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### **Written statement\* submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2011]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Conditions of civil, social and economic rights of Palestinian refugees in Lebanon within the context of the Universal Periodic Review\*\***

The Cairo Institute for Human Rights Studies (CIHRS) and the Palestinian Human Rights Organization (PHRO) welcome the outcome of the examination of the human rights situation in Lebanon, which took place in the context of the 9th session of the Universal Periodic Review (UPR) in November 2010.

During the interactive dialogue, a number of delegations thanked Lebanon for its constructive participation, openness, and willingness to cooperate in the UPR process, and acknowledged Lebanon's efforts in the promotion and protection of human rights despite the challenges that the country faced. However, many recommendations that addressed issues concerning Palestinian refugees did not gain the support of Lebanon. Recommendations that were rejected addressed mainly the socio-economic situation of Palestinian refugees, freedom of movement, property rights, and the issue of legal personality for undocumented Palestinian refugees.

CIHRS and PHRO acknowledge the challenges Lebanon faces due to foreign occupation of parts of Lebanese territory and the lack of a just and durable solution to the Palestinian question. At the same time, we call on Lebanon to demonstrate a real commitment towards improving the situation of Palestinian refugees until a just and durable solution is achieved. We regret that Lebanon's presentation during the review did not include any indication about the government's willingness to further improve the conditions of refugees in crucial areas such as the right to freedom of movement, property rights, and legal treatment. For many states, discrimination against Palestinians in these areas remains unresolved and constitutes serious infringements of human rights. Many countries made statements concerning these issues in the hope of getting some progress, and these countries also demanded that Lebanon apply the agreements and commitments made. CIHRS and PHRO would like to draw attention to these issues and put forward a set of recommendations.

Lebanon has been a reluctant host to Palestinian refugees since 1948. The question of naturalizing refugees is one of the most contentious political issues in Lebanon today, and is used to justify the lack of basic human rights denied to Palestinians, in contradiction to the Lebanese constitution which states in its preamble, paragraph B, that "Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception." Furthermore, Article (2) of the Lebanese Code of Civil Proceedings states that: "In the case of a conflict between national and international law, the latter shall prevail."

Although Palestinian refugees have been residing in Lebanon for 62 years, the Lebanese legislator has not defined who the Palestinian refugee in Lebanon is. The Lebanese legislation addresses Palestinian refugees sometimes as "foreigners", sometimes as a "special category of foreigners", and at other times as "Palestinian refugees".

One of the most important issues that Lebanon continues to ignore, is the lack of freedom of movement for Palestinian refugees. The entry to, and exit from, the southern camps is subject to registration by the Lebanese army after 9 pm. Foreigners visiting these camps, except Palestinian refugees residing in Lebanon, need a military access permit. This also applies to foreigners of Palestinian origin. As for Nahr el Bared Camp (NBC), since September 2007, the Lebanese Army strictly controls the entry and exit of Palestinians to

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\*\* Palestinian Human Rights Organization (PHRO), an NGO without consultative status, also shares the views expressed in this statement.

the camp, including to the new camp – an area adjacent to the old camp area - where some refugees still live, and to which other refugees were displaced from the old camp area. All Palestinian refugees residing in Lebanon, including staff of humanitarian NGOs, need a military permit to enter to the camp's adjacent area. Procedure to deliver the permits lack guidelines or a clear policy. Consequently, the camp is isolated from neighbouring areas, family relations are interrupted, and economic activities are hampered.

We regret that various states' recommendations which called for granting and guaranteeing freedom of movement for Palestinian refugees and for the facilitation of their free entry into, and exit from, Nahr el Bared camp did not enjoy Lebanon's support.

Regarding labour rights, CIHRS and PHRO welcome that Lebanon committed itself to making the amendments to the labour law and the social security laws granting Palestinian refugees the right to work operational as soon as possible. However, although the progress achieved in labour law and social protection was highlighted during the review session, we note that there are still professions denied to Palestinian refugees. August 2010 amendments only addressed Palestinian refugees on worker/labourer level. Liberal professions regulated by syndicates (e.g. medicine, engineering, law, pharmacy, auditing etc.) were not covered by this amendment. Obtaining a work permit remains a crucial condition. The continuity in forbidding Palestinian refugees from benefiting from sickness, maternity, and family allowance funds, is another practice of marginalization, particularly that Palestinians pay their share to those funds.

