



LEBANON

SUBMISSION TO THE UN COMMITTEE ON THE ELIMINATION OF ALL
FORMS OF RACIAL DISCRIMINATION

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INTRODUCTION

In August 2016, the UN Committee on the Elimination of all forms of Racial Discrimination (the Committee) will examine Lebanon's combined eighteenth to twenty second periodic reports at its 90th session.¹ This examination provides an opportunity to review Lebanon's progress since its last review in 2004 in implementing, both in law and practice, the provisions of the UN Convention on the Elimination of All Forms of all forms of Racial Discrimination (the Convention).

In this briefing Amnesty International highlights the situation of refugees in Lebanon and the discrimination they face on the basis of national and ethnic origin. In particular, it focuses on legal restrictions imposed by the government of Lebanon on Syrian refugees and Palestinian refugees from Syria which result in increased risks of violence and exploitation of refugee women and hinders their enjoyment of the right to an adequate standard of living. It also highlights ongoing concerns about discriminatory treatment of Palestinian refugees who are long-term residents of Lebanon. However it is important to note that the concerns listed here are not exhaustive of the many ongoing challenges faced by these groups.

This document draws on Amnesty International's ongoing research, including four reports published between 2014 and 2016 and a submission to the Universal Periodic Review in November 2015.² It also draws on regular contact with local and international non-governmental organizations, UN agencies and government officials and other reliable sources.

BACKGROUND: REFUGEES FROM SYRIA IN LEBANON

Over 4 million people have fled Syria since the start of the crisis in 2011.³ Lebanon hosts over 1.06 million Syrians who are registered with UNHCR.⁴ This means that Lebanon has more refugees per capita than any other country in the world.⁵ According to UNHCR data, 53% of all Syrian refugees in Lebanon are children (27.1% boys and 25.9% girls). Women over 18 years of age make up 25.9% of the refugee population and 21% are men over 18.⁶

The government of Lebanon has a long-established policy of not permitting new formal refugee camps on its territory. This is because it maintains that Lebanon cannot be a country of permanent settlement.⁷ Refugees from Syria live throughout Lebanon in over 1,700 localities.⁸

Before the start of the crisis in Syria in 2011, there were around 500,000 Palestinian refugees registered with UNRWA in Syria and about 450,000 in Lebanon.⁹ Assistance and protection of Palestinian refugees come under UNRWA's mandate. Palestinian refugees cannot obtain assistance from UNHCR in areas where UNRWA operates. This includes Lebanon. UNRWA figures show that there are over 44,000 Palestinian refugees from Syria living in Lebanon in 12,735 households.

The UN reports that one fifth of Syrian refugee households are headed by women. For Palestinian refugees from Syria, women head almost one third of households.¹⁰ Some refugee women who are heads of their household in Lebanon are widows, some are divorced

¹ *Combined eighteenth to twenty second periodic reports of States parties due in 2006: Lebanon*, UN Doc: CERD/C/LBN/18-22, 31 August 2015 (*Lebanon Combined eighteenth to twenty second periodic reports*).

² Amnesty International, "I want a safe place": Refugee women from Syria uprooted and unprotected in Lebanon, (Index: MDE/3210/2016), February 2016, available at: <https://www.amnesty.org/en/documents/mde18/3210/2016/en/>; Amnesty International, Agonizing choices: Syrian refugees in need of health care in Lebanon, (Index: MDE/18/001/2014), May 2014, available at: <https://www.amnesty.org/en/documents/MDE18/001/2014/en/>; Amnesty International, Denied refuge: Palestinians from Syria seeking safety in Lebanon, (Index: MDE/18/002/2014), July 2014, available at: <https://www.amnesty.org/en/documents/MDE18/002/2014/en/>; Amnesty International, Pushed to the edge: Syrian refugees face increased restrictions in Lebanon, (Index: MDE/24/1785/2015), June 2015, available at: <https://www.amnesty.org/en/documents/mde24/1785/2015/en/>; Amnesty International Submission to the Universal Periodic Review, Lebanon, November 2015

