
amnesty international

Lebanon

Exiled and suffering: Palestinian refugees in Lebanon



Rooftops in Ein el-Hilweh Palestinian refugee camp in Sidon, March 2005, © AI

TABLE OF CONTENTS

GLOSSARY	3
1. INTRODUCTION	3
2. PALESTINIAN REFUGEES AND THEIR RIGHTS	9
3. HOUSING DISGRACE	12
4. DISCRIMINATORY LABOUR MARKET	19
5. LACK OF CARE	24
6. POINTLESS EDUCATION?	25
7. NO ID, NO RIGHTS	27
8. RECOMMENDATIONS	30

Lebanon

Exiled and suffering: Palestinian refugees in Lebanon

GLOSSARY

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
FIDH	Fédération Internationale des Ligues des Droits de l'Homme
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
LL	Lebanese lira (LL 100,000 = US\$67.54)
UNHCR	UN High Commissioner for Refugees
UNRWA	UN Relief and Works Agency for Palestine Refugees in the Near East

Note: Some of the names of people interviewed by Amnesty International have been changed to conceal their identity.

1. INTRODUCTION

“All 12 official refugee camps in [Lebanon] suffer from serious problems - no proper infrastructure, overcrowding, poverty and unemployment. [Lebanon] has the highest percentage of Palestine refugees who are living in abject poverty and who are registered with the Agency's ‘special hardship’ programme.”

UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 2007¹

Today, some 300,000 Palestinian refugees reside in Lebanon and constitute nearly a tenth of the country's population.² Most are people and their descendants who were expelled from or otherwise fled their homes and lands nearly 60 years ago during the events surrounding the creation of the state of Israel and the Arab-Israeli

¹ <http://www.un.org/unrwa/refugees/lebanon.html>, visited on 14 September 2007

² While over 400,000 Palestinian refugees are registered with UNRWA in Lebanon, the actual figure is probably around 300,000 because up to 100,000 Palestinians are believed to have left Lebanon in search of a livelihood elsewhere.

war of 1948³. They constitute one of the world's most long-established refugee populations and they remain in a form of limbo. They have virtually no prospect in the foreseeable future of being allowed to return to their lands and homes located primarily in what is now Israel, and to a much smaller extent in the Israeli-Occupied Palestinian Territories (OPT), even though they have a well-established right to return under international law. They also remain subject to various restrictions in the host country, Lebanon, which places them in a situation akin to that of second class citizens and denies them access to their full range of human rights, even though most of them were born and raised in Lebanon. Thousands have been further displaced even while in exile in Lebanon: some 30,000 remain displaced by the May-September 2007 clashes between the Fatah al-Islam armed group and Lebanese armed forces at the Nahr al-Bared camp. Just over half – some 53 percent - of Palestinian refugees who live in Lebanon, reside in war-torn, decaying and poverty-stricken camps. The conditions for those living outside the camps in towns, “gatherings”, villages and rural areas, are also poor.



Street flooded with water due to poor drainage system in Nahr al-Bared camp in Tripoli, north Lebanon, March 2005, ©AI

The appalling social and economic conditions of these refugees demonstrate forcefully the failure of successive governments in Israel, Lebanon, other regional

³ There were 127,600 UNRWA-registered Palestinian refugees in Lebanon in 1950. Most had lived in the northern and coastal areas of Mandate Palestine in and around Haifa, Yaffa (Jaffa), Acre, Safad and Nazareth, all of which became part of the new state of Israel in May 1948. It is estimated that the Palestinian refugees, and their descendants, who fled to Lebanon from the West Bank and Gaza Strip that Israel occupied in the 1967 Israeli-Arab war now number between 13,000 and 40,000.

states and the wider international community to respect and protect their rights and to find a sustainable and just solution to their plight over a period that now stretches to almost six decades. The refugees who continue to live in the camps and in less formal “gatherings” have paid a heavy price for this failure of international leadership. They are not only unable to return to the homes from which they were expelled or fled, but they are prevented too from exercising some of their basic rights in Lebanon, the country in which they obtained refuge.

For these Palestinians, the pain associated with their expulsion and the decades of living in exile is being aggravated by the systematic discrimination they suffer in Lebanon. The life is being choked out of their communities, forcing the young and healthy to seek jobs abroad and condemning the rest to a daily struggle for survival.

Most Palestinian refugees in Lebanon have had little choice but to live in overcrowded and deteriorating camps and informal gatherings that lack basic infrastructure. The amount of land allocated to official refugee camps has barely changed since 1948, despite a fourfold increase in the registered refugee population. The residents have been forbidden by law from bringing building materials into some camps, preventing the repair, expansion or improvement of homes. Those who have defied the law have faced fines and imprisonment as well as demolition of the new structures. In camps where additional rooms or floors have been added to existing buildings, the alleyways have become even narrower and darker, the majority of homes receive no direct sunlight and, despite the best efforts of the inhabitants, the pervasive smells of rubbish and sewage are at times overwhelming.

For most Palestinians in Lebanon, this has been the only life they have ever known; born there as refugees, they have lived all of their lives in Lebanon.

The ghettoization of Palestinians is intensified by the constant military presence around the camps in southern Lebanon. Each time refugees want to leave or return to their homes, they have to pass an army checkpoint and show their documents, reinforcing a perception that they are outsiders and a potential threat, rather than refugees in need of protection.

The discrimination and marginalization they suffer is compounded by the restrictions they face in the labour market, which contribute to high levels of unemployment, low wages and poor working conditions. Until 2005, more than 70 jobs were barred to Palestinians - around 20 still are. The resultant poverty is exacerbated by restrictions placed on their access to state education and social services.

Much of the discriminatory treatment Palestinians face is rooted in their statelessness, which has been used by the Lebanese authorities to deny them equal rights not only with the Lebanese population but also with other foreign residents of Lebanon.

Periodic conflicts and violence in Lebanon and elsewhere in the region have worsened the plight of Palestinian refugees in Lebanon. These include the Lebanese civil war from 1975 to 1990, Israel’s 1982 invasion of Lebanon followed by its occupation of the south until 2000, and the Israeli-Hizbullah conflict in 2006.

Among other events that have deeply affected the refugees were the 1982 expulsion of the Palestine Liberation Organisation (PLO) from the country, which

was quickly followed by a massacre of Palestinian refugees, as well as Lebanese residents, in the Sabra and Shatila camps,⁴ and the 1984 “war of the camps” in which hundreds of Palestinians were killed and thousands faced starvation. In addition, the Gulf War of 1990 slashed remittances sent home to their families by Palestinians working in the Gulf states. Attacks by Israeli forces during the July-August 2006 conflict with Hizbullah destroyed much of the country’s infrastructure and economy, and littered with cluster bombs, land on which some Palestinians had worked.

The desperate plight of Palestinian refugees in Lebanon was thrown into the international spotlight from 20 May 2007, when fighting that had erupted in Tripoli, north Lebanon, spread to the nearby Nahr al-Bared Palestinian refugee camp. The clashes were between members of Fatah al-Islam, an Islamist armed group that had recently moved into the camp and established armed positions within it, thereby putting the security of the local population at risk, and Lebanese army forces. At least 23 Palestinian civilians and scores of others were injured in the first 12 days of the fighting⁵ which witnessed some heavy and possibly indiscriminate artillery shelling by the Lebanese army. Fighting continued for 15 weeks until 2 September, when the Lebanese armed forces seized control of the camp. The battle resulted in the deaths of 166 Lebanese army soldiers and 220 Fatah al-Islam militants, according to the Lebanese authorities, and at least 42 civilians. The camp was largely destroyed. The conflict caused the displacement of some 30,000 Palestinian refugees from Nahr al-Bared; most of these relocated to the Beddawi Palestinian refugee camp about 15 km away. There they took up shelter in schools, empty shops, abandoned buildings and in houses of the local refugee population – swelling the camp and putting extra strain on its infrastructure.

With increased tension during the first few weeks of fighting, Amnesty International received reports of tens of Palestinian civilians being threatened and abused by soldiers at checkpoints on account of their identity. Fear of being so harassed discouraged Palestinians from travelling to their places of work and elsewhere, causing a further drop in their already precarious standard of living. With few perceived opportunities for highlighting any such abuse or for seeking redress, the episode underlined Palestinians’ economic, political and legal weakness in the country.⁶ On 10 September Lebanese Prime Minister Fouad Siniora appealed to international donors for almost \$400 million to rebuild Nahr al-Bared camp and surrounding areas and to help care for the displaced until they are able to return to their homes in the refugee camp.

