



**The english translated version for the document circalated in 22/7/2019, titled:**

**تقرير حول تداعيات تطبيق خطة وزارة العمل التي طالت العمالة الفلسطينية وخلفياتها القانونية  
كفى تملصاً.. حان وقت إجراء معالجة جذرية**

**Report on the repercussion of the Ministry of Labor plan implementation that  
affected the Palestinian labor and its legal background..**

**It's.. Time for radical solution**

*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, (UDHR, first preambular paragraph).*

*Various Palestinian camps in Lebanon have recently witnessed daily demonstrations immediately following the Lebanese Ministry of Labor implementation the "Plan to tackle Illegal Foreign Labor in Lebanon" on 10/7/2019, that was announced on 3/6/2019, At the same time Lebanese and Palestinians participated in demonstrations that took place outside the camps in which the demonstrators denounced the targeting of Palestinian workers by the above mentioned plan.*

The Palestinian Human Rights Organization (PHRO) affirms that peaceful assembly / demonstration and freedom of expression are guaranteed by the Lebanese law and constitution, the International Bill Human Rights and all relevant international conventions (Regardless the attempts of various parties to use and exploit the demonstration to demonize the demonstrators or the Minister of Labor and his decisions), more so since these demonstrations have been largely peaceful and there has been no attack on either the security forces or nor harm to any public and private property, The demonstrations were limited to demanding what the protesters perceived by demonstrators as their rights.

**Outrage and bottleneck**

It's relevant to mention that these demonstrations that extended to cover several Palestinian refugee camps in Lebanon and persisted for days took place on a background of a chronically tense atmosphere caused by the dire conditions, Palestinian refugees live in as a result of: isolation, marginalization and deprivation of human rights, on top of all that, the racist and hate speech, that become more visible lately in the social and even Lebanese mass media (especially when it comes to what is referred to in Lebanon as "Tawteen" in its content means "naturalization"). This racist speech also appears in declarations made by many high-ranking Lebanese officials, and party leaders who have great influence on the Lebanese public opinion, as they express their refusal to what so called "resettlement or naturalization", and as a reaction for the demands of human rights for the Palestinian refugees in Lebanon; ignoring the difference between refugees existence on Lebanese territory and the expatriate labor.

Based upon the above-mentioned, we can therefore, understand this massive participation in demonstrations in the refugee camps and its persistence for several days. It's worth mentioning that the unpoliticized call for demonstrations by the Popular Mouvement, were spontaneously spread through streets, and participants in the demonstrations were mostly unaffiliated and some are affiliated to factions but participated without orders. These demonstrations were much more huge than the small ones organized by, Palestinian faction.



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Also the outrage slogans that appeared in the demonstrations, can be understood, as it came in respond to the implementation of the Labor Ministry Paln, that effects two Palestinian owned small businesses and the laying out of several other Palestinian workers in Lebanese businesses that were forced to leave their work to avoid breaching the labor law for employing Palestinian refugees without obtaining work permits.

### **Flaws in Labor laws, its implementation and procedures**

**PHRO** noted in the context that the Minister of Labor Camille Abu Suleiman's plan lacked any reference to Palestinian refugees and to laws 128 and 129/2010, and articles that were amended in the labor and social security laws allowing Palestinian refugees to work only in a limited number of jobs at the same time requiring them to obtain a work permit (free), and to register in The National Social Security Fund (NSSF) and pay same fees and contributions as the Lebanese workers paid, but benefiting only of the end-of-service indemnity excluding them from the principle of reciprocity.

The two laws amendments mentioned above, mixed up between two legal personalities for Palestinians residing in Lebanon for 71 years: the first is that of the Social Security Law which considered them as refugees registered in the records of the Lebanese Ministry of the Interior and as such excluded them from reciprocity, where the second that of the Labor Law considering them as foreigners required to obtain work permits (even if its free).

**PHRO** noted also, that 128 and 129/2010 Laws were issued without implementing decrees, that left an ample space for the mood and discretion of the ministers of labor in approaching the implementation of the two mentioned laws, this was highlighted through procedural decisions taken by the Minister Sajaan Qazzi, especially resolution 197/1 on 12/12/2014, restricting the renewal of work permits for the first category employees to his office, which previously was renewed routinely by the employing entity . And Mr. Qazzi put on halt the issuing of work permits for foreigners working in "non-governmental organizations" especially regional and international ones, depriving thus the Palestinians from working in these organizations, despite the need for them especially those who are working within the Palestinian communities. As a result, many INGOs refrain up to this date from employing Palestinian refugees.