³ UNHCR, *Syria Regional Refugee Response, Inter-agency information sharing portal*, last updated 19 January 2016, available at: <http://data.unhcr.org/syrianrefugees/regional.php>

⁴ UNHCR, *Syria Regional Refugee Response, Inter-agency information sharing portal*, Lebanon, last updated 31 December 2015, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122>

⁵ UNHCR, *Syrian Refugees, Inter-agency regional update*, September 2015, p. 2, available at: <http://data.unhcr.org/syrianrefugees/download.php?id=9617>

⁶ UNHCR, *Syria Regional Refugee Response, Inter-agency information sharing portal*, Lebanon, last updated 30 November 2015, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122>

⁷ UNHCR, *Syrian Refugees in Lebanon: Government Policy and Protection Concerns*, March 2015, available at: http://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/94_restrictedbriefingnote_en.pdf?_sm_au_=iVW1P20SrFjf6v2R

⁸ UNHCR, *Refugees from Syria: Lebanon*, March 2015, p. 2 available at: <https://data.unhcr.org/syrianrefugees/download.php?id=8649>

⁹ Figures from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), available at: <http://www.unrwa.org/where-we-work/syria> and <http://www.unrwa.org/where-we-work/lebanon>. Jordan, Gaza and the West Bank also host Palestinian refugees.

¹⁰ UNHCR, *Vulnerability Assessment of Syrian Refugees in Lebanon 2015*, December 2015, p. 12, available at: <http://data.unhcr.org/syrianrefugees/download.php?id=10006>. UNRWA reports that 29.66% of 12,735 Palestinian refugee from Syria households are headed by women. UNRWA, *Profiling the Vulnerability of Palestine Refugees from Syria Living in Lebanon 2015*, pp. 11-12.

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and some have husbands who have either stayed in Syria or have sought asylum in other countries. Others have husbands who are missing, forcibly disappeared or detained in Syria.¹¹

INADEQUATE INTERNATIONAL SUPPORT FOR REFUGEES

The government of Lebanon has acknowledged that the number of refugees it is hosting places “the country’s infrastructure and limited resources under considerable strain”.¹² The international community has failed to provide adequate funds to support refugees in the main host countries. The UN-led humanitarian response is grossly underfunded. At the end of 2015, the UN had only received 57% of the funds it requested for its 2015 work to support refugees in Lebanon.¹³ As of 10 June 2016, the UN has received 30% of the funds it needs for 2016.¹⁴

The UN, in response, has cut the numbers of refugees receiving its support and the amount of assistance provided. The severe shortage of funds has resulted in the UN’s World Food Programme (WFP) reducing its monthly payment to Syrian refugees to support purchase of food. During the course of 2015 the dropped from US\$27.70 per person per month to just US\$13.50 per person per month.¹⁵ In 2016, refugees have been receiving US\$21.60 per person per month; however, the UN has also cut the numbers of refugees receiving the payments and households can only receive the payment for a maximum of five individuals. This means that refugees receive US\$0.72 per person per day, significantly below the World Bank’s global poverty line of US\$1.90 poverty line per day.¹⁶ By September 2015 the UN estimated that 70% of Syrian refugee families were living below the Lebanese national poverty line of US\$3.84 per person per day¹⁷ and the WFP stated that only 7% of refugee households were food secure, down from 25% in 2014.¹⁸

In May 2015 UNRWA reduced the monthly amount provided to Palestinian refugees from Syria for food from \$30 per person per month to \$27 per person per month. Despite the reduction in assistance UNRWA reported that its cash assistance was the primary source of income for 98% of Palestinian refugees from Syria compared to 70% in April 2014.¹⁹