Amnesty International recognizes the efforts made by the Lebanese authorities over the past six decades to accommodate hundreds of thousands of Palestinian

⁴ The 16-18 September 1982 massacre was carried out by the Lebanese Forces militia and facilitated by the Israeli army. The report of an international commission into reported violations of international law by Israel during its invasion of Lebanon concluded that 2,750 people in the camps had been killed.

⁵ Palestinian Red Crescent Society, 31 May 2007.

⁷ See Amnesty International, *Lebanon: Concerns on fighting between army and Fatah al-Islam group*, MDE 18/003/2007, 23 May 2007; *Lebanon: Fears for thousands of refugees caught up in intense fighting*, MDE 18/005/2007, 5 June 2007; and *Lebanon: Amid reports of harassment at army checkpoints, continuing concern for civilians affected by fighting at Palestinian refugee camp*, MDE 18/007/2007, 12 July 2007.

refugees and the heavy cost – economically and in other ways – that this has imposed on Lebanon and its people. It also recognizes that the responsibility for the suffering of Palestinian refugees goes beyond Lebanon, suffering that is rooted in the Palestinian exodus of 1948. For nearly 60 years, the international community has excluded Palestinians from the international system set up to protect refugees. Israel and the international community have also failed to find an adequate, durable and sustainable solution, consistent with international law, to the problems of the millions of Palestinian refugees scattered around the world.

Amnesty International also recognizes that the current Lebanese government has shown greater interest than its predecessors in seeking to ameliorate the conditions of the Palestinian refugees. In 2005 the authorities relaxed some of the restrictions on Palestinian refugees, notably by opening up the possibility of Palestinians gaining employment in a wider range of jobs though they determined that some jobs should remain denied to them. The authorities have also sought to engage in efforts to improve housing conditions, and have expressed an interest in finding a solution for non-ID Palestinians - an estimated 3,000 – 5,000 refugees - who are not registered with either UNRWA or the Lebanese authorities - whose conditions are the most precarious.

In this report, Amnesty International is encouraging the Lebanese authorities to go further. After some 60 years, it is high time that the Lebanese authorities take concrete action to address the marginalization of the Palestinian refugee community and sweep away the restrictions that prevent Palestinian refugees from exercising their economic, social and cultural rights. To this end, Amnesty International urges the Lebanese government to take immediate measures to eliminate all forms of discrimination against Palestinian refugees, including by:

- repealing or revising all discriminatory laws;
- ending all unreasonable restrictions on the right of Palestinian refugees to repair or improve their homes;
- ensuring that all Palestinian refugees have security of tenure to protect them from the threat of forced eviction or intimidation;
- ending the restrictions facing Palestinians in the labour market and ensuring their rights at work are respected;
- granting Palestinians access to social security;
- ensuring that all children have equal access to education;
- taking all necessary steps to regularize the status of non-ID Palestinian refugees, including by providing them with official identification documents.

In accordance with the principle of international co-operation and burden and responsibility-sharing,⁷ Amnesty International also urges the international community to provide technical and financial assistance to Lebanon to enable it to extend the

⁷ See the Preamble to the 1951 Convention Relating to the Status of Refugees.

highest possible level of enjoyment of human rights protection to its refugee population.⁸

Amnesty International's work on Palestinian refugees in Lebanon

Amnesty International has carried out three research visits to Lebanon to look into the conditions of Palestinian refugees, the most recent in May/June 2007. In 2003, Amnesty International visited four camps – Ein el-Hilweh (near Sidon), Rashidieh (near Tyre), Mar Elias (in Beirut) and Nahr el-Bared (near Tripoli) – and the Jal el-Bahr gathering near Tyre. The organisation interviewed refugee families, members of the Popular Committees who oversee the functioning of the camps, and representatives of different Palestinian political groups in the camps. They also met Lebanese government officials, representatives of UNRWA and the UN High Commissioner for Refugees (UNHCR), and a large number of non-governmental organizations (NGOs), lawyers and human rights advocates working on Palestinian refugee issues.

In December 2003, Amnesty International sent a memorandum to the Lebanese government detailing its concerns about discrimination against Palestinian refugees in Lebanon and making a number of recommendations as to how these should be addressed. However, the government did not respond.

Also in December 2003, Amnesty International submitted a briefing covering many of the same issues to the UN Committee on the Elimination of Racial Discrimination (CERD).⁹ CERD's concluding observations on Lebanon's report to the committee, issued on 11 March 2004, reflected many of Amnesty International's concerns.¹⁰ In particular, it urged the Lebanese government to "take measures to ameliorate the situation of Palestinian refugees ... and at a minimum to remove all legislative provisions and change policies that have a discriminatory effect on the Palestinian population in comparison with other non-citizens."

Amnesty International undertook a further visit to Lebanon in March 2005 in order to assess whether there had been significant changes in the conditions of Palestinian refugees, and to assess the practical implications of the restrictions placed on them. Amnesty International delegates visited the following camps: Ein el-Hilweh, Rashidieh, Burj el-Shemali and El-Buss (Sidon); Burj el-Barajneh, Sabra and Shatila (Beirut); and Nahr el-Bared (near Tripoli). They also visited the gatherings of Jal el-Bahr and El-Maachouk (both near Tyre). The delegates interviewed Palestinian individuals, families and groups. Amnesty International delegates also met representatives of UNRWA and NGOs working on Palestinian refugee issues, as well as UNHCR.

In April 2006, Amnesty International submitted a briefing concerning violations of the rights of Palestinian refugee children in Lebanon to the UN

⁸ International human rights law calls on states to provide "international assistance and co-operation, especially economic and technical" to assist in the realization of economic, social and cultural rights, ICESCR, Article 2(1).

⁹ *Lebanon: Economic and social rights of Palestinian refugees: Submission to the Committee on the Elimination of Racial Discrimination* (AI Index: MDE 18/017/2003).

¹⁰ Concluding Observations of the Committee on the Elimination of Racial Discrimination (CERD) (Lebanon), UN Doc, CERD/C/64/CO/3, 12 March 2004.

Committee on the Rights of the Child, the expert body that monitors the Convention on the Rights of the Child.¹¹ The Committee's concluding observations on Lebanon's report reflected Amnesty International's concerns.¹²

Amnesty International's most recent visit was carried out in May/June 2007, following the outbreak of fighting between fighters of the Fatah al-Islam armed group and the Lebanese armed forces. Amnesty International delegates visited the conflict area and met with Palestinians displaced from Nahr al-Bared, residents of Beddawi, health professionals and representatives of UNRWA and local NGOs.

Amnesty International is issuing this report to highlight the ways in which the Lebanese government's discriminatory practices against Palestinians continue to breach the country's obligations under international human rights law, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of Racial Discrimination (ICERD) and the Convention on the Rights of the Child (CRC), all treaties to which Lebanon is a state party, and to show the devastating impact these breaches have on hundreds of thousands of people who have already suffered so much and for so long.

2. PALESTINIAN REFUGEES AND THEIR RIGHTS

Hundreds of thousands of Palestinians fled their homes in what is now Israel between late 1947 and the first half of 1949 to escape the violence linked to the creation of the state of Israel and the Arab-Israeli war of 1948. By 1950, around 914,000 of them were registered as refugees. A further 400,000 Palestinians were displaced when Israel occupied territory, including the West Bank and Gaza Strip, in 1967. In all, more than half of the Palestinian population is displaced, either living as refugees in other countries or internally displaced and remaining in the occupied West Bank and Gaza Strip. The countries/areas hosting most Palestinian refugees are Jordan (1,858,362), the Gaza Strip (1,016,964), the West Bank (722,302), Syria (442,363) and Lebanon (408,438).¹³

The international community responded to the mass flight of Palestinians by creating UNRWA in 1949 to assist Palestinian refugees.¹⁴ UNRWA's area of operation includes the West Bank and the Gaza Strip, Jordan, Syria and Lebanon.¹⁵ When states drafted the statute of the UNHCR and the 1951 Convention Relating to the Status of Refugees (Refugee Convention), they included provisions that excluded

¹¹ *Lebanon: Limitations on rights of Palestinian refugee children* (AI Index: MDE 18/004/2006).

¹² Concluding Observations of the Committee on the Rights of the Child (Lebanon), UN Doc, CRC/C/LEB/CO/3, 2 June 2006.

¹³ <http://www.un.org/unrwa/publications/index.html>, visited on 25 September 2007.

¹⁴ The term "Palestinian refugees" in this report refers to all "Palestine refugees" residing outside the Occupied Palestinian Territories (OPT) as well as other Palestinians who are outside Israel and the OPT and in need of asylum. UNRWA's operational definition is: "Palestine refugees are 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. UNRWA's services are available to all those living in its area of operations who meet this definition, who are registered with the Agency and who need assistance. UNRWA's definition of a refugee also covers the descendants of persons who became refugees in 1948." <http://www.un.org/unrwa/refugees/whois.html>, visited on 21 August 2007.

