

[Lebanon]

A Selective Submission on Palestinian Socio-Economic and Civil Rights in Lebanon

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2. This submission focuses on six key civil, economic and social rights of Palestinian refugees in Lebanon: The Right to Work, the Right to Own Property, the Right to Legal Personality, the Right to Freedom of Movement, Arbitrary Detention and Right to Fair Trial, and the Right to Adequate Housing. It draws on reports prepared and published by the presenting coalition of NGOs, and suggests measures for redress which can be implemented by the Lebanese government within the coming 4 years.
3. Lebanon has been a reluctant host to Palestinian refugees since 1948. The question of naturalizing refugees is one of the most contentious political issues in Lebanon today used to justify the lack of basic human rights denied to Palestinians even though the Lebanese constitution stated in its preamble on paragraph B that "Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Right. The Government shall embody these principles in

all fields and areas without exception.” Furthermore, Article (2) of the Lebanese Code of Civil Proceedings states that: “in the case of a conflict between national and international law, the latter shall prevail.”

4. Palestinian refugees in Lebanon are divided into three categories: 1) Registered Refugees with both UNRWA¹ and the Lebanese Authorities; 2) Non Registered Refugees (NR) which are only registered with the Lebanese Authorities²; 3) Undocumented Refugees (Non-ID) who are not registered neither by UNRWA nor the Lebanese Authorities (see section III of the report).
5. Despite that Palestinian refugees have been residing in Lebanon for 62 years, however, the Lebanese legislator did not define who the Palestinian refugee in Lebanon is. The Lebanese legislation addresses Palestinian refugees sometime as foreigners, sometime as a "special category of foreigners", and sometime as Palestinian refugees. Our first recommendation for the Lebanese Government is to adopt a clear definition, in law, of who is a Palestinian refugee in Lebanon.

I. The Right to Work

6. In June 2005, the Lebanese minister of labor took a step towards affording the right to work for Palestinians in Lebanon by lifting, through a ministerial decree³, the ban on nearly 70 manual and clerical jobs. Consecutive Labor ministers since 2005 reiterated the exclusion of Palestinian refugees born and residing officially in Lebanon from the ban on manual and clerical jobs imposed on foreigners.
7. This initiative did not end legal discrimination against Palestinians in Lebanon, as it did not include independent or high-status professions requiring, by law, membership in professional syndicates. In Lebanon, there is up to 30 syndicated professions including lawyers, doctors, pharmacists and engineers. Generally, to be member of a syndicate, either Lebanese nationality is required or the principle of reciprocity is to be applied. As Palestinians have no State, the principle of reciprocity is interpreted as to deny them the right to adhere to the syndicate.
8. Moreover, in order to qualify for the new jobs and professions made available, refugees need to obtain a work permit. The work permits constitute a *de facto* restrictive process because of the bureaucratic technicalities and the prohibitive fees charged for a permit which has deterred both the refugee employee and the employer who share the cost of the fees.
9. Also, their rights won't be enhanced with a work permit, seeing that they are still not eligible to receive social services. Legally working Palestinians pay social security taxes, but are ineligible for any benefits as this falls under the reciprocity principle.

¹ Note that UNRWA registration means that the Palestinian refugee registered with UNRWA can benefit from UNRWA services and this has nothing to do with enjoyment of rights

² There are approximately 30,000 refugees not registered with UNRWA because they do not fit the definition in UNRWA's mandate of who is entitled to register. UNRWA definition states that “persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict”. This category was displaced from Palestinian after the conflict.

³ These decrees have to be re-issued at the beginning of each year, and can be easily revoked.

10. While recognizing that Palestinian refugees in Lebanon are non-nationals, the protracted and non-temporary nature of their residency in Lebanon – more than 60 years – does not justify the limitations imposed on Palestinian refugees’ right to work as non-nationals (Art. 2 para. 3 of the International Covenant on Economic, Social and Cultural Rights) and constitutes, therefore, a discriminatory practice in violation of Article 2 para. 2 of the ICESCR, and of article 26 of the International Covenant on Civil and Political Rights, aimed at preventing discrimination.
11. Any other reasoning put forth by the Lebanese government is a violation of article 6 of the covenant and undermines (and has undermined in practice) the dignity of Palestinian refugees in Lebanon. Current Lebanese State legislation is also in violation of Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) which affords “the right to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favorable remuneration” (para. i). Article 5 of the CERD is to be applicable to non-nationals as per Article 1, paragraph 2, which is construed so as to avoid undermining the basic prohibition of discrimination (General Recommendation No.30: Discrimination Against Non Citizens para. 2).
12. Our recommendation is for the Lebanese Government to adopt the draft law proposed by Palestinian committees and organizations, in March 2010, which:
 - a. Exempts Palestinian refugees officially registered at the Lebanese Ministry of Interior from the need to obtain work permits from the ministry of labor⁴; and
 - b. Gives them the benefits afforded in labor law on equal foot to Lebanese laborers, including benefits of social security⁵; and
 - c. Exempts Palestinian refugees officially registered at the Lebanese Ministry of Interior from the application of the principle of reciprocity.⁶