GOVERNMENT IMPOSED BARRIERS TO REGULAR STATUS FOR REFUGEES IN LEBANON – ARTICLES 2 AND 5

There are increasing restrictions imposed by the government of Lebanon on refugees from Syria. In January 2015 the government introduced new criteria for all Syrians applying to renew their residency permits. Barriers to renewing residency include cost, difficulties in obtaining a “housing pledge” from their landlord, difficulties in finding a Lebanese sponsor or having to make a ‘pledge not to work’ and showing adequate funds to support themselves. The procedures are now so onerous and expensive that it is extremely difficult for people to meet the requirements.²⁰

The government of Lebanon introduced restrictions on Palestinian refugees from Syria earlier than it did for Syrian refugees. Palestinian refugees from Syria started being denied entry to Lebanon from August 2013 and began to have more difficulties in renewing their

¹¹ Amnesty International interviews with refugee women from Syria and with NGOs working with refugees, June and October 2015, Lebanon. Amnesty International’s research in Syria shows that 95% of people detained by the government or subjected to enforced disappearance are men.

¹² *Lebanon Combined eighteenth to twenty second periodic reports*, para 27.

¹³ UN *2015 Regional Refugee and Resilience Plan (3RP), Funding Requirements (Lebanon)*, last updated 29 December 2015, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122> The UN’s work across the region under its Regional Refugee and Resilience Plan for refugees from Syria and host communities was only 58% funded at the end of 2015.

¹⁴ UN Funding Requirements 2016, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122>

¹⁵ UN Inter-Agency Coordination Lebanon, *Food Security Sector, Monthly Dashboard*, July 2015, available at: <http://data.unhcr.org/syrianrefugees/download.php?id=9506>

¹⁶ See <http://www.worldbank.org/en/topic/poverty/brief/global-poverty-line-faq> The WFP calculates a Minimum Food Expenditure Basket based on 2,100kcal per day. It states that, in Lebanon, a minimum amount of US\$37 per person per month is required to purchase the required food items. The financial support the WFP is able to provide refugees falls far short of its own calculation of the minimum refugees require each month to buy food.

¹⁷ UNHCR, *Syrian Refugees, Inter-Agency Regional Update*, September 2015, p. 7 available at: <http://data.unhcr.org/syrianrefugees/download.php?id=9617>

¹⁸ World Food Programme, *Lebanon: Syria Crisis Response, Situation Report*, September 2015, available at: <http://data.unhcr.org/syrianrefugees/download.php?id=9670>

¹⁹ UNRWA, *2015 Syria Crisis Response: Progress Report*, May 2015, p. 12, available at:

http://www.unrwa.org/sites/default/files/2015_syria_crisis_response_progress_report.pdf?_sm_au_=iVV1P20SrFjf6v2R

²⁰ For full details of the restrictions see: Amnesty International, *Pushed to the edge: Syrian refugees face increased restrictions in Lebanon*, (Index: MDE/24/1785/2015), June 2015, available at: <https://www.amnesty.org/en/documents/mde24/1785/2015/en/>

residence permits from around May 2014.²¹ There are no officially published guidelines on the process for Palestinian refugees from Syria to renew their residence permits. Two international NGOs working with refugees noted that there is “some indication that they [Palestinian refugees from Syria] may renew their residency in theory but, in practice, there are very few instances where [they] are able to do this”.²²

LACK OF VALID RESIDENCE PERMITS

UNHCR estimates that the percentage of Syrian refugee households without valid residence permits rose from 9% in January 2015 to 61% in July 2015.²³ Of 66 Syrian refugees interviewed by Amnesty International, 56 said they did not have a valid residence permit. This was mostly because their permit had expired and they had been unable to meet the cost or conditions to renew it; however, some had entered Lebanon irregularly and had never had a residence permit. Five women had valid residence permits and the other five did not say.²⁴

A survey of 828 families of Palestinians from Syria conducted in March 2015 by the Tatwir Centre for Studies found that the residence permits of 85.7% of the families had expired and another 12.8% had permits that were due to expire at the end of April 2015, and noted that by the time the study was published, 98% of Palestinian refugees from Syria would not have a valid residency permit.²⁵ Of 12 Palestinian refugee women from Syria interviewed by Amnesty International, two had valid residency permits at that time. Of the valid permits, one was due to expire in October 2015 and the other was valid until December 2015.