¹⁵ UNRWA operations started in 1950.

Palestinian refugees who were receiving assistance from UNRWA.¹⁶ As UNRWA is primarily a relief agency, Palestinian refugees receiving assistance from UNRWA became the only refugee population in the world excluded from the international protection accorded by the UNHCR Statute and the Refugee Convention.

There are three categories of Palestinian refugees in Lebanon: refugees registered with UNRWA (registered refugees), who are also registered with the Lebanese authorities; refugees registered with the Lebanese authorities but not registered with UNRWA (non-registered refugees); and refugees not registered with UNRWA or the Lebanese authorities (commonly referred to as non-ID refugees) whose lack of valid identification documents and insecure legal status has serious implications for their human rights in Lebanon.

In addition to the 400,000 registered Palestinian refugees in Lebanon, there are an estimated 10,000 to 35,000 non-registered refugees and a further 3,000-5,000 non-ID refugees.¹⁷ However, the exact number of registered Palestinian refugees living in Lebanon today is unknown as some have left Lebanon since obtaining registration to live elsewhere. The last official census in Lebanon took place in 1932 and there has never been a census aimed at the Palestinian refugee population.

UNRWA services 12 Palestinian refugee camps in Lebanon, often referred to as “official camps”.¹⁸ UNRWA offers development and maintenance of basic infrastructure to schools, clinics and property. UNRWA also provides education, health, relief and social services to registered and non-registered Palestinian refugees whether inside or outside the camps, including gatherings. There are also thousands of refugees in dozens of these informal gatherings, sometimes referred to as “unofficial camps”, spread throughout Lebanon. UNRWA is generally unable to provide the gatherings with common services, such as solid waste disposal, as this falls under the responsibility of the local authorities.¹⁹ However, registered Palestinian refugees who live in the gatherings can access UNRWA assistance and services in other locations.

¹⁶ General Assembly Resolution 194 (III) of 11 December 1948 and UNRWA’s mandate in General Assembly Resolution 302 (IV) of 8 December 1949 emphasize Palestinians’ right to return. Both Resolutions preceded negotiations on the Refugee Convention and the UNHCR Statute, which exclude people who are receiving protection or assistance from other UN agencies.

¹⁷ A report by the Fédération Internationale des Ligues des Droits de l’Homme (FIDH), *Lebanon, Palestinian refugees: systematic discrimination and complete lack of interest on the part of the international community*, published in March 2003, cites 10,000 as the number of non-registered Palestinian refugees in Lebanon, as reported by the Palestinian Human Rights Organization. UNRWA generally uses the figure of 13,000 to 15,000 non-registered Palestinian refugees in Lebanon. A figure of 16,000 is reported by the US Committee for Refugees in its Lebanon Country Report (World Refugee Survey 2003). A report, *The Palestinian right to work and own property in Lebanon*, published in April 2003 by the Palestinian Human Rights Organization, estimated the number of non-registered Palestinian refugees as 35,000 in addition to 5,000 non-ID Palestinian refugees. The European Union’s Humanitarian Aid Office put the number of non-registered Palestinian refugees in Lebanon as 40,000 in *Palestinian Territories: Solidarity with the victims*, http://europa.eu.int/comm/echo/pdf_files/leaflets/palestinian_en.pdf. For non-ID refugees, the Danish Refugee Council cites 3,000 and the Palestinian Human Rights Organization 5,000.

¹⁸ <http://www.un.org/unrwa/publications/index.html>, visited on 14 September 2007.

¹⁹ However, as part of the Camp Improvement Initiative (CII) launched by Lebanese Prime Minister Fouad Siniora and UNRWA in late 2005, several hundred homes in gatherings and villages outside the camps were repaired and rehabilitated following damage caused to them in the July-August 2006 conflict between Hizbullah fighters and Israeli forces. Other projects under the CII include upgrading camps’ environmental health infrastructure and their health and education facilities.

Refugee camps

The 12 Palestinian refugee camps in Lebanon are:²⁰

Ein el-Hilweh – 45,967 registered residents

Nahr el-Bared – 31,303

Rashidieh – 29,361

Burj el-Shemali – 19,074

Beddawi – 15,947

Burj el-Barajneh – 15,718

El-Buss – 9,508

Shatila – 8,370

Wavel – 7,668

Mieh Mieh 4,569

Dbayeh 4,025

Mar Elias 616

Refugee camps in Lebanon²¹

UNRWA Lebanon refugee camps, © UNRWA

²⁰ UNRWA figures, see www.un.org/unrwa/refugees/lebanon.html, visited on 14 September 2007. The figures do not include fluctuations caused by the displacement of refugees from Nahr al-Bared.

²¹ <http://www.un.org/unrwa/refugees/lebanon.html>

Under international law,²² Palestinians who fled or were otherwise forcibly displaced from their homes and lands in Mandate Palestine (now Israel and the Israeli-occupied West Bank and Gaza Strip) have the right to return. This right also applies to those of their descendants who have maintained what the Human Rights Committee calls “close and enduring connections” with the area.²³ However, without prejudice to this internationally recognized right, whose respect Amnesty International continues to promote²⁴, it is also clear that the Lebanese government, in particular, as well as the broader international community, have the obligation to respect and ensure the full range of civil, political, economic, social and cultural rights of Palestinians living in Lebanon, without discrimination. These rights include the rights to work, to education, to the highest attainable standard of health, to adequate housing and an adequate standard of living.

International law emphasizes that civil, political, economic, social and cultural rights should be exercised without discrimination on grounds such as “national or social origin, property or other status”.²⁵ States must ensure that any discrimination is eliminated.²⁶ The ICESCR provides for the progressive realization of economic, social and cultural rights, “to the maximum of [each state party’s] available resources”.²⁷ The discretion given to developing countries in the extent to which they must ensure economic rights for non-nationals²⁸ does not justify restricting access to rights on the basis of preserving the right to return (as Lebanon has argued). Furthermore, states should not interpret the distinction between nationals and non-nationals to undermine their obligations under international human rights law.²⁹

3. HOUSING DISGRACE

“Our generation, where are we going to live? There is no place in the camp and we cannot own property outside.”

²² See, *inter alia*, Article 13 of the Universal Declaration of Human Rights, Article 12(4) of the ICCPR Article, Human Rights Committee General Comment 27 on Article 12, paras 20, 19, Article 5(d)(ii) of International Convention on the Elimination of All Forms of Racial Discrimination, Concluding Observations of the Concluding observations of the Committee on the Elimination of Racial Discrimination (Israel) 14 June 2007 UN Doc: CERD.C/ISR/CO/13, at para 18, and various UNHCR Executive Committee conclusions, including conclusion no.101 (2004).

²³ Lasting connections between individuals and territory may exist independently of the formal determination of nationality (or lack thereof) held by the individuals, as further explained in General Comments 27 (paragraph 19) of the UN Human Rights Committee, at: <http://www.ohchr.org/english/bodies/hrc/comments.htm>

²⁴ See, *inter alia*, UN General Assembly Resolution 194 (III) of 11 December 1948 and Resolution A/RES/52/59 of December 1997; see also *Amnesty International: The Right to Return: the Case of the Palestinians*: AI Index: MDE 15/013/2001.

²⁵ Article 2(1) of the ICCPR; Article 2(2) of the ICESCR.

²⁶ Article 2(1)(c) of the ICERD obliges all state parties “to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.”

²⁷ ICESCR, Article 2(1).

²⁸ ICESCR, Article 2(3); ICERD, Article 1(2).

²⁹ CERD, General Recommendation No. 30, Discrimination against Non-Citizens, 1 October 2004, para 2.

This is how 21-year-old Qassem Muhammad Hammadi from Burj el-Barajneh camp described the housing crisis for Palestinians in Lebanon when he was interviewed by Amnesty International.



Building extensions blocking out the sunlight in Ein el-Hilweh's alleyways, March 2005, © AI

The land area allocated to the 12 official Palestinian refugee camps in Lebanon has remained largely unchanged since 1948, despite the growth in the number of Palestinian refugees in Lebanon from an estimated 100,000³⁰ in 1949 to an officially estimated 400,000 at present.³¹ The result is chronic overcrowding that worsens yearly.

Some households visited by Amnesty International had families of 10 sharing a single room. Lack of space within the camps' boundaries restricts horizontal expansion and consequently the only alternative, particularly in the most densely-populated camps of Shatila, Burj el-Barajneh, Ein al-Hilweh and, until it was virtually destroyed in 2007, Nahr al-Bared, is to build upwards. Such extensions tend to

be constructed below minimum international safety standard levels and are vulnerable to structural failure.