CIHRS and PHRO welcomes states' recommendations regarding Palestinian refugees' right to employment, their access to labour market including professions that require syndicate membership, and without onerous renewal or fee restrictions. However, we regret that Lebanon rejected recommendations to accelerate procedures at the Ministry of Labour to complete implementing regulations to facilitate the employment of Palestinians and open access to employment in all liberal professions.

Regarding the living conditions of Palestinian refugees in Lebanon, many states stressed the efforts of Lebanon to improve living conditions of Palestinian refugees. We appreciate that Lebanon agreed on calling on the international community to finance projects to improve living conditions in the camps, and similar initiatives to ensure a life of dignity for Palestinian refugees. Also, CIHRS and PHRO welcome Lebanon's support for a recommendation asking for effective education in all areas of the country, including the living areas of refugees, bearing in mind that the mandate of UNRWA covers the educational needs of Palestinian refugees. We stress that these recommendations should be implemented as soon as possible, taking into consideration that the mandate of UNRWA does not cover higher education for Palestinian refugees.

Concerning the right to own land, the Lebanese legislator in 2001 amended the 1969 legislative decree concerning the obtainment of real estate property by non-Lebanese (decree no. 11614 of 14 January 1969). The amendment No. 296, dated 3 April 2001, prohibited ownership of realty of any kind "by any person who does not hold citizenship from a recognized State or to any person where such ownership contravenes the provisions of the Constitution concerning naturalization." CIHRS and PHRO regret that recommendations that touched upon this matter did not enjoy the support of Lebanon.

Regarding the dilemma of the Non-ID Palestinian refugees, Lebanon announced that 2000 identification documents had been granted to Palestinian refugees and that it was examining another 1500 requests. However, the process for issuing the IDs is very slow, inconsistent, and unsustainable. IDs expire in a year Palestinian refugees have to renew them in due time, and sometimes the process does not work. We regret that Lebanon did not support the recommendation concerning the full resolution of this problem. While we welcome that the process of issuing IDs for Non-IDs was re-initiated, it is neither clear nor guaranteed that it will be sustainable with definite procedure. CIHRS and PHRO hopes that Lebanon will

support the recommendations calling for strengthening assistance to Palestinian who are lacking identification, so that it will be possible for them to live a decent life.

Finally, concerning the legal treatment of Palestinian refugees, we regret that recommendations in this field were rejected and that Lebanon did not express willingness to amend legislative provisions and policies that have a discriminatory effect on the Palestinian population, as compared to other non-citizens, which we consider an essential step to bridge the gaps left in legislation regarding Palestinian refugees.

Thus, we urge member states of the Human Rights Council to call on the Lebanese Government to:

- Urge Lebanon to implement recommendations it has committed to and making them operational as soon as possible.
- Adopt a clear definition, in law, of who a Palestinian refugee in Lebanon is.
- Facilitate the entrance and exit of Palestinian refugees residing in Lebanon to all camps, respect the fundamental right to movement, including by ending the military treatment of camps and the military imposed restrictions, and removing fences around camps, as well to halt the military permit system for entrance to Nahr El Bared camp.
- Convey its goodwill regarding labour rights for Palestinian refugees, by issuing ministerial decrees that could bridge some of the big gaps left by the amended law. Whereas these ministerial decrees should be clear and not open to any interpretation, and should precisely address the following: a) extracting work permit for one time b) Eliminate explicitly the need to employer's guarantee to obtain such permit, since Palestinian refugees are residents for an undefined period and c) Lift all the administrative and financial burdens that might worry the employers and open floor for discrimination, and consequently make them decline employing Palestinian refugees
- Adopt the necessary laws to contribute to alleviating the socio-economic difficulties of Palestinian Refugees.
- End discrimination in property ownership by amending the 2001 law in order to once again allow Palestinian refugees to own real estate property as other Arab citizens.
- Grant identification documents to undocumented Palestinian refugees in a sustainable and irrevocable process, and guarantee their right to legal personality and equality with documented Palestinian refugees.
- Implement equal treatment of Palestinian refugees to other non-nationals, especially with regard to right to work and to freedom of movement.
- Amend legislative provisions and policies that have discriminatory effect on the Palestinian population.

Lebanon has rejected numerous recommendations that, if accepted and implemented, could enhance the human rights situations for Palestinian refugees. This raises questions about Lebanon's willingness to improve the situation of Palestinian refugees. However, we urge Lebanon to put into operation those recommendations it did accept. We invite the Lebanese Government, in cooperation with the Human Rights Council, to establish a comprehensive monitoring and follow-up mechanism that provides effective participation by civil society.