There have been recent indications that the government may take action on the issue of regular status for Syrians in Lebanon. In June 2016 a representative of the Ministry of Social Affairs announced at a conference in London that the government proposes to create its own database to register Syrians in Lebanon. This would be separate to UNHCR's registration system. The government would issue those registered on its database with a card which would be recognized by all government institutions. The government-issued card would not replace the requirement for refugees to also have residence permits; however, the representative mentioned that with the issuing of these cards, there might be a possibility for waiving the fee for renewal of residence permits.²⁶ The proposal excludes Palestinian refugees from Syria. It is not clear when the registration process would begin.

IMPACT OF BARRIERS TO REGULAR STATUS ON REFUGEES' NON-DISCRIMINATORY ENJOYMENT OF RIGHTS

Without a valid residency permit, refugees from Syria are considered to be in breach of Lebanese law. This exposes them to the risk of a range of human rights violations, including arbitrary arrest, detention and deportation, inability to seek redress from the authorities if they are a victim of crime due to fear of arrest, limitations on movement and difficulties in accessing services such as education or health because of fear of crossing checkpoints.²⁷ In addition, without valid residency permits refugees are unable to complete administrative processes to register marriages or births of children.

INABILITY TO REPORT AND OBTAIN JUSTICE FOR SEXUAL HARASSMENT AND RISKS OF GENDER-BASED VIOLENCE – ARTICLE 5 (A) AND (B)

'A lot of [refugee] women are subjected to assaults, harassment, theft and even rape but can't present complaints because of their illegal status in Lebanon and being threatened with arrest.'

²¹ Amnesty International, *Denied refuge: Palestinians from Syria seeking safety in Lebanon*, (Index: MDE/18/002/2014), July 2014.

²² Norwegian Refugee Council and International Rescue Committee, *Legal status of refugees from Syria: Challenges and consequences of maintaining legal stay in Beirut and Mount Lebanon*, June 2015, available at: <https://data.unhcr.org/syrianrefugees/download.php?id=9682>

²³ UN Inter-Agency Coordination Lebanon, *Protection Sector, Monthly Dashboard July 2015*, available at: <http://data.unhcr.org/syrianrefugees/download.php?id=9508>

²⁴ Interviews with Amnesty International, Lebanon, June and October 2015.

²⁵ Tatwir Centre for Studies, *Needs Assessment of Palestinian Refugees from Syria: Survey Results*, 2015, pp. 14-15 and p. 26. Also cited by UNRWA: http://www.unrwa.org/sites/default/files/final2_6_october_final_version_profiling_the_vulnerability_of_prs_in_lebanon_-_assessment.pdf

²⁶ Representative of the Ministry of Social Affairs speaking at the London School of Economics conference “The long term challenges of forced migration: Local and regional perspectives from Lebanon, Jordan and Iraq”, Thursday 16 June 2016

²⁷ Amnesty International, *Pushed to the edge: Syrian refugees face increased restrictions in Lebanon*, (Index: MDE/24/1785/2015), June 2015.

“Hanan”, Palestinian Refugee from Syria, Mar Elias, Beirut²⁸

The vast majority of Syrian refugee women and all the Palestinian refugee women who spoke to Amnesty International said that they did not feel safe in Lebanon. They told Amnesty International that refugee women in Lebanon experience sexual harassment in public spaces irrespective of their marital status; however, many women heads of household said they also experienced more targeted harassment from men who knew they did not have a husband or other adult male relative living with them in Lebanon. Seven refugee women who spoke to Amnesty International spoke of receiving offers of assistance from Lebanese men but the offers were made, explicitly or implicitly, on condition of engagement in sexual activity.