In contrary, Minister Boutros Harb issued In June 2011, procedural decisions regarding the amendments of work and social security Laws, that ruled as follow: "Work permits for Palestinian refugees residing in Lebanon are valid for three years from the date of issue. For self-employed workers and craftsmen, there is no need to submit an employment contract in order to apply for a work permit, and only need to present an application signed by the relevant party citing their profession, attached a copy of the refugee ID card issued by the Directorate of Political Affairs and Refugees, Ministry of Interior and Municipalities, in addition to two personal photographs.

And in February 22, 2012, Minister Charbel Nahas issued a procedural decision excluding "Palestinians from decisions concerning occupations confined to Lebanese, and the laws and regulations pertaining to each profession shall apply to them".

Minister Charbel Nahas's decision provoked reactions from different Lebanese political parties, however Minister Salim Jreissati did not cancel the decision; but Minister Qazzi's took the decision of halting the issuance of work permits of foreigners in NGOs, contrary to former ministers' decisions on this matter. Minister Mohammad Tabbara only issued two resolutions in which he reiterated the same preamble issued by former ministers relating to Palestinian employment, and carried resolutions Nos. 41/1 on 2/12/2017 and 29/1 on 15/2/2018, without mentioning Minister Qazzi's decision.



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So, Minister Abu Suleiman, have legal articles and procedural decisions on hand, in the absence of applied Ministerial decrees, yet he didn't approach the Palestinian labor issue and didn't issued a decisions repeating the preamble of the decisions issued by his predecessor, while adopting and issued circulars about his plan, as if exclusively targeting Syrian labor, but when implementation started, collided with the Palestinian labor as foreign workers, and the specificity of the Palestinian Refugees presence in Lebanon and the ambivalence (between refugee and foreigner) in the above-mentioned laws wasn't taken into consideration. This is where the crisis occurred, and didn't mitigate the outrage, the assertion of the Minister of Labor, that came two days after the strating date of the plan implementation, saying that the specificity of Palestinians will be taken into considration, where the Palestinian outrage is the result of accumulations of marginalization and exclusion since the implementation of the "Taif Agreement".

"PHRO" noted that It was possible to avoid all this crisis if the Minister Kamil Abu Suleiman sensed the human rights issues of the Palestinian refugees, and took into consideration the decisions of the two previous ministers, Harb and Nahas, and used his discretionary right to develop and build on its positive aspects, Static enforcement of the law sometimes leads to crises equivalent to its failure to enforce it, therefore, humanitarian aspects and environmental circumstances must be taken into consideration while implementating laws.

In July 18, 2019, during "Sar Alwaqt (its about time)" talk show on Lebanese Chanell MTV for the presenter Marcel Ghanem , Minister Abu Suleiman clarify several aspects of his plan and sought to ensure that specificity of Palestinians Refugees was taken into account but he certainly refused that Palestinians, by law, enjoy all their rights even if the law stipulates that they shouldn't granted nationality, hereby PHRO emphasize that the positions of the Minister of Labor Camille Abu Suleiman as Chairman of the Arab Group at the 108<sup>th</sup> session of the International Labor Conference in Geneva last May and in the work of the 46<sup>th</sup> session of the Arab Labor Conference held in Cairo last April, to support the Palestinian cause and the rights of Palestinian workers, is a kind thing, but more important is to support the rights of the Palestinians Refugees, not just the Palestinian cause.

If there's points to be counted against the Minister Abu Suleiman, is the lack of sensitising of the human rights of Palestinian refugees in Lebanon, and his adherence to the rigid implementation of the law, And / or through some exceptions that can be deeper and better than what he decide to proceed in. On the other hand It is fair to say that the substantial weakness is in the laws themselves, were it put the minister who seeks to enforce the laws, in an uncomfortably situation.

PHRO believes that, the job contract, which the Minister of Labor clarified that it is for the protection of Palestinian labor, is true and its absence allows employers to exploit them. Therefore, it would be more helpful for those who are demanding and defending the right of refugees to work in Lebanon, to focus their efforts on the cancelation of the condition to obtain a work permit, instaed of demanding the cancelation of the contract of employment, PHRO also believes that the freeze on the payment of security fees, which Palestinians does not benefit from, is accurate, and if the aim is to protect refugees, an alternative assurances should be sought of, until this gap is addressed.

## When politics and sectarianism get in the middle!!

Despite the large popularity of the protests, especially wthin the camps, and to be equitilble, PHRO sees that the Palestinian factions have been using the protests for political gains, or at least trying to take advantage of; this has been evidenced by the appearance of local leaders surrounded by armed bodyguards, while demonstrators were unarmed, that refutes attempts by some Lebanese parties to portray the matter as if protests were armed militias.