In Ein el-Hilweh about three-quarters of the camp is known as “*ahya' dakhiliya*” (internal areas). In such permanently dingy quarters, humidity is high. Hundreds of people with respiratory problems, especially children, reportedly visit UNRWA clinics every day as a result. “Since the buildings touch,” said an elderly widow who lives with eight relatives in one apartment there, “we get no sunlight in the camp”.

³⁰ Source: UN *Report on Economic Survey Mission to the Middle East*, New York, 1949. p.22 at <http://www.badil.org/Statistics/population/03.pdf>

³¹ This includes: 408,438 Palestinian refugees registered with UNRWA; estimates of between 10,000 and 40,000 Palestinian refugees not registered with UNRWA but registered with the Lebanese authorities; 3,000-5,000 Palestinians refugees neither registered with UNRWA nor with the Lebanese authorities, and allows for the departure of an estimated several thousand families from Lebanon in recent years who now live elsewhere. Sources: UNRWA; FIDH; The European Union's Humanitarian Aid Office; the Palestinian Human Rights Organization, the Danish Refugee Council.

Burj el-Barajneh camp has more people per square kilometre than Hong Kong or Mumbai.³² With so many homes squeezed into a small area, it is virtually impossible to get large pieces of furniture into some homes in the camp. One resident of Burj el-Barajneh camp told Amnesty International: “There is no privacy. There is no view, neither of the sea nor of the mountains. There is not space for children to play. We [only] have the right to dream about these things.” The only water, drawn from six wells, is salty and cannot be used as drinking water. Because the camp is on a hillside, every time it rains heavily water runs down the hill into homes.

In addition to the problems of overcrowding and inadequate basic infrastructure, years of restrictions imposed by the Lebanese authorities have meant that hundreds of thousands of Palestinians have been living for decades in makeshift or crumbling structures, crammed into camps that lack basic facilities and infrastructure. The right of these Palestinians to adequate housing is being violated on a grand scale.

In the south of Lebanon, the Lebanese authorities largely prohibited the entry of building materials into Palestinian refugee camps until May 2007. This ban led to serious deterioration of houses and the infrastructure.

For example, when Amnesty International visited Burj el-Shemali camp in 2005, people were living almost exclusively in corrugated iron huts, without tiled roofs, ventilation or sanitation. The “zinco” houses were excessively hot in summer, too cold in winter. The camp’s 17,000 residents were not allowed to bring building materials into the camp. “We could not get an electricity cable or a brick inside,” said Mahmoud al-Khatib. A woman who lives in the settlement with her five children told Amnesty International: “If we even add one stone to the house, the police will come after us.”

Mahmoud al-Khatib added:

“There are many houses [partly built] with corrugated iron and many old houses that are falling apart... Construction materials were not allowed in the camp. We could not get an electricity cable or a brick inside. You could do it through an agent who has arrangement with [Lebanese] security. A load of sand cost LL100,000 in the camp, while outside it cost LL40,000.”

However, there has been some relaxation on this ban on building materials over the past three years. The prohibition was revoked for several months starting in late 2004, which coincided with a visit to Lebanon by Mahmoud Abbas, President of the Palestinian Authority, but was reportedly briefly reinstated in June 2005. Since then, the prohibition has been eased. On 29 May 2007, the Lebanese-Palestinian Dialogue Committee, established in October 2005 following an initiative by Prime Minister Fouad Siniora’s office to improve dialogue between the Lebanese authorities, Palestinian political groups and UNRWA, stated that one of the successes of its work was that people could now obtain a permit for bringing building materials into the southern camps in about 48 hours. Palestinian human rights organizations in Lebanon confirmed that restrictions had indeed been eased and permits could be obtained more quickly, although not always without difficulties or within 48 hours. These organizations also pointed out that the easing of restrictions is not based in law and so

³² Richard Cook, Director of UNRWA Affairs, Lebanon, March 2007.

could be changed at any time. In addition, decades of restrictions mean there is a widespread need for renovation.

Palestinian refugees in gatherings have been particularly hard hit. Homes are typically made of corrugated metal sheets placed side by side to act as walls and

ceilings. They provide little protection from the elements, letting in both rain and wind, and they become excessively hot during the summer. In the Nahr el-Bared camp near Tripoli, a group of three families, totalling 11 people, who lived together in one structure there prior to the battle in the camp in 2007, told Amnesty International that one of their babies had died in the summer heat after being left in the main room.



House with corrugated metal sheets in Jal el-Bahr, March 2005, © AI

The room was made entirely of zinc sheeting and had no ventilation.

Replacing the metal sheets with brick would substantially improve the quality of housing for refugees, and make the houses safer. Residents in Jal el-Bahr told Amnesty International that a number of homes in the gathering had been completely destroyed by sea water flooding in 2005.

Palestinian refugees who have attempted to replace corrugated metal sheets with bricks and mortar have been fined and had their new structures pulled down by the local police. In one case, a family in El-Maachouk settlement had borrowed money to rebuild their dilapidated house. The new structure was bulldozed by the Lebanese authorities because the family had not received permission to build it. The

family then had to rent accommodation while paying back the loan, leaving them impoverished.

In Jal el-Bahr, a Palestinian couple with three children told Amnesty International that they had built a permanent wall onto the corrugated iron structure of their home 15 days earlier. The wife was arrested soon after, despite having a broken leg, and was only released when the wall was demolished.

Farah, a widow with three children living in Jal el-Bahr, said: “In winter water comes through the corrugated iron roof. I am afraid to do repairs because we can be detained or fined.” Khaled, who lives with 14 other members of his family in the gathering close to his parents, told Amnesty International:

“[My parents’] house has one room where the ceiling is made of corrugated metal and the ceiling in the other room is made of bamboo/wood sticks and on top of them mud. To use bricks in the ceiling instead we need permission from the local authority. The local authority does not give permission. We could go to the governorate but it does not give permission either. I built [the wall of] a small room in 2003. The police came and pulled it down and I had to pay a LL230,000 fine.”



Roof coverings made of wood and sticks and cardboard in el-Maachouk camp, March 2005, © AI

The right to adequate housing is guaranteed in, among other standards, the ICESCR, to which Lebanon is a party.³³ According to the UN Committee on Economic, Social and Cultural Rights (CESCR), the right to adequate housing includes legal security of tenure and protection from forced eviction and other harassment and threats; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.³⁴

³³ Article 11(1) of the ICESCR guarantees, “the right of everyone to... adequate... housing, and to the continuous improvement of living conditions.”

Most of these aspects of the right to adequate housing are being denied to Palestinians in Lebanon. For example, many dwellings in the camps and gatherings fail to reach acceptable standards of habitability, “in terms of providing inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, [and] structural hazards”, which the CESCR has stated is an essential element of adequate housing.³⁵

The CESCR also states that the right to adequate housing should not be interpreted as “merely having a roof over one’s head ... rather it should be seen as the right to live somewhere in security, peace and dignity.”³⁶ Among the obligations placed on states is that they should not arbitrarily impede realisation of the right by individuals themselves. As the CESCR has stated, “many of the measures required to promote the right to housing would only require the abstention by the Government from certain practices and a commitment to facilitating ‘self-help’ by affected groups.”³⁷ The Lebanese authorities’ ban on Palestinians improving homes that are wholly inadequate, unsafe and uninhabitable, and their arbitrary demolition of improvements made by refugees, are clear violations of the right to adequate housing.

Palestinian refugees also suffer the consequences of being denied security of tenure. A formal, administrative system for registering legal title to housing operates in the camps; no such system exists in the gatherings. This leaves refugees vulnerable to harassment and other threats, including the demolition of new building works.