Amnesty International’s interviews with refugee women highlighted their serious lack of trust in the Lebanese authorities’ willingness to effectively and impartially investigate complaints brought by refugees. International and national NGOs working with refugees also told Amnesty International that while some survivors of violence sought their support services, it was very rare for survivors to report instances of gender-based violence to the police.²⁹

Few refugee women who spoke to Amnesty International said that they would be prepared to report a crime committed against them to the Lebanese police. The main reason refugee women gave for their fear of approaching the authorities was their invalid residence permit. “Hala”, a Syrian refugee said, “Of course I wouldn’t feel safe because I don’t have a valid [residence] permit and they would ask for a valid permit whenever I walked into any police station.”³⁰ Of the few women interviewed by Amnesty International who had attempted to report incidents to the police, none had a positive experience. Several women told Amnesty International that the authorities had refused to help them or their family members because they did not have valid residence permits.

One Syrian woman, Maryam, told Amnesty International that she had to contact the police after a relative died in August 2015. She and her sister had to give their personal details – names, addresses and telephone numbers – to the police. Maryam said “After a while the police would pass by our house or would call us and ask us to go out with them. It was the same three police officers who took our report. Because we don’t have legal [residence] permits, the officers threatened us. They said that they would imprison us if we didn’t go out with them.” After two months of harassment, Maryam and her sister moved house and changed their telephone numbers. She said that she would not approach the police for help again: “Now I wouldn’t dare go to the police station. Even if I did go, I wouldn’t benefit. The police wouldn’t help me.”

Sexual violence is significantly under-reported worldwide and Lebanon is no exception.³¹ All women and girls in Lebanon face obstacles in accessing justice for crimes of sexual or gender-based violence;³² however, there is a discriminatory effect of the government imposed barriers to regular status which means that refugee women and girls face an additional barrier to reporting because they are concerned about possible repercussions for having an invalid residence permit.

Amnesty International wrote to the Ministry of Interior, whose responsibilities include the police, and to the General Directorate of General Security requesting data on the numbers of Syrian refugee women and Palestinian refugee women from Syria reporting to the police that they had experienced a crime committed against them. The organization also informed the government about the allegations received from refugee women that they had been subjected to sexual harassment by police officers and officials working for the General Directorate of General Security and requested a response. Amnesty International received a reply from the government but unfortunately it did not contain any data and did not respond to the allegations.

Gender-based violence is a form of discrimination against women and is prohibited under international law.³³ Gender-based violence committed against women and girls from ethnic minorities or non-nationals is also prohibited under ICERD. States are not only obliged to ensure that gender-based violence is not committed by any state officials, they “may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation”.³⁴ The Lebanese authorities therefore have a legal obligation to ensure that state officials do not commit any act of gender-based violence, including sexual harassment, against any women and girls in Lebanon, including Syrian refugee women and Palestinian refugee women from Syria. They also must also take all appropriate measures to prevent acts of gender-based violence committed by private persons, including family members, neighbours, employers, landlords and strangers on the street.

²⁸ Amnesty International focus group discussion on 8 October, 2015, Mar Elias, Beirut.

²⁹ Amnesty International interviews with international and national NGOs, June and October 2015, Lebanon.

³⁰ Amnesty International focus group discussion on 13 October 2015, Barr Elias, Bekaa Valley.

³¹ See for example, the UN Secretary-General’s campaign, UNiTE, to end Violence against Women, <http://www.un.org/en/women/endviolence/situation.shtml>. The UN Special Rapporteur on Violence against Women and CEDAW consistently mention under-reporting of sexual violence in their country specific work.

³² CEDAW, Concluding Observations on Lebanon, CEDAW/C/LBN/4-5, para 21. Obstacles include lack of legal assistance and lack knowledge and sensitivity to women’s rights from justice officials.

³³ CEDAW, General Recommendation 19 on violence against women, CEDAW/C/GR/19, 1992, para 6, available at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf

³⁴ CEDAW, General Recommendation 19 on violence against women, para 9.