II. The Right to Own Property

13. In 2001, the Lebanese legislator amended the 1969 legislative decree concerning the obtainment of real estate property by non-Lebanese (decree no. 11614 of 14 January 1969). The amendment No. 296, dated 3 April 2001, prohibited ownership of realty of any kind “by any person who does not hold citizenship from a recognized State, or to any person where such ownership contravenes the provisions of the Constitution concerning naturalization”.
14. Prior to the amendment, Palestinians, like foreigners, had the right to own up to 5000 square meters outside of Beirut and up to 3000 square meters in Beirut, without the need for a permit. The 2001 law deliberately excluded Palestinians from owning real estate property, as they are the only foreigners not having a “nationality of a recognized state”. Property owned by Palestinians before 2001 was no longer inheritable. Property bought and paid for, fully or partially (in installments), before the 2001 legislative amendment, was no longer eligible for registration at the national registrar or Cadastre Office.⁷

⁴ Article 1 of the draft law.

⁵ Article 2 of the draft law.

⁶ Article 3 of the draft law.

⁷ Registration at the Cadastre Office – not the contract – generates real estate rights in the Lebanese legal system.

15. The Lebanese 2001 legislation is a violation to article 5 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD), which guarantees in its paragraphs 5 and 6 the right to everyone, without distinction based on nationality, the right to own property and the right to inherit. While, Article 1 (2) of the CERD allows signatory states to make “distinctions, exclusions, restrictions and preferences between citizens and non-citizens”, the law only singled out the Palestinian refugees and not all non citizens.
16. Our recommendation to end discrimination in realty ownership is for the Lebanese Government to amend the 2001 law to allow the Palestinian refugees to own real estate property.

III. Right to Legal Personality

17. 5000 Palestinian refugees in Lebanon are not registered with the Lebanese government, nor with the UNRWA.⁸ These refugees currently residing in Lebanon originate from the West Bank and Gaza, and were denied renewal of their documents by the countries which gave them these documents initially. Their descendents born in Lebanon from a Palestinian or Lebanese mother are undocumented.
18. Without any proof of existence, they are unable to access basic health services, education, humanitarian aid or the employment market, and are denied civil, social and economic rights, including owning cars or motorbikes which require registration. Registration of marriages of undocumented males and registration of newborns to undocumented males, are impossible.
19. The Lebanese Ministry of Interior had begun issuing special papers for temporary residence to undocumented Palestinians in 2008, which are no longer valid⁹. Issuance was discontinued until early 2010, following protests and demonstrations in December 2009 by undocumented Palestinians and human rights organizations. Till date, efforts by Lebanese authorities to regularize their situation have not succeeded in sustainably and irreversibly affording IDs to this segment of the Palestinian population in Lebanon.
20. Moreover, the purpose of the special papers for temporary residence is only to identify the holder and to allow him or her to move without the fear of getting arrested and thrown in jail, but it does not permit them to work, register in schools and universities, or receive healthcare or register marriages.
21. The right to identity is a fundamental human right, and a pre-requisite for the enjoyment of civic, economic and social rights as stipulated in article 11 of the ICCPR.
22. Our recommendation is for the Lebanese Government to take a decision to grant identifications documents to undocumented Palestinian refugees, in a sustainable and irrevocable process that would ensure the dignity of this population, and their right to legal personality as well as equality with documented Palestinian refugees.

⁸ According to statistics published by the Palestinian Liberation Organization (PLO), the Danish Refugee Council and the Palestinian Human Rights Organizations (PHRO).

⁹ Temporary residence is valid up to one year, then the undocumented Palestinian has to re-apply if the authorities were accepting applications.

IV. The Right to Freedom of Movement

Camps in South Lebanon

23. Differing from other Palestinian refugee camps over the Lebanese territories, camps in southern Lebanon¹⁰ are besieged and fenced all around with very narrow and limited number of entrances and exits. For instance Rashidieh camp population is more than 27,500 registered refugees¹¹, all passing through one entrance–exit check point. Restrictions are imposed on these camps at night starting from 9 p.m. Every entrance to and exit from the southern camps, beyond this time, is subjected to registration from the Lebanese Army. In 2009 the Lebanese Army worked on building a wall around the eastern side of Ain Al Hilweh camp, which increased the isolation of the camp from its surroundings.
24. Palestinian refugees in Lebanon who travelled abroad and succeeded to obtaining foreign nationality loose the privileges of residency in Lebanon and are treated as foreigners. They are obliged to obtain military permits for visiting family in the South Lebanon camps, significantly hampering their freedom of movement.
25. Restrictions on the freedom of movement put psychological pressure on the people living inside the camps. In times of tension and local feud in the camps, such restrictions endanger the life of the inhabitants of the camps.

Nahr El Bared Camp

26. Since the end of the war of the Lebanese Army against “Fateh Al Islam” Group in September 4th, 2007, in Nahr Al Bared camp in Northern Lebanon, the Lebanese Army strictly controls the entrance and exit of Palestinians to the camp, including to the *new camp* - area adjacent to the old camp area - where some refugees are still living, and to which other refugees were displaced from the *old camp* area.
27. Palestinian refugees inhabitants of the camp, or previous inhabitants of Nahr El Bared who were displaced, and any other Palestinian refugee including staff of humanitarian NGOs, need military permits to enter to the camp’s adjacent area. The Lebanese army procedure to deliver the permits is without guidelines or clear policy. Practically, the camp is isolated from the neighboring areas, family relations are interrupted and economic activity are hampered. This has frustrated first and foremost the inhabitants of the new camp area, and constrained their freedom of movement which has become dependent on the Lebanese army.
28. When arguing the restrictions imposed on the freedom of movement of Palestinian refugees in Lebanon, Lebanese authorities put forth fighting crime and fundamentalism growth inside the camps. The Lebanese logic is that of security and permanent emergency. But from our experience as NGOs working in the camps, such restrictions are not affecting the movement of those accused of crime. To the contrary, the spread of fundamentalism is

¹⁰ The three camps in Tyre: (Rashidieh Camp: one entrance – exit, Burj Al-Shamali Camp: one entrance-exit and Al Buss Camp: one entrance and one exit). The two camps in Saida (Ain Al Hilweh: four entrances-exits, and Mieh w Mieh Camp: one entrance – exit)

¹¹ UNRWA, Lebanon, Camps’ Profile, Rachidieh refugee camp, March 29, 2010 <http://www.unrwa.org/etemplate.php?id=141>

benefiting from the frustration and marginalization of the Palestinian refugees communities, due in part to Lebanese authorities' restrictions and isolation policy.

29. Our recommendations for the Lebanese Government is
 - a. To facilitate the entrance and exit of Palestinian refugees residing in Lebanon to all camps, as to respect the fundamental right to movement, including by ending the military treatment of camps and the military imposed restrictions, and removing fences around camps; and
 - b. To halt the military permit system for entrance to Nahr El Bared camp.

V. Arbitrary Detention and Right to Fair Trial

30. During the war of the Lebanese Army against "Fateh Al Islam" Group in 2007, and accordingly after its end, hundreds of Palestinian refugees were subjected to arbitrary arrests and detention under the pretext of their belonging to Fateh Al Isalm and other fundamentalist groups. The majority of the arrests took place without a proper judiciary order (most of them took place at Lebanese Army checkpoints). All detainees were 'interrogated' after their arrest and denied legal representation while in military custody. The majority of the arrested Palestinian refugees have been, since 2007, under arbitrary detention, without a fair trial. Others were trialed before the military court.
31. Several local and international human rights organizations documented cases¹² of arbitrary arrests and detention, torture and ill-treatment as well as two cases¹³ of deaths during the detention period and investigation.
32. Under Lebanese law, Articles 425 of law no. 90/83, Lebanese citizens who cannot afford a lawyer are provided with one by the State. Also, Article 426 of the same law offers foreign nationals legal aid under the reciprocity principle. This means that Palestinians are excluded from the legal aid because they are not citizens of a recognized state that could have the same treatment for Lebanese. This makes Palestinian refugees unprotected by the law and more vulnerable to ill-treatment, torture, and violation in their basic rights before the law.
33. The arbitrary arrest and detention of human beings is a breach of article 9 of the International Covenant on Civil and Political Rights (ICCPR). Committed Torture and ill-treatment during the detention and investigation is a violation of article 7 and article 10 of the ICCPR and article 2 paragraph 2 and article 11 of the Convention against Torture (CAT). The status of keeping the detained Palestinian refugees without a fair trial, or delaying their trial, is a violation of article 14 of the ICCPR.
34. Our recommendations for the Lebanese Government is
 - a. Immediately release every detainee, not criminally involved, in compliance with the international legal precept that everyone charged with a penal offence has the right to be presumed innocent until proved guilty and ensuring a fair