Security of tenure is a key aspect of the right to adequate housing. According to the CESCR:

*“[tenure] takes a variety of forms, including... informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.”*³⁸

For Palestinian refugees living outside of camps and gatherings, the situation is little better. Presidential Decree 11614 of 1969, as modified by Decree 296 of 2001, prohibits people who do “not carry a citizenship issued by a recognized state” from securing legal title to housing and land in Lebanon. In the context of Lebanon, although they are not specified in the Decree, this effectively means Palestinian refugees, because virtually all stateless people in Lebanon are Palestinian refugees, and most Palestinian refugees are stateless. Article 1 of the amended Decree states:

“No real right [ie legal right to housing, land or property] of any kind may be acquired by any person that does not carry a citizenship issued by a recognized state, or by any person if such acquisition contradicts with the

³⁴ General Comment 4 “the right to adequate housing” (Article 11(1)), CERD, sixth session, 1991, para 8. [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?Opendocument)

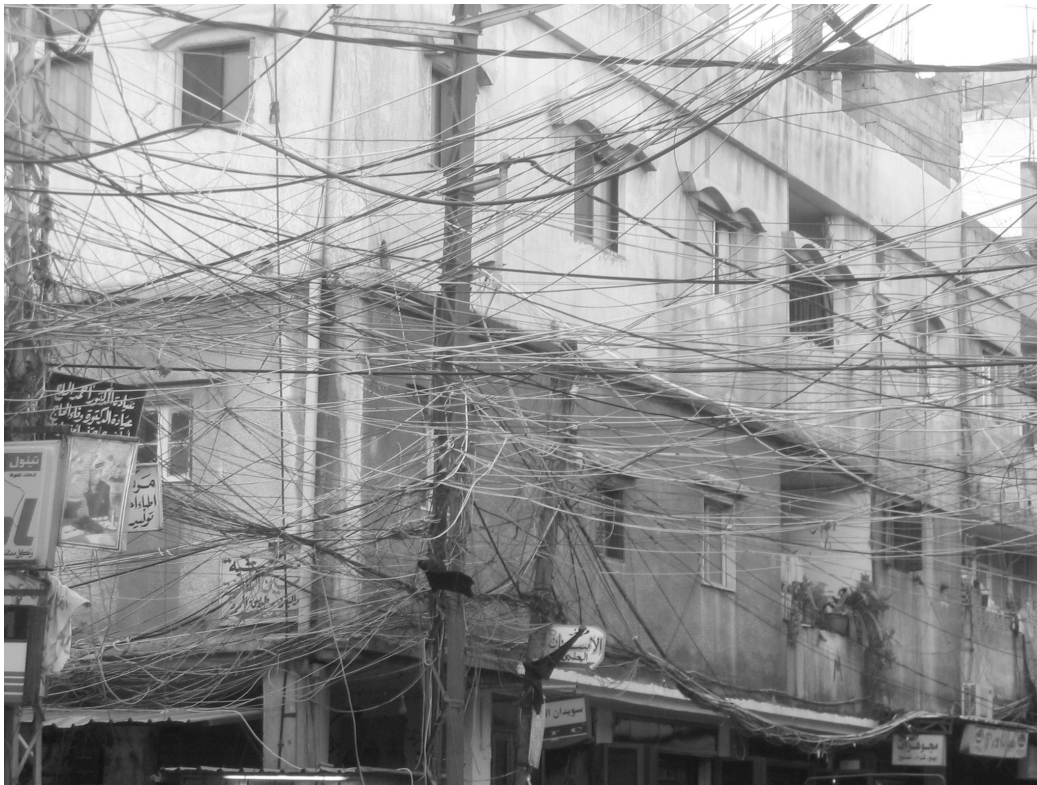
³⁵ General Comment 4, op cit, para 8(d).

³⁶ General Comment 4, op cit, para 7.

³⁷ General Comment 4, op cit, para 10.

³⁸ General Comment 4, op cit, para. 8(a).

provisions of the constitution relating to the prohibition of settlement (tawteen).³⁹



Criss-crossing cables in Nahr al-Bared refugee camp, March 2005, © AI

The ban on Palestinians registering legal title to housing and land greatly diminishes their chance of enjoying security of tenure outside the camps, leaving most of them with little choice but to remain in the camps and gatherings.

The Decree also prevents Palestinian refugees from inheriting housing or land, and from registering real estate, even if they have been paying for it in instalments for years.

In its periodic report to the UN Committee on the Rights of the Child, the Lebanese government justified the policies that prevent Palestinian refugees from improving their homes using the argument – which Amnesty International considers to be spurious – that it would undermine Palestinians’ right of return if they were to be allowed rights to adequate housing in Lebanon:

“Lebanese authorities forbid the construction of new camps, expansion of existing camps, renovation and reconstruction, in order to prevent the consolidation of the Palestinian presence in Lebanon and implicitly accept the forced resettlement and destroy the principle behind the right of return. This principle is of great importance for both the Lebanese as well as the Palestinian population and they hold on to it. Consequently, UNRWA was unable to contribute to the renovation of three camps located in the south due

³⁹ Amnesty International translation from Arabic.

*to the Lebanese authorities' decision to ban the introduction of construction materials into the camps since 1998, which eventually lead to the deterioration of the situation of these camps due to limited areas and tremendous increase in the population size.*⁴⁰

The fulfilment of the economic and social rights of Palestinian refugees in Lebanon would not in any way prejudice their right to return. In any case, the Lebanese government's position does not make the discriminatory laws and practices that prevent Palestinians enjoying their right to adequate housing any less of a breach Lebanon's obligations under international human rights law.⁴¹

4. DISCRIMINATORY LABOUR MARKET

The discrimination suffered by Palestinians in Lebanon's labour market was raised by virtually all the refugees interviewed by Amnesty International. In El-Maachouk settlement, for example, a 27-year-old woman with six children and seven step children said: "Even if we get an education, we are not allowed to get a [good] job." This view was echoed by Hania, a woman struggling to raise six children alone in north Lebanon: "Even with a PhD you can't work as an accountant. If you are an engineer, you have to work as a labourer."

Time after time the refugees complained about how they were barred from jobs, either by law or prejudice, however well qualified they were. A resident of El-Buss camp said:

"I am a video cameraman but I cannot get professional jobs at five star hotels and so on because if they find out that I am a Palestinian I will be fined and my camera will be confiscated."

Another El-Buss resident, 24-year-old Mazen, said:

"I have been looking for a job for five months. I had an interview [recently] with an IT company. They didn't know I was Palestinian. After the interview, when I filled in an application that asked for my nationality, they said they could not employ me as I am Palestinian. They could do nothing for me as I do not have a work permit."

For many years, more than 70 jobs were off-limits to Palestinians – by government decree. In June 2005, in a welcome move, the Minister of Labour lifted the ban on 50 jobs, listed in the 1995 amendments to the 1962 Decree as:

a) Employees: "All administrative and mercantile work of whatever nature, in particular the work of director general, director, personnel manager, treasurer, secretary, archivist, file clerk, computer, commercial officer, marketing officer, trade consultant, foreman, warehouse officer, seller, money exchange, jewellery, laboratory, pharmacy, electric mains, electronic works, paint works, glass [installation], mechanics and maintenance, doorkeeper,

⁴⁰ Third periodic reports of States parties due in 2003 (CRC): Lebanon. UN Doc. CRC/C/129/Add.7, 25 October 2005, para 474 (emphasis added).

⁴¹ See also Article 11 of the ICESCR and Article 27 of the CRC.

conciierge, guard, driver, cook, waiter, barber, elementary, intermediate and secondary schoolteacher...

“b) Employers: All commercial work of whatever nature; banking, accounting, assessors, engineering work of whatever kind, contracts and trade in building, jewellery, manufacturing of shoes and apparel, all furniture work of whatever kind and the industries that rely on it, sweets industry, printing, publication and distribution, haircutting and styling, clothing press and cleaners, car repair (metal work, mechanical, glass attachment, upholstery, car electric works).”⁴²

However, despite this move and the efforts made by the current Lebanese government in co-ordination with UNRWA and other organizations to improve the “employability” of Palestinians in Lebanon, serious concerns remain about Palestinians’ rights in the labour market.

First, many Palestinians were already working in these jobs, but illegally. Although they can now do such work “legally”, there is a disincentive to regularize their positions as they would then have to pay taxes but would still not be entitled to benefit from the Lebanese social security system (see below). The time and expense needed to apply for these posts can also be a disincentive for employers as well as employees. Moreover, the permits reportedly remain temporary and can be annulled at any time (see below). These factors seem to explain why only a few hundred Palestinians have obtained work permits for the newly permitted jobs.⁴³

Second, the Ministry of Labour’s decision to lift the ban on some jobs has not been passed into law and could therefore be reversed or amended at any time.⁴⁴

Third, professions such as law, medicine and engineering remain prohibited for Palestinians.⁴⁵ In fact, some Palestinians do work in these professions, but illegally and with lower wages and less job security.

As in most countries, Lebanese, as nationals, enjoy preferential treatment over foreign nationals in terms of access to employment. In Lebanon, this differentiation extends to foreign nationals who were born or have lived most or all of their lives in Lebanon, most notably Palestinian refugees.

Presidential Decree 17561 of 18 September 1964 regulates the work of foreign nationals in Lebanon. Article 2 specifies that non-nationals wanting paid or unpaid work must obtain prior approval from the Ministry of Labour before travelling to Lebanon. Article 8 specifies:

“Taking into consideration the principal of preferential treatment of Lebanese nationals, it is possible to grant an alien a work permit or to renew

⁴² Ministry of Labour Decision No. 621/1, Concerning Businesses and Professions Restricted to Lebanese, 15 December 1995.

⁴³ Some 278 permits were reportedly issued in 2005.

⁴⁴ Article 17 of the 1962 Decree states: “The work permit shall be cancelled at any time if it is revealed that any document is incorrect or as may be required in the interests of Lebanese labour.”

⁴⁵ Ministry of Labour Memorandum (No. 67/1), 2 June 2005. The original Decree of 1962 still entitles the Ministry of Labour to list and update annually the jobs that are only open to Lebanese nationals according to the needs of the Lebanese market, so the June 2005 ministerial announcement is by nature temporary until established in law.

it, whether s/he is residing in Lebanese territory or wishes to enter it after obtaining prior approval, if s/he meets one of the following conditions:

“If s/he is a specialist or an expert whose [job] cannot be done by a Lebanese national; the relevant department may require the employer to publish an advertisement at his own expense in three daily newspapers that the department shall designate, at least three times...”

Other people eligible for work permits are foreign nationals who have lived in Lebanon since before 1954 and work for at least nine months a year at an institution, and foreign men who have been married to a Lebanese woman for at least a year (but not foreign women married to a Lebanese man).

The requirements for obtaining a work permit also mean that it is rare for employers to seek one for a Palestinian refugee or for other foreign nationals living in Lebanon. Generally, businesses are much more likely to employ Palestinian refugees in lower status and lower paid jobs that do not require a work permit, such as construction work or cleaning. In these jobs, Palestinians compete mostly with other foreign nationals. Sometimes, employers do take on Palestinian refugees in jobs that require a work permit but without seeking such a permit; in such cases, the Palestinian employees do not enjoy the benefits and protection of a contract of employment and are often paid less than their Lebanese counterparts. As Mazen of Burj el-Barajneh told Amnesty International:

“Even if you do get a job, Palestinians are paid less. While a Lebanese person would be paid US\$500-600 as a starting salary, a Palestinian would get US\$300-400 for the same job.”

Palestinian refugees and Palestinian civil society organizations told Amnesty International about cases of well-trained and experienced medical doctors who were working in Lebanese hospitals but whose employment contracts stated that they were nurses or cleaners. This was because they could not officially be employed as doctors because the profession is barred to Palestinians. As a consequence, they were being paid less than their Lebanese counterparts. Such direct discrimination clearly violates Lebanon’s obligations under the ICESCR (see box).

Sa’id, who lives in Burj el-Barajneh, told Amnesty International:

“I work as a driver. To be a driver you need a public licence, which is different from a private licence and cannot be obtained by Palestinians because you must be part of the drivers’ syndicate, which is barred to Palestinians. So I am working illegally. How can you ask for your rights when you are working illegally?”

“I was working in a textile trading company for about six years. The owner sold the company. I was in charge of a lot of the work: procurement, distribution, etc... My salary had reached US\$600. The new owner wanted to reduce my salary to US\$300. What helped him do this was that I did not have a contract; no rights... All the effort I put in establishing the company were swept away when a new person bought the company. After working there for years, I did not get any compensation. I either had to accept the US\$300 or leave; this was not enough to meet expenses...”

Sa'id also spoke of how job insecurity, with the implicit lack of redundancy money or social security benefits, means that he had to cut back on what he would otherwise be providing for his children:

"I am 40 but I feel like my time has passed. Now what's important is my children. I do not want them to miss out on the things I did not enjoy. But I have to try to save in case I lose my job. To do this I have to deprive my children of some things like nice food, or taking them to the mountain or to the sea. Also, you have to save on their clothes and their pocket money."

The Husseinis are a Palestinian family of 18 people who have lived in Lebanon since 1948. They live in Jal el-Bahr gathering near Tyre which has almost no infrastructure. Three members of the family who are fishermen provide the only source of income. Only Lebanese nationals can obtain the license needed to own a fishing boat. To obtain a license, Palestinians therefore need a Lebanese partner under whose name the boat is registered. They are then forced to give a large share of their catch to the Lebanese partner. They also need a permit to sell their catch, which they cannot obtain. If they are stopped by police they may be fined up to LL300,000 (around US\$200).



Houses in Jal el-Bahr "gathering", near Tyre, March 2005, © AI

The right to work

The right to work and rights at work are protected in a range of binding international laws to which Lebanon is party.⁴⁶ According to these standards, Lebanon is required to take steps towards achieving progressively the full realization of the right to work for everyone, without discrimination, including on the basis of national origin.⁴⁷

The ICESCR provides that "developing countries, with due regard to human rights and the national economy, may determine to what extent they would guarantee

⁴⁶ These include the ICESCR (Articles 6 and 7); the CEDAW (Articles 11 and 14); and the ICERD (Article 5).

⁴⁷ ICESCR, Articles 6, 2(1) and 2(2).

the economic rights recognised in the present Covenant to non-nationals”.⁴⁸ As the provision makes clear, restrictions on the economic rights of non-nationals that have a grave impact on the human rights of the people affected would be in breach of international legal obligations.

Lebanon applies the principle of reciprocity, whereby it grants the right to work to nationals of other states whose countries grant Lebanese citizens the right to work. This discriminates against Palestinians because they are stateless; those who lack citizenship of any state are effectively excluded from the possibility of earning their living through most types of work. Similarly, Palestinians in Lebanon are unable to access social security on the grounds of lack of reciprocity.⁴⁹ This remains the case when they are working legally and paying social security contributions.

The ICERD prohibits racial discrimination⁵⁰ in the enjoyment of “the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration.” The CERD has clarified that states parties should “take measures to eliminate discrimination against non-citizens in relation to working conditions and work requirements, including employment rules and practices with discriminatory effect or purpose.”⁵¹

Under the ICESCR, Lebanon is also obliged to ensure that everyone who works enjoys just and favourable conditions of work, irrespective of their status. Article 7 states:

“The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work...;

(b) Safe and healthy working conditions;...

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays...”

The severe difficulties faced by Palestinians in accessing employment and while at work have a direct effect on their enjoyment of other rights, including the right to enjoy an adequate standard of living, adequate housing and the right to education.

⁴⁸ Article 2(3) of the ICESCR. The purpose of this provision was to end the economic domination of certain groups of non-nationals during colonial times. For this reason it should be interpreted narrowly. See Limburg Principles on the Implementation of the ICESCR, UN Doc. E/CN.4/1987/17, Annex, para 43.

⁴⁹ Social Security Law, Article 9, para 4, applies a similar principle of reciprocity as the Labour Law.

⁵⁰ According to Article 1 of the ICERD, “the term ‘racial discrimination’ shall mean any distinction, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, on an equal footing, of human rights...”

⁵¹ CERD, General Recommendation No. 30, Discrimination against Non-Citizens, UN Doc. HRI/GEN/Rev.7/Add.1, para 33.

5. LACK OF CARE

“We cannot get proper healthcare because we are Palestinians. If your child is sick, he will just die.” This was how a Palestinian woman, who is registered with UNRWA and lives in El-Maachouk gathering, described the healthcare situation for Palestinians in Lebanon.

Medical treatment is expensive in Lebanon and only partially covered by UNRWA for registered refugees and not at all for others.⁵² Secondary healthcare is rarely subsidized at all. In addition, there is a shortage of health workers, health facilities and equipment in the camps and gatherings where Palestinians live.

The implications for refugees can be catastrophic. Ahmed Moussa, from the Nahr el-Bared camp near Tripoli, told Amnesty International:

“My wife’s father got gangrene in his leg. UNRWA paid for the hospital bed but the family had to find money for medicines – around LL 1 million. We got some help from NGOs but couldn’t find it all, and his condition worsened.”

Yasmin, who lives in El-Maachouk settlement, said:

“My 14-year-old son broke his leg and needs a metal pin inserted, which costs LL 250,000. I can’t afford this, so he just sits at home. UNRWA will pay half the cost of the hospital, but not the cost of the metal pins.”

The right to health⁵³ of many of Lebanon’s Palestinians refugees – a right enshrined in treaties that the Lebanese authorities have committed to uphold - is clearly being violated as a result of the poor healthcare available to them.

The government of Lebanon freely admits to what it calls the “unbearable” living conditions of Palestinian refugees,⁵⁴ but has failed to take effective steps to improve these conditions and is failing, too, in its obligation to ensure that minimum essential levels of healthcare, at the very least, are afforded to everyone in Lebanon, including refugees. The government of Lebanon has itself recognized that:

“The prevalence of diseases among Palestinian children is directly related to poverty and substandard housing and unhealthy environments where they live⁵⁵ ... As for the informal and random housing compounds of

⁵² Non-ID refugees are not officially entitled to healthcare but if they hold an expired passport they can access UNRWA health clinics and if they are registered in another UNRWA field of operation and have approval from it, they can access certain health services. Women registered refugees who are married to non-registered refugees are now fully entitled to receive health services.