Lebanon must take appropriate steps to ensure that all women and girls, including Syrian refugee women and Palestinian refugee women from Syria without valid residence permits, are able to report gender-based violence and other human rights violations or abuses to the police without fear of detention, harassment or other adverse repercussions. Under ICERD, States are obliged to investigate, effectively and impartially, all instances of gender-based violence and other serious human rights violations or abuses reported to them regardless of the race, ethnicity or nationality of the victim.

DENIAL OF AN ADEQUATE STANDARD OF LIVING – ARTICLE 5 (E)

“I am a widow with four daughters but I am afraid to let them work because they will be harassed.”

“Rouba”, Shatila, Beirut³⁵

Refugees frequently work informally, especially those that have irregular status in Lebanon.³⁶ In December 2014 the Lebanese government introduced restrictions which prohibited Syrians from working in occupations other than “agriculture, hygiene and construction”.³⁷ The International Labour Organization (ILO) reported that 70% of Syrian refugee women who are employed work in agriculture or as domestic workers. This means they work in occupations which have low pay and little job security.³⁸

The ILO also reported that the legal restrictions (described previously in the section “Additional difficulties faced by Palestinian refugees in Lebanon”) on Palestinian refugees’ right to work mean that 90% of Palestinian refugees from Syria are unemployed and that, of those who are employed, only 10% are Palestinian women.³⁹ Irregular status and the inability to work regularly leave refugees at risk of exploitation from employers.

In the context of a considerable power imbalance between employers and refugees who, firstly, desperately need an income to support their families, and secondly, are afraid of the consequences of having invalid residence permits, refugee women are at risk of both financial and sexual exploitation. A consistent complaint among refugee women interviewed by Amnesty International who worked, or had worked, was underpayment of wages. Employers would inform them of the salary they would be paid but, in practice, would pay them less.

Refugee women also spoke about sexual harassment and the fear of harassment in the context of employment. One Palestinian woman from Syria said “My daughter worked in a store. The manager harassed her and touched her. That is why I don’t let my daughters work now”. Her son, who was 14 when they arrived in Lebanon and is now 17 years old, is the only member of the family who is working.⁴⁰ Several women told Amnesty International that they had left a job, or not taken a job, because the attitude or behaviour of employers caused the women to become suspicious of the employer’s intentions. Refugees’ lack of valid residency permits both emboldens abusive employers and means that refugee women are unable to seek redress for fear of negative repercussions.

Barriers to free movement causing lack of access to services

Fear of crossing official checkpoints and being detained by the authorities due to invalid residence permits was widespread among the refugees throughout Lebanon who spoke to Amnesty International.⁴¹ The government of Lebanon operates checkpoints across the country, for example on main roads leading to the different provinces in the country and in the vicinity of Palestinian refugee camps. Some are permanent and others only operate at night or when there is a known security threat. The military operate some checkpoints and others are run by the police.

International and Lebanese NGOs working with refugees report that refugee men were more likely to be detained by the authorities than women. Organizations providing legal support to refugees in detention confirmed that the vast majority of their clients were men.⁴² The refugee women interviewed by Amnesty International said that men were more likely to be asked for documents at checkpoints and detained if found to have invalid residence permits. However, some women said that they knew of women who had been detained, and fear that they could be stopped means that refugee women are restricting their movements, as are refugee men.

“Aisha”, a 33-year-old Syrian woman living in the Bekaa Valley with her husband and four young children, told Amnesty International:

³⁵ Amnesty International focus group discussion on 25 June 2015, Shatila, Beirut.

³⁶ International Labour Organization, *Assessment of the Impact of Syrian Refugees in Lebanon and their Employment Profile*, 2014, p. 15, available at: <http://data.unhcr.org/syrianrefugees/download.php?id=8920>

³⁷ See: http://www.labor.gov.lb/_layouts/MOL_Application/LatestNewsDetails.aspx?lang=ar&newsid=115 (in Arabic)

³⁸ International Labour Organization, *Assessment of the Impact of Syrian Refugees in Lebanon and their Employment Profile*, 2014, p. 25.

