



المنظمة الفلسطينية لحقوق الإنسان (حقوق)

Palestinian Human Rights Organization - PHRO

Member of International Federation for Human Rights (FIDH)

Member of Euro Mediterranean Human Rights Network (EMHRN)



Beirut, February 13th, 2009

Executive Summary

Palestinian Refugees in Lebanon – Suggested Priority Recommendations
Updated¹ for the EU-Lebanon Association Council, February 23rd, 2009

INTRODUCTION

On the occasion of holding the EU-Lebanon Association Council in February 23rd, 2009, the Palestinian Human Rights Organization – PHRO expresses its concern about the Palestinian refugees' human rights situations in Lebanon, wishes to present its recommendations aimed at improving these situations and looks forward raising them within the meeting.

We still believe that the human rights chapter of the Action Plan should constitute a roadmap for the implementation of mutual commitments regarding respect for human rights and that the Association Council represents a major opportunity to assess the evolution of the situation of human rights in Lebanon with regards to the Association Agreement and its Action Plan.

We would like to remind on the necessity of consulting the civil society representatives, particularly human rights organizations, before the meeting. On parallel, we urge for a broader human rights NGOs consultation, especially whom are actively involved in the implementation and evaluation of the Action Plan.

In relation to **"the special circumstances of the Palestinian refugees presence in Lebanon"** and **"the need to improve their economic and social situation"** mentioned in the Action Plan on **section no. 2.4** related to **Co-operation in the field of Justice, Freedom and Security (a) Migration Issues** and as a follow up to the several meetings that we conducted with European Representatives in Lebanon and abroad, we hereby present the underneath successive recommendations that are directly linked to human rights and the various calls for ending the non-discriminatory policies against Palestinians in Lebanon.

Nevertheless, the following recommendations are considered priorities, issues that could be adopted by the EU without being phased with political pretexts that could hinder their implementation and essential to frankly and directly improve the Palestinian refugees' situations:

1. Ensure that Palestinian refugees in Lebanon have the same access to the labor market as Lebanese nationals, in compliance with a article 23 of UDHR, article 6 & 7

¹ This Executive Summary was initially prepared for the first EU-Lebanon Human Rights Subcommittee Meeting that was held on April 12th, 2007. Since that time, we kept advocating and raising for discussions, three priorities for the Palestinian Refugees in Lebanon (**Right to Work, Right to Own Property and Solving the dilemma of the Non-IDs**). This Executive Summary was being updated each time an EU-Lebanon Subcommittee or Association Council Meeting is to take place; This is considered the third update and one major recommendation was added on the **Lebanese Women's Right to Pass their Nationality to their Foreign Husbands and Children**.



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of the ICESCR and article 5 (e) & (i) of the CERD and the recommendations of the Casablanca Protocol of 16 September 1965,

2. Allow Palestinians to own property, in accordance with article 17 of UDHR, and without discrimination in compliance with article 5 (d) (v) & (vi) of the CERD, by amending Article 1 of Law no. 296 of 20 March 2001
3. Solve the Non-Identified Palestinian Refugees dilemma, through providing them temporary/special² refugee IDs that verify their Palestinian Identity, allow them to normally continue their daily life, issue laissez Passer when necessary, and benefit from UNRWA services as the Not Registered Refugee (NR)³, until reaching a fundamental and just solution to their situation
4. Ensure that the draft law⁴ on the Right of the Lebanese Women to pass on their Lebanese Nationality to their foreign husbands and children will be prepared in compliance with article 2 of UDHR, articles 2 (b), 4 (a) and 5 (d) (iii) of the CERD, thus does not carry within its text, and afterwards in the implementation, when approved, any kind of discrimination that could be justified by the pretext of preventing the settlement

RIGHT TO WORK⁵

Article 23 of the UDHR and Article 6 of the ICESCR guarantees every one the right to work. Further, article 7 of the ICESCR guarantees the right to the enjoyment of just and favorable conditions of work, meaning the right to fair wages and equal remuneration for work of equal value without distinction of any kind. In article 4 of the ICESCR, derogation from the rights included in the Convention is possible, but only in circumstances determined by law and only in so far as the limitations are compatible with the nature of the rights of the convention and for purposes of promoting the general welfare of a democratic society. The CERD states in Article 5 (e) (i) that "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

² By the beginning of September 2008, the Lebanese Authority started to provide this category by Identification Cards issued from the General Directorate of the General Security, Ministry of Interior Affairs and Municipalities. **Since the beginning of 2009 such process was stopped. Thus we call upon the Lebanese Authority to activate again, as soon as possible, the issuance of these IDs.**

³ Recognized by the Lebanese Authority but not registered with UNRWA in Lebanon. They count between 30,000 & 35,000 Palestinian Refugees

⁴ This draft law has good chances to be adopted, but, as several representatives at authority are advising, if the draft law included a **text that exempts (discriminate against) the Lebanese Women married to Palestinian Men to benefit from such law**, if adopted. Also there are discussions about including a text that allow Lebanese Women to pass their Nationality **ONLY to their children**, but not to the husbands and hereby discrimination will take place at two parallel levels: all foreign men will be exempted (excluded) as well the Palestinian Children.

