficient cash to cover required fees, or because they are still paying installments for swabbed sale contracts which cannot be registered before the final payment is completed.

It is understandable that the above be subject to the old law and that landowners be able to register their property, but the reality is totally different. For those who have tried to register were faced with undeclared but operational circulars and directives to the Land Registry staff and notaries to discontinue registration for Palestinian buyers, stressing further the deprivation of their rights. And despite, that the custom law obligates compliance with the law until the promulgation of a new one, and that some lawyers and Parliamentarians have sustained that proper registration in line with the effective law cannot be repealed with the





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promulgation of a new but adverse law, unless it is a retroactive legislation, which is not noted in the ratified amendment, yet the result process remained negative.

- **The second predicament:** The article that requires amendment substantially forces the Palestinian landowner to choose between either:
  - Register in the name of a Lebanese person: with all the disputes this might instigate between people, who could be driven by multiple inclinations to deny the rights of the real owner or to blackmail him in many ways, knowing that what he really own is not officially legal.
  - To offer his real estate for sale in return for cash according to the supply and demand trading rules. As such, the Palestinian landowner gets a minimum price for his land when the new buyer knows that, being a Palestinian, he is forced, as a negative effect of the law, to accept. In addition, the real estate market in Lebanon has been witnessing a critical crisis and recession for years, (a greater supply against a lower demand). This is simply unfair.
  - In this context, the law is detrimental as per the right to individual ownership of property, which is recognized and guaranteed by the Lebanese Law, and which cannot be removed except if exigent for public welfare and only after payment of the proper compensation.
- **The third predicament:** The conflict with the right of inheritance. The law that requires amendment leads substantially to the obliteration of real estate inheritance, to Muslim and Christian Palestinians equally... As such, if the Palestinian testator was an owner who registered his property according to the law before amendment, or if the bequest was passed from a Lebanese mother or wife for example, the substantive law falls into contradiction with a right that is within the scope of religious personal status laws for the impossibility of passing the ownership practically to the heirs, who the Lebanese lawmaker has sustained. Two questions are raised here:

1. Some parties may find pretexts in precedents of the substantive law whose effects have repealed legal provisions and has been substantiated to date. The most famous of which, are recompenses mandated by the Social Security Law in Lebanon and which cover the following:

- State domains **الدراضي الاميرية**: Men and women are equal in the legacy of real property in the specific case of lands under state control and on which the right of disposal applies.
- Severance pay, in the case of death of the employee or the ensured person who enjoys end-of-service compensation, or the wage earner subject to the Labor Law, or

the teacher in private schools, is distributed among rights holders according to priority and equally- settled ratios within the same category.

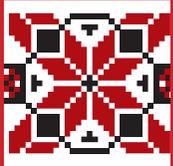
- The pension payable in the case of the death of the ensured person as a result of work accident or work-related injury or disease, is distributed according to above formula, that is in equal shares between men and women workers.
- The pension payable to retired employees under the retirement regulations, is distributed in equal shares among the beneficiaries.
- The benefits to the family in the event of the death of the family member employee, are distributed in equal shares among the beneficiaries. Yet, the main glitch in this matter, is that the substantive laws in question have been endorsed after extensive struggle and support from the people and human rights activists to bring about an amendment that is useful to the family, or that promotes the rights of women in equality, and as such, they have never breached the individual or human rights of persons, as they are solely a compensation and not a legacy.

Every one of these probabilities contains a risk factor in the structure, as well as, in societal and legal relations, which could lead to indefinite tiffs and disputes. Should the Palestinian refugee continue to maintain the property right, the property will be confiscated and expended without legal registration. Thereafter, if the conception which relates the property right of Palestinians to their permanent settlement in Lebanon, then the status of Palestinians as it is, remains outside the legal process of property ownership, yet, with a maintainable practice. This empties the amended law of its content, or renders the real Palestinian property owner an outlaw, for his continued seizure of the in rem right.

Moreover, registration in the name of a Lebanese person with the aim to create a fictitious ownership while the Palestinian owner continues to enjoy his functional right, leads to the same result, that is to emptying the content of the amended law as per the permanent settlement of Palestinians. It also renders the Lebanese person who consents to register the property in his name without actually owning it, an accomplice in violating the law by functionally evading it.

The latter probability, requires that the Lebanese State confiscate property rights of any Palestinian after his death owing to the illegibility of authorized registration of the heirs. This is considered an explicit and unjustified infringement on the law, not because there are no actual legatees, but because the legacy is kept for the inheritors, yet not validated in the land register. In this case, the legacy becomes 'waqf' according to the Islamic Law or is handed over to the State according to Christian Law... Amidst





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these risky probabilities, the legislator and judiciary are left in confusion, in anticipation of viable legal and administrative solutions.

The permanent settlement of Palestinians, which was banned by the preamble of the Constitution, requires provision of an alternative homeland to replace Palestine through granting Palestinians the Lebanese nationality (naturalization) with all the ensuing political rights. As for other rights, including the right to ownership of property, they do not fall within the mentioned restrictions, hence, the Second Paragraph of Article 1 of Law No. 296/2001 is rendered in breach of the Constitution. Therefore, we demand the obliteration of the Second Paragraph of Article 1 of the said law, in support of the right and justice.

Proposal to amend the law on the acquisition of in rem rights by foreigners in Lebanon

(Amendment of the Second Paragraph of Article (1) of Law No. 296 dated 3/4/2001)

(Amendment of some of the provisions of the Law Decree No. 11614 dated 4/1/1969 on the acquisition of in rem rights by foreigners in Lebanon)

**Article 1:** The Second Paragraph of Article (1) of Law No. 296 dated 3/4/2001 on the amendment of some provisions of the Law Decree No. 11614 of 4/1/1969 (acquisition of in rem rights by foreigners in Lebanon) shall be obliterated and replaced by the following:

**The new Article 1:**

No non-Lebanese person, whether natural or legal, and no Lebanese person deemed by this law as foreigner, shall be allowed to acquire, by contract or any other legal act, any real estate right on Lebanese territory or any other of the real rights specified by the present law, before obtaining a prior authorization issued by the Council of Ministers upon motion of the Minister of Finance. No exceptions shall be made to this law, unless in specific situations explicitly provided for by this law or in a specific text. All forms of real estate rights are forbidden to any person who is not holding a nationality of a recognized state.

**Article 2:**

This law is not in contradiction with the right of the Palestinian refugee in Lebanon to hold on to the right of return and reject permanent settlement.

**Article 3:** This law becomes effective as soon as it is published in the Official Gazette.



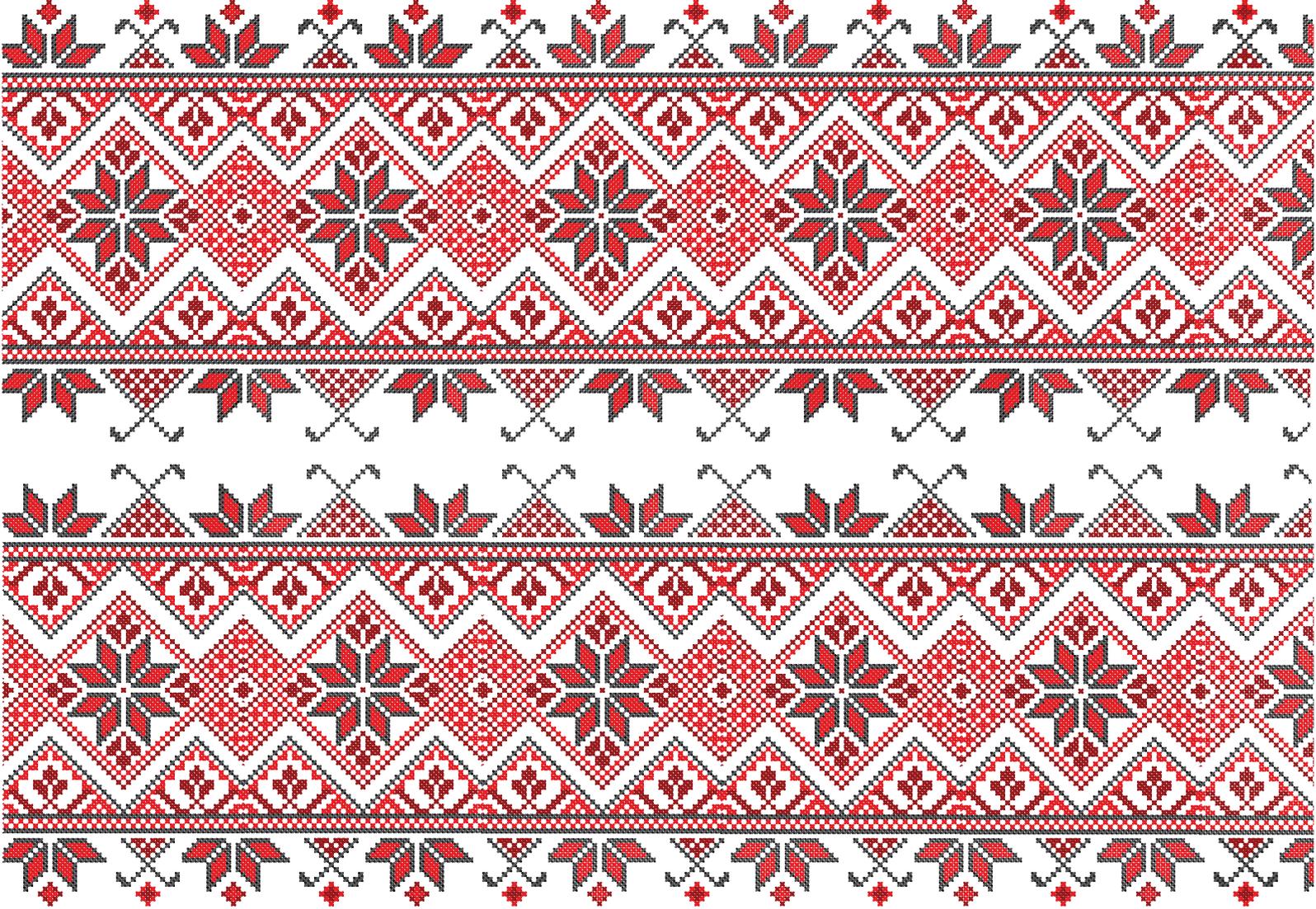




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