³⁹ International Labour Organization, *Assessment of the Impact of Syrian Refugees in Lebanon and their Employment Profile*, 2014, p. 14.

⁴⁰ Amnesty International focus group discussion on 25 June 2015, Shatila, Beirut.

⁴¹ Amnesty International interviews with refugee women, June and October 2015, Beirut, Mount Lebanon, Bekaa Valley and South Lebanon.

⁴² Amnesty International interviews with international and national NGOs, June and October 2015, Beirut, Mount Lebanon and Bekaa Valley.

“I am afraid to go out. I’m afraid to cross checkpoints. I have to go to Beirut for hospital appointments for my daughter every 15 days. She has a rare medical condition and has to have injections every 15 days. I go across the checkpoints and they [the authorities] haven’t stopped me yet but I’m always afraid that someone will speak to me.”⁴³

INCREASING HOSTILITY TOWARDS REFUGEES FROM SYRIA – ARTICLE 2

“There is no future for us here in Lebanon. Everyone here blames every problem on the Syrians.”

“Hiba”, Saadnyal, Bekaa Valley⁴⁴

UNHCR reports that the initial good relationship between refugees from Syria and their Lebanese hosts has started to fray.⁴⁵ This hostility also extends in some cases to government officials who act abusively towards refugees rather than protecting their rights as they are required to do.

Some refugee women interviewed by Amnesty International talked about positive experiences they had had, for example, being hosted by Lebanese people when they first arrived or of Lebanese people allowing them to live rent free. One 28-year-old Syrian woman, “Hiba”, said “Since I arrived in Lebanon with my husband, we have been hosted by a wealthy Lebanese family and they don’t charge us rent. When my parents also arrived, we asked permission from the family for my parents to stay in the house with us and they agreed.”⁴⁶ However, other women interviewed by Amnesty International spoke of hearing hostile comments from their Lebanese neighbours and feeling unwelcome. “Huda”, a 27-year-old Syrian woman living near Chtaura, Bekaa Valley, said “We hear a lot of talking and bad words from the Lebanese people who are saying that ‘you Syrians are a big burden on the country’ and ‘there are more of you than the original residents of the country’.”⁴⁷

Some refugee women told Amnesty International that they had experienced hostility and verbal abuse from government officials. “Reem”, a 28-year-old Palestinian woman, said that officials at a government office abused the refugees who were trying to renew their documents. She said: “They treated us inhumanely. They called us donkeys and said, ‘God gave us a big burden which is the Syrians’. They would hold us by the neck to make us move to the back of the queue”.⁴⁸

DISCRIMINATION AGAINST THE LONG TERM PALESTINIAN POPULATION – ARTICLES 2 AND 5

As the Committee has stated, although some rights, such as those pertaining to election, may be confined to citizens, “human rights are, in principle, to be enjoyed by all persons. States parties are under an obligation to guarantee equality between citizens and non-citizens in the enjoyment of these rights”.⁴⁹ The long term Palestinian population resident in Lebanon experiences discrimination in many aspects of life.

Discriminatory laws and regulations relating to property, social security and education continue to be in effect, affecting nearly 450,000 Palestinian refugees, who are registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in Lebanon and are long term residents of the country.⁵⁰

Much of the discriminatory treatment Palestinians face is rooted in their statelessness, which has far-reaching consequences and deprives them from the enjoyment of rights on equal footing with not only Lebanese nationals, but also other foreign residents in

⁴³ Amnesty International focus group discussion on 6 October 2015, Saadnyal, Bekaa Valley.

⁴⁴ Amnesty International Focus group discussion on 6 October 2015, Saadnyal, Bekaa Valley.

⁴⁵ UNHCR, Refugees from Syria: Lebanon, March 2015, p. 3, available at: <https://data.unhcr.org/syrianrefugees/download.php?id=8649>

⁴⁶ Amnesty International focus group discussion on 6 October 2015, Saadnyal, