

Executive Summary Palestinian Refugees in the Draft Report of the Working Group on the Universal Periodic Review – Lebanon

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I. Introduction

The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1, held its ninth session from 1 to 12 November 2010. The review concerning Lebanon was held at the 15th meeting on 10 November 2010 with the delegation of Lebanon headed by Ambassador William Habib, Secretary-General of the Ministry of Foreign Affairs.

The **Troika**, namely **Chile**, **Nigeria** and **Malaysia**, welcomed the Lebanese efforts for the promotion of Human Rights through the Working Group of the Human Rights Council. The Troika expressed its appreciation to the Lebanese delegation for their frank, open and constructive approach to the UPR process that was held on Wednesday, 9th November 2010 that gathered 55 advanced questions from 10 States submitted to the delegation of Lebanon on which it had responded to in the course of the UPR exercise.

During the interactive dialogue, 49 delegations made statements, in the course of which a total of 138 recommendations were addressed to the delegation. A number of delegations thanked Lebanon for its constructive participation, openness and willingness to cooperate in the universal periodic review process and acknowledged Lebanon's efforts in the promotion and protection of human rights and challenges the country faced.

Additional¹ statements which could not be delivered during the interactive dialogue owing to time constraints were posted later online and we included those related to Palestinian refugees in Lebanon in this report (annex 1).

This Executive Summary was written in light of the draft report of the working group on the universal periodic review – Lebanon A/HRC/WG.6/9/L.16.

Within this Executive Summary we aim at providing an overview about the proceedings of the review process, specifically regarding Palestinian Refugees in Lebanon, and the related conclusions and recommendations.

II. Palestinian Refugees in Lebanon's Presentation, Responses and Concluding Remarks

Lebanon's presentation on Palestinian refugees rights was clearly highlighted in paragraph 14 of the report which reads as follows: "*a Lebanese-Palestinian Dialogue Committee had been created to improve refugees' conditions and find solutions in areas such as employment and*

¹ Argentina, Chad, China, Democratic People's Republic of Korea, Denmark, Ghana, Holy See, Indonesia, Latvia, Mauritania, Nepal, Nigeria, Philippines, Republic of Korea, Slovenia, Sweden



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education. In cooperation with UNRWA, two laws had been enacted on specific benefits for Palestinians at the termination of service or in the case of accidents. The right to work was granted to Palestinians residing in Lebanon. However, humanitarian assistance, in terms of education, living condition and health, were primarily to be shouldered by the international community through UNRWA, in accordance with the fundamental objective of the return of refugees to their homeland and in light of Lebanon's delicate demographic composition, the Constitution provided that Lebanon would not allow settlement of Palestinian on its lands" (paragraph 14).

In responding to statements made, the head of delegation noted, in paragraph 40, that "instability was the result of repeated Israeli attacks and that the best way to solving this problem was to address its root-causes, namely the foreign occupation of parts of the Lebanese territory and the lack of a just and durable solution to the Palestinian question"

Referring to the situation of undocumented Palestinian refugees, the head of delegation noted, in paragraph 63, that many had no documents at the time they entered the territory after the 1970ies. Lebanon had received ten percent of all Palestinian refugees and could not bear the burden of an increased number of refugees alone, but would seek to address this problem in a humanitarian fashion. Pressure was being exerted to permit Palestinian refugees to return to Lebanon if they applied for European refugee status.

In paragraph 67, the representative of the General Security amongst Lebanon's Delegation, responded to states' statements and recommendations on the situation of non-identified Palestinian refugees by stating: "until today, 2000 identification documents had been granted to Palestinian refugees, although some possessed refugee documents issued by other Arab countries. Lebanon was currently examining another 1,500 requests. The identity documents provided refugees with freedom of movement within Lebanon. In exceptional cases travel documents were issued".

In concluding remarks, the head of the delegation stated, in paragraph 78, that Lebanon alone could not provide solutions to improve the conditions of Palestinian refugees and that it could not replace UNRWA. He called on all delegations to consider the possibility to strengthen their support to UNRWA and recalled that the fundamental objective was the return of the Palestinian refugees to their homeland.