⁵ Kindly visit this link <http://www.palhumanrights.org/rtw.htm> to obtain a full view about PHRO's **Dialogue and Advocacy efforts directed towards granting the Palestinian Refugees in Lebanon their Right to Work**. This page includes a full study in both Arabic and English Languages, Program(s) and Working Papers of a dialogue seminar and a documentary screening that were conducted in November 2008 ...etc.



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and favorable remuneration” should be enjoyed by everyone without distinction as to race, color or national or ethnic origin.

In addition to the article 59 of the law of Work for Foreigners (1946) grants foreigner workers the same work rights as their Lebanese counterparts, including the benefits of health and social insurance and the right to join syndicates, provided that their country of origin exercise a policy of reciprocity. Because Palestinian Refugees do not hold nationality of any recognized country able to meet the required principle of reciprocity, they are denied the same work-rights as other foreigners employed in Lebanon.

Ministerial Decision number 289/1, issued by the **Labor Minister Adnan Mrowe in 1982**, restricted most of the professions to Lebanese citizens only. Later on, **in 1995, Minister Assad Hardan** and with Ministerial Decision 621/1 defined the professions that are restricted to Lebanese citizens (72 according to different Palestinian sources and 46 as to Lebanese sources) with few exceptions if work permit exists. All these exceptions are compatible with the conditions of the Palestinian Refugees, but and here again the Reciprocity Policy prohibits them from accessing such exceptions.

The deteriorating economic and social situation of the Palestinian refugees urged the **Lebanese Labour Minister Trad Hemadie to issue in 2005** an internal order bearing the number 67/1 which exempts Palestinians whom were born on the Lebanese territories and whom are officially registered within the Lebanese Ministry of the Interior Affairs records from the provisions of Article 1 of the ministerial decision number 79/1 which sets the professions excluded for the Lebanese.

The depth analysis of both the ministerial decision and the internal order lead to the following conclusions:

- ☞ The Palestinian worker is required to obtain work permit for professions which he/she actually exercise. These professions do not include those required for practicing, affiliation to the syndicates (doctors, engineers, lawyers ...)
- ☞ It makes the employers obliged to pay fees for their Palestinian employees to the Lebanese Social Security (though not benefit from the social security system)
- ☞ Such a decision could be revoked at any time by another Lebanese Labour Minister

It is very upsetting to note that despite Lebanon’s membership in the Arab League, which treats the Palestinian Authority (PA) as representing an Arab state, Palestinians in Lebanon are **not considered** to have a state for the purposes of the right to reciprocity with Lebanon. Such behavior is totally hypocritical and Lebanon **should be persuaded to define what the Palestinians are to them for purposes of making honest and fair laws regarding their status whether it be citizens, foreign nationals, refugees.** The fact that these laws are



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so deliberate in their attacks on Palestinian rights, yet so innocently worded merely adds insult to injury for this oppressed and desperate population.

LEBANESE LABOR LAW

Lebanese labor law outlines three types of work options for foreigners:

i. work by membership in a syndicate

In Lebanon many professions are directed by syndicates. Foreigners wishing to work in professions that require a syndicate registration must be members of such syndicates in their countries and Lebanese citizens can work in the same professions there "reciprocity policy".. Since Palestinians are from a non-recognized country, the reciprocity requirement prevents Palestinian refugees from becoming members of a syndicate and thus prevents them from being able to practice these professions.

ii. work by work permit

As of the 1995 Ministerial Decision number 621/1, the process of obtaining a work permit has become extremely complicated. If a foreign national is to be granted a work permit, the employer must produce a massive amount of documentation justifying his choice, plus pay a sizable fee to the authorities. This process must also be repeated every 12 months. While Palestinian refugees could theoretically acquire work permits, very few of their requests are granted even though many apply. Further, the same decree lists a large number of specific professions that are restricted to Lebanese citizens only, such as bankers, doctors, and lawyers. At the same time, Article 2 of the decree states that foreigners are exempt from Article 1 restrictions *if* he/she has been residing in Lebanon since birth, he/she is of Lebanese origin or his/her mother is Lebanese or if a man has been married to a Lebanese woman for more than one year. While many Palestinian refugees are second generation refugees who were born on Lebanese territory, due to these qualifications and restrictions (reciprocity policy and being from non-recognized country), they still experience great difficulty in obtaining work permits.

iii. jobs not requiring work permits

These jobs are primarily in the areas of agriculture, construction and other forms of manual labor.