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**At the Palestinian level:** Although local camp officials were absent from subsequent protests, the manifestations of political use have been clear when factional flags were raised at a number of demonstrations, while it would have been better if it was curbed, since the main driver of protests and sit-ins, is the demonstrators' sense of humiliation due to the absence of rights, not the decisions of this faction or that.

If Palestinian political representatives genuinely cared about fulfilling the demands of Palestinian refugees, they would not have forgotten them for quite a while, or use their suffering in political contests, or in the race over power and decision-making control.

One of the worst manifestations that undermines any movement aimed at demanding the rights of Palestinian refugees, is when two of Palestinian parties compete to unilaterally meet with Lebanese officials to present the same issue, and make compromises behind closed doors at the expense and the rights of the protesters.

Another manifestation has prevailed during the demonstrations was the lack of human rights knowledge, even though most factions, Civil society associations are well aware of the laws related to the Palestinian refugees, but some of them circulate false information in order to emerge and ride of the populist spread locally and internationally. Access to information is a right that should not be monopolized. It is also the responsibility of the youth to scrutinise all inaccurate information or rumours spread with the intention of deception, provocation, or mobilisation.

**At the Lebanese level:** political use of the crisis is manifested through the contest taking place between the parties that are divided along political and sectarian lines. One manifestation that must be completely removed from the movement of Palestinian refugees is the religious and sectarian character, as if the refugees and their rights are confined to a certain sect. Leading a sit-in or demonstration using religious banners and slogans that abbreviate the rights stipulated in the Bill of Human Rights, undermines the very rights and those demanding them.

Political contest over the Palestinian part of the Ministry of Labour plan has shown the traditional division; however, each of the rivals has sought to address its audience and undermine the power of the other. In this case, the rights of Palestinians become the victim, and therefore all Lebanese parties should cease to deal with the rights of the Palestinian refugees as if they were in a bidding process. Those who support these rights should take them to the only right place, the Lebanese Parliament where laws can be issued to give back the Palestinian refugees living in Lebanon, (were born, educated, employed here and worked abroad, sent money to their families inside Lebanon, and contributed positively to the Lebanese economy), the right to own property; a right long taken from them based on a law passed in 2001.

As for those who opposes these rights, they should carefully consider all the developments that have been taking place, and to learn from all previous experiences; if these have really been working to prevent resettlement / naturalization and protect the right of return, they should take the initiative and work on lifting the veto on the human rights of the Palestinian refugees, because this can reinforce the refugees' stance against holding Lebanese citizenship, which the Lebanese governments began granting them since the 1950s, when thousands of Palestinians were naturalized for economic and sectarian needs, leading to the well-known 1994 naturalization case when Palestinians were granted citizenship for political and sectarian purposes. All naturalization decrees issued by the presidents of the republic in which names of Palestinians were mentioned, and albeit sought by Palestinians, have been done due to the absence of their rights, and to enjoy the opportunities offered by holding Lebanese citizenship.



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### Conclusion

The Palestinian political parties, factions, Lebanese official and partisans bodies, should separate rights political altercation disputes; the Palestinian public should be aware of their rights and should not be allowing any party to exploit them. In conclusion, “**PHRO**” reiterates that resolution of this matter should begin with:

1-The Minister of Labor should immediately review procedures related to the work of Palestinian refugees and use his legal and discretionary powers to issue appropriate regulatory decisions. The decisions of the ministers Harb and Nahhas were perhaps the most fair in this regard so building upon it and developing it positively is needed, taking into account the special status of the Palestinians in Lebanon, and that the Palestinians are refugees born on Lebanese soil and not foreigners who came to work in Lebanon and can return to their country.

2-The Lebanese government should adopt, as soon as possible, the document titled "A Unified Lebanese Vision for Palestinian Refugee Issues in Lebanon", twinning its recommendations and statutes 128, 129/2010 and issuing its implementation decrees, especially as the working group, which includes all parties represented in the parliament - most of them in the government - met recently, chaired by chairman of Lebanese Palestinian Dialogue Committee, Minister Hassan Mneimneh, and submitted the document to the Lebanese government to adopt it.

3-Ultimately, the best solution would be the issuing of one simple and clear law that makes the rights and duties of the Palestinian refugee equal to those of the Lebanese citizens with the exception of nationality and positions that require nomination or election, what is known in Lebanon, as the "sovereign functions".

Here we must recall the preamble to the Universal Declaration of Human Rights, paragraph 3:  
“Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,”

***PHRO** is an independent non-governmental 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 MENA region. **PHRO** is a member of the international Federation for Human Rights (**FIDH**) and the Euro-Mediterranean Human Rights Network (**EuroMED rights**) and the Arab Organization for Human Rights (**AOHR**).*