III. States' Statements Overview

Twelve States made statements concerning the Palestinian Refugees in Lebanon. These countries are **Algeria, Sudan, Palestine, Brazil, Malaysia, Netherlands, Yemen, United States, Finland, France, United Kingdom of Great Britain and Northern Ireland and Norway.**



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Most of the presented statements appreciated the efforts Lebanon did with, for example, the amendments to the Labour legislation, improved access to labour market, improvements in living conditions and registering non-id Palestinian refugees.

Algeria appreciated Lebanon's efforts to improve the situation of Palestinian refugees, including with regard to improved access to the labour market "in spite of existing threats to its security and sovereignty" (paragraph 17).

Sudan expressed understanding for challenges faced by Lebanon due to the Israeli occupation of Palestinian and other Arab lands, and expressed appreciation for the draft law by the Ministry of Labour on retirement and social protection and old age and inquired about the main provisions (paragraph 19).

Palestine noted that instability in Lebanon resulting from wars and destruction to which it had been exposed had hampered developments in the area of human rights. Furthermore, Palestinian refugees had been deprived of their rights, including the right to return confirmed by GA resolution 194, and the right to self-determination, due to the occupation of their land and other Arab lands by Israel. Palestine commended recent amendment in Lebanese labour law, which gave Palestinians partial access to the labour market (paragraph 24).

Brazil recognized improvements in living conditions of Palestinian refugees (paragraph 30).

Malaysia noted that Lebanon hosted a large number of Palestinian and other refugees residing and acknowledged the steps that were taken by Lebanon in cooperation with UN agencies to ensure a decent life for the refugees (paragraph 35).

The **Netherlands** welcomed the newly amended national legislation on registered Palestinian refugees (paragraph 45).

Yemen noted that Lebanon was a tribune for freedom and that Beirut hosted a number of international human rights activities on human rights, although Lebanon had suffered from the Israeli occupation and the resulting refugee problem as well as wars, the last of which was in 2006. Lebanon had played a leading role in the region in adopting legislation on human rights, such as the Labour Law, as amended in 2010. Yemen was convinced that Lebanon would take further efforts to ensure a decent life for Palestinian refugees (paragraph 51).

The **United States** recognized measures taken by Lebanon to improve its human rights situation. It remained concerned that refugees lacked basic rights to move freely within the country (paragraph 55)



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Finland took note of the amendments of the Labour Law that aimed to enlarge the rights of the Palestinian refugees to work and encouraged Lebanon to carry out these improvements but it also asked about the measures that were taken to enhance the prerequisites of the Palestinian refugees to increase their standard of living (paragraph 61).

France expressed concerns at the situation of refugees (paragraph 70).

United Kingdom of Great Britain and Northern Ireland expressed concern about humanitarian and human rights situation for Palestinian Refugees (paragraph 72).

Norway acknowledged Lebanon's efforts to improve the human rights situation and made recommendations on Palestinian refugees (paragraph 75).

IV. Recommendations that Lebanon Examined and Supported

Some recommendations about the Palestinian refugees' situation in Lebanon were examined and supported by Lebanon. They were the recommendations of **Norway**, **Yemen** and **Sudan**. Indeed, Lebanon committed itself to making the amendments to the Labour Law and the Social Security Law, granting Palestinian refugees the right to work, operational as soon as possible (**Norway**, paragraph 80.32). It also supported the recommendation of **Yemen** that asked for effective education in all areas of the country, including the living areas of refugees, bearing in mind that the mandate of the UNRWA covers the educational needs of Palestinian refugees (paragraph 80.39). Finally, it agreed on calling on the international community to finance projects to improve the lives of the Palestinian refugees and the living conditions in the camps, and similar initiatives to ensure a life in dignity for Palestinian refugees until the time of their return to their Palestinian homeland (Sudan paragraph 81.26).

V. Recommendations that Lebanon Examined and Rejected

Many recommendations that addressed Palestinian refugees did not get the support of Lebanon. They mostly concern the employment of Palestinian refugees, the freedom of movement or their socio-economic situation.

First, the recommendations of **Palestine**, **France** and **the United States** focused on the **employment issue**. They asked Lebanon 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. The **United States** asked Lebanon to issue permits to refugees to allow them freedom of employment with the right to work in professions that require syndicate membership, and without onerous renewal or fee restrictions (paragraph 82.31). **Palestine** requested from Lebanon 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 (paragraph 82.27). **France** asked Lebanon to



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commit to the improvement of Palestinian refugees employment (paragraph 82.29) and further asked Lebanon to lift obstacles to employ Palestinian Refugees, give access to employment to the Palestinian refugees, give access to free education to all children of refugees and enable universal health care (paragraph 82.28).

France, Norway and the United States made recommendations about Palestinian refugees' **freedom of movement**, which Lebanon did not support. These recommendations called for the grant and the guarantee of freedom of movement for Palestinian refugees. **Norway** also asked the Lebanese Government to facilitate the free entry into and exit from Nahr el Bared camp (**France** paragraph 82.29; **Norway** paragraph 82.30). Moreover, **USA** requested permits to refugees to allow them freedom of movement (paragraph 82.31).

Norway, Finland and Netherlands asked Lebanon to grant Palestinian refugees the **right to own land** (paragraph 82.32). **Finland** also requested to take legislative action to ensure the right of the Palestinian refugees to inherit and register property. **Netherlands** also insisted on this point: "amend legislation that restricts the ability of Palestinian refugees to own property, specially the Presidential Decree of January 1969, as modified in April 2001".

The recommendation of **Ireland** concerning the full resolution of the problem of the **identification documents** of the Palestinian refugees and the modification of legislative provisions and policies that have discriminatory consequences on the Palestinian population as compared to other non-citizens, was not supported by Lebanon as well (paragraph 82.33).

Brazil, for its part, made a recommendation concerning the **legal treatment** of Palestinian refugees, but it was rejected by Lebanon. **Brazil** asked for an equal legal treatment of them, "no worse than to other non-nationals", especially with regard to right to work and to freedom of movement and taking into account the responsibility of the international community (paragraph 82.34). Moreover, **Finland** insisted on the fact that there are **legislative provisions and policies that have a discriminatory effect** on the Palestinian population, and thus it asked for taking measures and amending these legislative provisions (paragraph 82.36).

Netherlands also requested Lebanon to **bridge the gaps left by the amended law** on registered Palestinian refugees, for example by allowing Palestinian refugees to extract temporary work permits (paragraph 82.35).

Finally, **Canada** asked Lebanon to "adopt the necessary laws to contribute to alleviate the **socio-economic conditions** of Palestinian refugees" (paragraph 82.37).



VI. Non-Examined Recommendations (Due time: March 2011)

Three recommendations were not examined by Lebanon in November 2011 and responses are in due time, but no later than the 16th session of the Human Rights Council in March 2011.

First, there is the recommendation of **Finland** concerning the intensification of measures to improve the **working possibilities** and the working conditions of the Palestinian refugees (paragraph 84.10). Then, the request of **Palestine** for strengthening the efforts to assist **Palestinians** living in Lebanon who are **lacking identity documents** so that it will be possible for them to live a decent life (paragraph 84.11). Finally, the **United Kingdom** asked for strengthening the capacity of the **Lebanese Palestinian Dialogue Commission** to assist Palestinian refugees as a step to improve the human rights and humanitarian situation for Palestinian refugees in Lebanon (paragraph 84.12).

VII. Conclusion

Palestinian refugees' rights in Lebanon were highly presented during the interactive dialogue, at the second rank after Women's rights. Lebanon rejected a quite important number of recommendations concerning the Palestinian refugees' situation. By a human rights lens, this can be seen either as unwillingness from the Lebanese Government to really improve the Palestinian refugees human rights situation, or as the Lebanese Government can not improve the rights in the recommended areas in four years duration. Each of the two options needs a comprehensive action to reach a change that preserve Lebanon's sovereignty on all its territories, and Palestinian refugees' dignity and their human rights. At such levels, PHRO will be very active. PHRO will not waste an effort in approaching, through dialogue, the Lebanese Officials who are representatives and/or members of the constitutional institutes as well as influential bodies, in order to advocate for such change. PHRO will keep on carrying peaceful campaigns, and discussions with concerned stakeholders, as part of its mission in promoting, protecting and defending the rights of Palestinian refugees in Lebanon.

On time we are sceptical that the government will change its position, by March 2011, by approving some of the rejected recommendations, we remain hoping that the last three pending recommendations will find the approval and the support of the Lebanese Government, to improve the Palestinian refugees' situation in some fields.

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).