⁵³ The right to health: Articles 12, ICESCR; 5(e)(iv), ICERD; 24, CRC.

⁵⁴ Third periodic report of States parties due in 2003 (CRC): Lebanon. UN Doc. CRC/C/129/Add.7, 25 October 2005, para. 477-78.

⁵⁵ “More prevalent under poor housing conditions and poverty, Palestine refugees in Lebanon suffer from high levels of a wide range of diseases ranging from psychological to physical. This includes stress, depression and violence, as well as acute respiratory infections and other diseases transmitted by infection, such as tuberculosis, measles, rubella, etc. Improper nutrition emerging from poverty leads to various non-communicable diseases, such as high rates of anaemia, poor vision, growth retardation and

Palestinian refugees in Lebanon, they are in even worse shape than the formal camps, where the residents suffer from multiple problems related to the deteriorating health and environmental conditions as well as the deprivation from the simplest types of social services ... The scarcity of social services on all levels from either UNRWA or the Lebanese government makes the social and living conditions unbearable... ”⁵⁶

The health and security of Palestinians is also threatened because of discriminatory laws that deny them social security because they are stateless. Access to social security for non-citizens in Lebanon is dependent on “reciprocity of treatment” in the non-citizen’s home state. As mentioned above, such reciprocity cannot apply to Palestinians who are stateless. Article 9(4) of Lebanon’s Social Security Law states:

“Foreign Labourers working on Lebanese soil are not subject to the provisions of this law, and therefore not entitled to the benefits of any and all sections of Social Security, except if the country of their origin affords its Lebanese residents the same treatment as its own citizens with regard to Social Security.”⁵⁷

This breaches Lebanon’s obligations under international human rights law by effectively denying Palestinian refugees social security protection.

The right to social security is guaranteed by Article 9 of the ICESCR, which states that “the States Parties to the present Covenant recognize the right of everyone to social security, including social insurance,” as well the ICERD (Article 5(e)(iv)), the Convention on the Elimination of All Forms of Discrimination against Women (Articles 11(1)(e) and 14(2)(c), the CRC (Article 26), and several provisions of the International Labour Organisation (ILO).

6. POINTLESS EDUCATION?

Hayat, who lives in El-Buss camp and is divorced with two children, told Amnesty International that her daughter had to leave school during 7th grade, and that her son plans to finish high school and go to university if his grandparents can pay, although “he is worried that as a Palestinian his education will be pointless.”

One consequence of the Lebanese authorities’ failure to offer adequate education and job prospects to Palestinian children is a high drop-out rate as children seek to take paid employment so as to help provide income for their families. Many look for work as manual labourers or as rag pickers (sorting through rubbish to find things to sell for recycling). Many families told Amnesty International that their children had dropped out of school because they thought that years spent on education

other related diseases, the management cost of which is unavoidable under poor condition.” UNRWA Chief of Field Health Program, Jamil Yusef, to Amnesty International on 28 August 2007.

⁵⁶ Third periodic report of states parties due in 2003 (CRC): Lebanon. UN Doc. CRC/C/129/Add.7, 25 October 2005, para.471, 476.

⁵⁷ Social Security Law, Article 9, para.4. Quoted in “Obligation of Host Countries to Refugees under International Law: the Case of Lebanon” by Wadie Said, in *Palestinian Refugees: the Right of Return*, Naseer Aruri (ed.). Pluto Press, London, 2001, p.134.

would be wasted as this would not be enough to open the door to well-paid jobs in Lebanon. Marwan is one of those young people:

“As a Palestinian, you study and pay fees, then you can’t work. You can only work here in the hospital in the camp. I dropped out after 6th grade because my parents could not afford it. I have cousins who finished school and work in paint jobs and don’t get back any of what they spent.

“When I dropped out of school I learned butchery; I worked with a Lebanese for seven years outside the camp. I used to get LL100,000 per week while a Lebanese who did the same job got LL250,000 even though I did the same job and better.”



Children and their teacher at a community school in the Nahr al-Bared refugee camp, March 2005, © AI

In its report to the Committee on the Rights of the Child, the government of Lebanon acknowledged frankly the grossly unsatisfactory education situation of Palestinian children:

“The educational levels of Palestinian [refugee] children is not comparable to that of Lebanese children or even to Palestinian [refugee] children living in neighbouring Arab hosting countries. Out of three Palestinian children in Lebanon, aged 10 and above, one child leaves school before finishing primary or intermediate. The drop out rate is 39%, which is [10-fold] higher than for Lebanese students for male and female alike. As for

those holding high-school degrees or higher education they are few in numbers and they are [two-fold] less in comparison to Lebanese students... Those opting to pursue their education and they are few, try to get enrolled in free governmental schools. Furthermore, places are limited in these schools, and priority is given to Lebanese students whenever they are available.”⁵⁸

Law No. 686 of 1998 specifies that only Lebanese children have a right to free primary education.⁵⁹ However, the Lebanese authorities are obliged under the ICESCR and the CRC to ensure the right to education for all children under their jurisdiction. This includes, in particular, ensuring the provision of free and compulsory primary education to all children in Lebanon without discrimination on the basis of their status as refugees or asylum-seekers, any other legal status, or the legal status of their parents or guardians.

Administrative obstacles and other policies that nullify the enjoyment of the right to education, including through discrimination, are also prohibited under international human rights law.⁶⁰

Registered Palestinian refugee children can enrol in the 80 elementary and preparatory schools and six secondary schools run by UNRWA in Lebanon. Lebanon is the only country in which UNRWA operates secondary schools – the reason given is that Palestinian refugees in Lebanon “have limited access to public secondary education, and most cannot afford the high cost of private secondary schooling.”⁶¹ UNRWA’s Sibling Training Centre provides 850 vocational training places plus a teacher training scheme for registered refugees who are then mostly employed in UNRWA schools. UNRWA also provided 189 university scholarships in 2006-2007.

Non-ID Palestinian refugee children may attend classes in UNRWA schools and they can also attend private elementary schools, if they can afford the fees. However, they are generally denied recognition of educational achievement in Lebanese secondary schools as all students require identification documents – conspicuously lacking for non-ID Palestinian refugees – to sit the Lebanese state exams, which in turn give access to higher levels of education.⁶²

7. NO ID, NO RIGHTS

Between 3,000 and 5,000⁶³ non-ID Palestinian refugees who are not registered with the Lebanese authorities or UNRWA face even more restrictions of their human rights than registered Palestinian refugees. They also are not officially entitled to UNRWA services, although they can sometimes access them informally.⁶⁴

⁵⁸ Third periodic report of States parties due in 2003 (CRC): Lebanon. UN Doc. CRC/C/129/Add.7, 25 October 2005, para. 477-78, (emphasis added).

⁵⁹ This law amended Article 49 of Decree No. 134/59.

⁶⁰ CESCR, General Comment 13 “the right to education (art. 13)”, 21st session, 1999, UN Doc: E/C.12/1999/10, para. 59.

⁶¹ Online: <http://www.un.org/unrwa/programmes/education/basic.html>, visited on 31 March 2006.

⁶² Reportedly, some non-ID refugee children are able to sit exams due to an informal arrangement between the Lebanese Ministry of Education and UNRWA.

⁶³ Sources: The Danish Refugee Council; the Palestinian Human Rights Organization

⁶⁴ See notes 53 and 63 above.

Many non-ID refugees have lived in Lebanon for decades and are married to registered Palestinian refugees. However, their children are not recognized as registered Palestinian refugees.

The most common reasons for Palestinians lacking ID are:

- The increasing difficulty in obtaining government registration since 1962 (none of the non-ID refugees or their families interviewed in a December 2005 study by Frontiers, a Lebanese NGO working on migrants' issues, had arrived before 1962).⁶⁵
- The general reluctance of the Lebanese authorities to allow an increase in the official number of UNRWA-registered Palestinian refugees. According to reports from the Danish Refugee Council, only 5 per cent of those interviewed in its study of 2005 had never been registered with either UNRWA or the government authorities of another country. Similarly, approximately half of the non-ID cases passed to UNRWA by the Danish Refugee Council had already been registered with UNRWA in other fields – that is, they were entitled to be registered with UNRWA in Lebanon, but the government had resisted the transfer of their status to Lebanon.
- The choice made by some Palestinians who came to Lebanon during the 1970s in order to join the PLO or other political parties not to register upon arrival. Once the PLO was expelled from Lebanon in 1982, these Palestinians were then not allowed back to their original host countries. Many non-ID refugees are these Palestinians and their descendants.