As illustrated above, the difficulties for Palestinian refugees of finding a job in Lebanon are not only a matter of discriminatory legislation but also direct discrimination. These actions are indefensible. The debilitating impact on the Palestinian refugee community of not being able to work cannot be stressed enough.

The fear of *settlement* permeates Lebanese society as a whole and affects Palestinians in every way imaginable. Lebanese law violates the rights and guarantees recognized in the



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very same international conventions to which Lebanon is a signatory. Unfortunately, Lebanon understands that impeding a peoples' ability to work is one of the most effective and brutal ways to oppress them and to quash their aspirations and development. Lebanon's wish for Palestinians to feel unwelcome is being granted, but only by sacrificing fundamental human rights and international law.

RIGHT TO OWN PROPERTY

According to article 17 of the UDHR everyone has the right to own property alone and in association with others and shall not be arbitrarily deprived of his/her property. Article 5 of the CERD prohibits racial discrimination in all its forms and guarantees the rights of everyone, without distinction as to race, color, or national or ethnic origin, to be equal before the law when it comes to (among other rights) the right to own property (article 5 (d) (v)) and the right to inherit (article 5 (d) (vi)).

In April 2001, the Lebanese legislature issued a law which took precedence over a law decree from 1969 relating to the acquisition of immovable property by foreigners in Lebanon. The specific restriction in the 2001 law explicitly refers to the constitutional clause regarding *settlement* as a legal justification to prohibit Palestinians from acquiring real estate, by purchase and registration. This is by far the most detrimental development that has occurred for property law in recent years for the Palestinian refugees of Lebanon. Under the pretext of encouraging foreign investment, the Lebanese passed the new law which claims to allow foreigners to buy real estate under certain conditions. Unfortunately, the condition once again excludes only the Palestinians from acquiring property. The law states: "it is prohibited for anyone who is not a national of a recognized state, or anyone whose access to property is contrary to the Constitution's provisions relating to *settlement*". The two prerequisites the law cites for owning land are obviously aimed at excluding Palestinians Refugees in Lebanon. It is worth noting that this law passed unanimously in the Lebanese Parliament.

It is true that some of the deputy council members had taken the text of the law to the Lebanese Constitutional Council due to its non-conformity to the provisions of the covenants and conventions ratified by the state of Lebanon. The council, nonetheless, rejected the deputies' demands for adherence to international law and affirmed the constitutionality of the text, arguing that the State is entitled to restrict certain rights of "non-citizens" under certain provisions of these international treaties.

The Council thus once again affirmatively encouraged the principles of *settlement* by approving this law – an act which amounts to the inability of stateless foreign nationals to acquire real estate property.



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As discussed above, the right to own property is guaranteed in the UDHR, which by most international law scholars has earned the status of customary law. The right to own property without discrimination is also guaranteed by the CERD. Despite the general clause of the CERD in Article 1 paragraph 2 which allows signatory states to make “distinctions, exclusions, restrictions and preferences between citizens and non-citizens”, the Lebanese legislation on property ownership is hardly defensible from this point. Indeed, the nuanced and insidious Lebanese legislation has the unique aim of effecting Palestinian refugees, **not foreigners in general** and thus targets a particular group not based on **lack of citizenship**, but based on being a Palestinian Refugee “**from a non-recognized country**”.

The 2001 property law in combination with the restrictions on building or repairing houses and the impossibility of acquiring property has forced the Palestinian refugees to move into the existing, already severely overcrowded camps. The policies concerning the right to property and the right to housing are not just based on differences between citizens and non-citizens, but calculated measures are taken to target the Palestinian population. Laws and regulations which appear non-discriminatory on their face (such as the property law), and in actuality have a devastating impact on a discrete group of people because of their national origin, should be required to be amended so as to be more in line with spirit of the international Human Rights Conventions.

NON-IDENTIFIED PALESTINIAN REFUGEES

The majority of Non-ID Palestinian refugees in Lebanon are Palestinians who entered Lebanon in the 1970s due to the Black September events, and who over the past three decades have expanded to include their purposes, descendents and other immediate family. Other Non-ID refugees are Palestinians who were in Lebanon for other reasons (work, education, family...etc), became trapped in Lebanon, and were refused re-entry to their previous countries of residence.

Today, a new undocumented generation is growing. Non-ID population in Lebanon is facing a host of problems. Their lack of legal status results particularly difficult socio-economic conditions when compared to the general Palestinian refugee population in the country.

Non-ID Palestinian refugees are restricted from:

- Free movement
- Gaining a stable form of income
- Accessing health care
- Graduating from high school or university
- Getting married legally
- Travel



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Technically, Non-ID Palestinian Refugees lack the access for a proper life. Their presence in Lebanon is deemed illegal, as they have no legal Documentation. By visiting the following web link http://www.palhumanrights.org/reports/ENG/phro_report_non-id.pdf you will be introduced to our study report on the Non-ID refugees' situations in Lebanon.

LEBANESE WOMEN'S RIGHT TO PASS THEIR NATIONALITY TO THEIR FOREIGN HUSBANDS AND CHILDREN

Article 9 of the CEDAW states that: "States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband." Also it affirmed that States Parties shall grant women equal rights with men with respect to the nationality of their children.

On another legal level, Article 2 of the UDHR testifies that: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, **national or social origin**, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Additionally, and according to article 7 of the UDHR, all people are entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination.

Also, Article 5 of the CERD prohibits racial discrimination in all its forms and guarantees the rights of everyone, without distinction as to race, color, or national or ethnic origin, to be equal before the law when it comes to (among other rights) the right to nationality [article 5 (d) (iii)].

Despite the numerous commitments of Lebanon to act on the situation of women⁶, discriminatory provisions remain in civil status law, nationality law, labor law and social security law and penal code. In addition, there is no legislative text on combating violence against women in the context of the family and on protecting them⁷,

Despite that we welcome the discussion on a draft law, that is to be submitted to the Lebanese Parliament, on **"the Right of the Lebanese Women to pass on their Lebanese**

⁶ Lebanon's commitment to promote women's rights as a signatory of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which it ratified in 1997, is an Euro Med partner who committed to the Istanbul Plan of Action (Ministerial Conclusions on Strengthening the Role of Women in the Society) and negotiated with the EU an ENP action plan.



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Nationality to their foreign husbands and children", nevertheless, we articulate our anxiety due to the discriminatory nature of this law which, **and under the pretext of preventing settlement**, would mainly exempt Lebanese women married to Palestinian men from the provisions of this law, which means incorporating discrimination between the Lebanese Women themselves, based on the national origin of their husbands. Furthermore, the law might only allow the Lebanese women to pass their nationality only to their children, and hereby discrimination will take place at two parallel levels: all foreign men will be exempted (excluded), from the provisions of such law, as well the Palestinian Children, and in both argued cases, we consider that such draft law, in its current nature, does not guarantee adequately the rights of women in Lebanon, evenmore, it consolidate new forms of discrimination and ill-treatment against the Palestinian Refugees in Lebanon.

CONCLUSION

Being living in Lebanon, Palestinian refugees are deprived from civil, political, social, economic and cultural rights⁸. Within this executive summary we aimed to point at the most important human rights and non-political priorities for the Palestinian refugees which:

- could not be explained within the context of settlement in Lebanon
- could be adopted by the EU without being phased with political pretexts
- could directly lead to a prospect impact on Palestinians' lives when ensured, guaranteed and accessed

We believe that the successful implementation of the Action Plan highly depends on the ability of the meeting parties to put in place all the systematic clear and publicized mechanisms for regular consultation (before and after the meetings), monitoring and evaluation for the efforts taking place to achieve the planned objectives.

Nevertheless, we hope that rights situations in Lebanon especially for the Palestinian Refugees will prevail to meet the international human rights standards particularly in relation to equality and non-discrimination.

PHRO is an independent human rights organization, established in 1997, recognized in Lebanon under registration no. 36/AD and works for promoting, protecting and defending the human rights of the Palestinian Refugees in Lebanon. The PHRO is member of the International Federation for Human Rights (FIDH) and the Euro-Mediterranean Human Rights Network (EMHRN).

⁷ http://www.iwraw-ap.org/resources/shadow_reports.htm

⁸ For more information about the human rights conditions of the Palestinian Refugees in Lebanon, kindly visit the following web link <http://www.palhumanrights.org/reports/ENG/pal-ref-situations-05.pdf>