Annexe I:

Additional statements that could not be delivered during the interactive dialogue due to time constraints

Sweden appreciated the opportunity to continue the dialogue concerning the advance questions they raised. Among these questions, one focused on the Palestinian refugees' situation in Lebanon. Sweden admit that "the enjoyment of human rights by the over 400,000 Palestinian refugees within the jurisdiction of Lebanon remains a source of concern, including with regard to laws and regulations relating to property, housing, social security and education". Sweden is aware of the different reports indicating continuing inadequacies in term of the conditions in the Palestinian refugee camps and even it appreciates the additional information given about efforts made to improve their situation, Sweden asked the Government of Lebanon to elaborate further on its measures in order to improve conditions in the Palestinian refugee camps, with a view to ensure the enjoyment of human rights by the refugees. **Sweden recommended the Government of Lebanon to take all necessary measures to ensure the enjoyment of human rights by Palestinian refugees within the jurisdiction of Lebanon.**

In its statement, **The Holy See** firstly welcomed the delegation of Lebanon and acknowledged that in the past five years, Lebanon has undertaken measures to improve human rights situation and fulfill its obligations under international human rights treaties, especially regarding Palestinian refugees. **The Holy See also recommended that the protection of the rights of "refugees (and) stateless persons" be made a national priority.**

The Republic of Korea welcomed the Lebanese delegation and expressed its sincere appreciation for a comprehensive national report and for Lebanon's interest and plan to establish a National Plan of Action for Human Rights and a National Human Rights Institution (NHRI). The Republic of Korea also recognized the recent efforts of the Lebanese Government to enhance access to basic human rights for Palestinian refugees residing in Lebanon; but it **recommended that Lebanon "continue its efforts so that those refugees may enjoy basic economic and social rights, especially including the right to work"**.

Slovenia thanked the delegation of Lebanon for their UPR report and their commitment to the UPR process. It is deeply committed by the rights of women and children in Lebanon and is more concerned by the discriminatory provisions in personal status laws. Thus, Slovenia recommended, "that the Lebanese Government amends national legislation to enable Lebanese women, who are married to non-Lebanese men, regardless of their nationality, to confer their nationality to their offspring, **thus consecutively eliminating possible further discriminatory practice against Palestinian refugees** and all children born to Lebanese mothers and foreign fathers, who are denied access to education, healthcare and residency".



Annex II

Questions prepared in advance by some countries

Among the States that took part in the Working Group on the Universal Periodic Review, some prepared questions to the Lebanese delegation. Within this annex, we highlight questions that were addressed by four states Belgium, United Kingdom, Ireland and the Netherlands concerning Palestinian refugees in Lebanon.

Belgium	<ul style="list-style-type: none">▪ The CRC has expressed concern at the low level of enrolment in secondary education of Palestinian refugee children, particularly girls. How has the Government of Lebanon addressed this concern?▪ The CERD has urged Lebanon to take measures to ameliorate the situation of Palestinian refugees and, as a minimum, amend legislative provisions and policies that have a discriminatory effect on the Palestinian population in comparison with other noncitizens. Has the Government of Lebanon taken such measures?▪ The ILO Committee of Experts noted that the phenomenon of child labour existed on a wide scale in Palestinian refugee camps and surrounding areas. How is the Government of Lebanon addressing this phenomenon?
United Kingdom	<ul style="list-style-type: none">▪ It is now 3 years since fighting finished in Nahr el Bared, and the camp remains under strict security measures that stifle the economy and freedom of movement. What steps is the government taking to address these specific concerns of Palestinian refugees?▪ When will the practical implementations of the new employment legislation for Palestinians begin?
Ireland	<ul style="list-style-type: none">▪ Ireland welcomes the Government of Lebanon's decision in August 2010 to grant Palestinians greater access to the labour market. What other measures are planned by the Lebanese government to make further progress in this regard?
Netherlands	<ul style="list-style-type: none">▪ The Netherlands welcomes the newly amended national legislation from August 2010 on registered Palestinian refugees. Could the government of Lebanon indicate when this new legislation and regulations will come into effect?▪ While acknowledging the housing crisis in Lebanon, as mentioned in paragraph 80, the right to own real property was not permitted in August 2010. Because of this, Palestinians cannot, for example, inherit real property already in their family's possession. Would the government of Lebanon consider finding a solution for this issue in due time?▪ In relation to the refugee situation in Lebanon, does the government of Lebanon intend to meet the needs of non-registered refugees, seeing that paragraph 124 of the national report states that it is not able to absorb more refugees under current economic and political circumstances?

*****End**