Some of the other issues that particularly affect non-ID Palestinian refugees are:

- **The right to be registered and the right to a name and nationality.** Children who have a registered Palestinian refugee father are registered as refugees by UNRWA and recognized by the Lebanese state. However, children born to non-ID Palestinian fathers (who do not themselves possess recognized identity documents) are not registered with UNRWA, do not receive recognized identity documents from the Lebanese state, and cannot acquire a nationality even if they have a Lebanese mother (Lebanese law stipulates that nationality can only be passed on by the father). This breaches Lebanon's obligations. Article 7(1) of the CRC states that every child has the right to be registered immediately after birth and the right to have a name and to acquire a nationality.

- **The right to education.** The non-registration of children of non-ID Palestinian refugees adversely affects their ability to exercise their human rights, including their right to education. While non-ID children might be able informally to attend schools with sympathetic teachers, they cannot receive official qualifications at any level. As a result, their educational and job prospects are severely limited. "You are told that you're just a non-ID person – what do you need an education for?" bemoaned 19-year-old Samar when speaking to Amnesty International in Beirut.

⁶⁵ A large field study conducted between January and June 2005 that included legal research and more than 150 refugees being interviewed and completing questionnaires, <http://www.frontiersassociation.org/pubs/FallingThrTheCracks2006PUBFINAL.pdf>

The Committee on the Rights of the Child recommended that the Lebanese government should take action to address this serious abuse of a child's rights:

“In order to secure the full enjoyment of all human rights and fundamental freedoms by children in Lebanon, the Committee recommends that the State party ensure that all children within its territory, including the children of non-ID Palestinian refugees, are registered immediately after birth. Meanwhile, children whose births have not been registered and who are without official documentation should be allowed to access basic services, such as health and education, while waiting to be properly registered.”⁶⁶

- Registration of marriages. Article 23(2) of the ICCPR states that “the right of men and women of marriageable age to marry and to found a family shall be recognized.”⁶⁷ This right is not respected in Lebanon for non-ID Palestinian refugees. Amnesty International has documented many cases of non-ID Palestinian refugees who have not been able to get married or to get their marriages registered as they do not possess the necessary documentation.

Miryam, for example, is a non-ID Palestinian refugee. When interviewed by Amnesty International, she had been engaged for five years to a Lebanese man. However, she had not been able to get married as her marriage would not be legally recognized due to her lack of ID documents. Her family had been trying to obtain the necessary papers for her for years but without success and did not know anything more that they could do. She told Amnesty International that she was very depressed about her situation and its seeming hopelessness.

Marriage within the Palestinian community in Lebanon is the most socially acceptable path for Palestinian refugees who wish to start a family, so not being able to register marriages can have devastating consequences for both men and women.

- Freedom of movement. The freedom of movement of non-ID Palestinian refugees is restricted because they do not have legal residency in Lebanon. Many of them fear that they will be arrested if they leave their camp and seek to travel in Lebanon. This has a direct negative effect on their everyday life, including their ability to work. Article 12(1) of the ICCPR states:

“[E]veryone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.”

The current Lebanese government has shown more interest than its predecessors in resolving the issue of non-ID Palestinians, but as of September 2007 no solution had been formulated.

⁶⁶ Concluding Observations of the Committee on the Rights of the Child, forty-second session, 2 June 2006, UN Doc. CRC/C/LEB/CO/3, para 37 and 38.

⁶⁷ The Human Rights Committee has clarified that state parties to the ICCPR are under the obligation to adopt legislative, administrative or other measures for ensuring the protection provided for under Article 23. General Comment 19: Protection of the family, the right to marriage and equality of the spouses, para. 3.

8. RECOMMENDATIONS

With improved dialogue between the Lebanese authorities, Palestinian political groups and UNRWA there is hope that this apparent enthusiasm to resolve long-standing and sensitive issues can be translated into reforms that can be extended and deepened. After nearly 60 years, it is certainly time that the Lebanese government took concrete steps to address the plight of the country's Palestinian refugees. In its reporting to UN treaty bodies, the government has acknowledged candidly the highly unsatisfactory conditions to which Palestinian refugees have been exposed in Lebanon and recently has been showing some resolve to remedy the situation.

What may have initially appeared to be a temporary situation in 1948 has proved to be a long-term challenge. During these decades, generations of Palestinians have grown up in Lebanon knowing little or nothing other than life in the refugee camps and facing discrimination and other abuses. Their limited living areas have become more cramped as the camps have been required to accommodate growing numbers of families. They should not be left to suffer more in Lebanon, pending a durable solution of their plight as refugees that fully respects and protects their human rights, including their right to return.

The Lebanese people, and successive Lebanese governments, have shown great generosity towards the many Palestinian refugees in their country. At the same time, Lebanese society has been greatly enriched by the refugees' presence and their contribution to the economic and cultural life of Lebanon. The continuing restrictions on Palestinian refugees, which effectively renders them the status of second class residents, continue to be little short of a scandal and they should be lifted without further procrastination or delay.

To this end, Amnesty International makes the following recommendations:

To the Lebanese government

Discrimination

- Take the necessary legislative and administrative measure to end all forms of discrimination against Palestinian refugees and to fully protect and uphold their human rights in Lebanon.

Housing

- Remove all restrictions that arbitrarily limit the exercise of the right to adequate housing for Palestinians. This should include repealing or amending all legislation that discriminates against Palestinian refugees who lack citizenship of a recognized state, including the relevant provisions of Presidential Decree 11614 of 4 January 1969, as modified by law 296 of 3 April 2001, and any other relevant legislation.
- Guarantee a degree of security of tenure to everyone within its jurisdiction, including Palestinian refugees living in informal gatherings.
- Allow Palestinian refugees to improve their housing by lifting any remaining restrictions on the entry of building and maintenance materials and equipment into Palestinian refugee camps.

- Stop the punitive demolition by the authorities of the homes or parts of the homes of Palestinian refugees built in defiance of the ban on bringing building materials into some camps, and ensure effective remedies to all those affected, including restitution, compensation, and guarantees of there being no further such demolitions.
- Rescind any policy that prevents Palestinian refugees living in informal gatherings from improving their homes, abolish any fines or other penalties for those who seek to make their housing habitable, and take steps to inform all those concerned of the change in policy.
- Take steps to ensure minimum essential levels of sanitation and access to acceptable levels of clean water for Palestinian refugees living in camps and informal gatherings.
- Proceed as expeditiously as possible with plans for rebuilding Nahr al-Bared camp and for alleviating the conditions in which the refugees forcibly displaced from there, and others, currently live, particularly in Beddawi camp.

Employment

- Facilitate the access of Palestinians to employment in the 50 jobs that were restricted to them prior to the 2005 announcement by the Minister of Labour and remove the restrictions on the remaining 20 jobs and ensure that both relaxations of restrictions are made permanent in law.
- Amend the provisions of Article 8 of Presidential Decree 17561 and other relevant legislation that discriminate against Palestinian refugees.
- Protect the rights at work of everyone within its jurisdiction, including Palestinian refugees, through the effective regulation of employment practices of public and private employers, and specifically ensure that Palestinian refugees are protected by work contracts and that they receive fair wages, equal to those paid to their Lebanese counterparts.

Social security

- Amend or replace Article 9(4) of the Social Security Law to ensure that all Palestinian refugees receive social security benefits in return for their compulsory social security contributions.

Education

- Ensure that all children under its jurisdiction, including the children of non-ID Palestinian refugees, have access to education on an equal basis with Lebanese nationals.
- Amend Law No. 686 of 1998, which amended Article 49 of Decree No. 134/59, in order to ensure the right of everyone, including Palestinian refugee children, to free and compulsory primary education without discrimination.

Non-ID Palestinian refugees

- Ensure that no bureaucratic requirements obstruct the exercise of human rights by all those living under Lebanese jurisdiction, including non-ID Palestinian refugees.
- Take all necessary steps to regularize, as quickly as possible, the status of non-ID Palestinian refugees in the country. This should include registering all non-ID Palestinian refugees under Lebanese jurisdiction, providing them with official identification documents, and ensuring that all their future children are provided with the necessary registration and documents.
- Ensure that all Palestinian refugees are able to register their marriages in Lebanon.

To the international community

- Make all necessary efforts to find a durable solution for Palestinian refugees that fully respects and protects their human rights, including their right to return.
- Provide financial and technical assistance to Lebanon – in the spirit of international co-operation and responsibility-sharing – to enable it to extend the highest possible level of human rights protection to its Palestinian refugee population. This should include responding favourably to the Lebanese authorities' 10 September appeal for funds to rebuild Nahr al-Bared camp and surrounding areas.
- Ensure that UNRWA has the necessary funding and mandate to effectively provide for the needs of Palestinian refugees including by responding favourably to the 10 September joint UNRWA/Lebanese authorities' appeal for emergency relief funds to assist those refugees displaced from Nahr al-Bared camp.