¹² Torture in Lebanon: Time to break the pattern, report published in October 2009 by Al Karama Organization for Human Rights http://en.alkarama.org/index.php?option=com_docman&task=doc_download&gid=140&Itemid=222

¹³ Conditions of Palestinian refugees detained in relation to Nahr Al Bared Camp incidents, report published in August 2007 by the Palestinian Human Rights Organization – PHRO, http://www.palhumanrights.org/Nahr_El-Bared/ENG/A%20Report%20on%20the%20Conditions%20of%20Palestinians%20Detained%20in%20Relation%20to%20Nahr%20El-Bared%20Camp%20Incidents-ENG.pdf

trial for those proven guilty in an impartial and independent court of law, taking into consideration that any confession obtained under duress is considered null and void; and

- b. Afford serious and immediate assistance in ensuring legal representation, regular family visits, health and medical care to all detainees; and
- c. Open immediate investigations to ascertain the circumstances that led to cases of death among Palestinian detainees and clarify uncertainties besetting any case for the purpose of imposing a fair punishment for negligence until such regrettable incidents no longer take place, which would preserve the right to life, freedom and personal safety

VI. The Right to Adequate Housing

35. After the destruction of Nahr El Bared camp in 2007, eleven¹⁴ camps remain, where the estimated population of registered refugees in Lebanon is 422,188¹⁵, 53%¹⁶ of them are living in the existing camps whose area in total does not exceed 11 km². For instance, Ain Al Hilweh camp in Saida, the largest camp in Lebanon, accommodates 47,500 Palestinian refugees in less than 1km² area, while the Lebanese national population density average¹⁷ is 359 persons/ km².
36. The size of the camps hasn't changed since their establishment in 1949, although four generations were born through the six decades of refuge. Consequently, housing in Palestinian refugee camps is compressed with no privacy, no outlook, narrow alleys, no places for children to play, no green spaces, a high percentage of humidity, non-entry of sun light and the impossibility for business to grow in the camp. Many families, still live in ribbed iron huts and no protection from extreme temperatures in winter or summer.
37. The Lebanese Army restricts the entry of building material, furniture and medical equipment to most camps in Lebanon, the restriction being thoroughly enforced around South Lebanon camps. Such procedures prevent Palestinian refugees from repairing or fixing their houses as well as from improving the camps' infrastructure. This has led to increasing deterioration of houses and infrastructure (electricity, water supply and sewage networks), and worsening the already overcrowded, unsanitary and squalid camps.
38. 31,000 Palestinian refugees lost their homes and means of living consequently to the 2007 Nahr El Bared conflict. They were displaced and remain in displacement in inadequate barracks housing in the adjacent area to the camp set up by the UNRWA. Some of them live in temporarily in rented houses in Nahr El Bared camp neighborhood, and others moved to other Palestinian camps. The alternative housing available to the community of displaced Palestinian refugees does not fulfill their right to decent housing.
39. Our recommendation for the Lebanese Government is

¹⁴ Originally, in 1949, the number of the camps was 16. Three camps were destroyed during Lebanon's civil conflict (Nabatieh camp in south Lebanon, and Dikwaneh and Jisr el-Basha camps in the Beirut area). A fourth (Gouraud in Baalbek) was evacuated many years ago. The Fifth is Nahr El Bared Camp that was destroyed in 2007 during the clashes between the Lebanese Army and the "Fateh Al Islam" Group.

¹⁵ UNRWA, Lebanon, facts and figures, March 29, 2010, <http://www.unrwa.org/etemplate.php?id=65>

¹⁶ UNRWA, Lebanon, camp profiles, March 29, 2010, <http://www.unrwa.org/etemplate.php?id=73>

¹⁷ Lebanon, August, 19 2008, Centre de ressources sur le developpement local, March 29, 2010, <http://www.localiban.org/spip.php?rubrique42>

- a. To develop clear policies that tackle the adequate housing standard for Palestinian refugees (population versus areas); and
- b. To involve the municipalities around the camps in consolidating the infrastructure of the camps and linking it to that of the municipalities; and
- c. To allow building material to enter the camps for the maintenance and reconstruction of houses, and to equally allow for furniture and medical equipments to enter; and
- d. To compensate Nahr El Bared camp inhabitants for their displacement and the loss of their houses and economic activities, due to the war; and
- e. Take all measures for accelerating the rebuilding of Nahr El Bared camp and facilitating the return of its inhabitants.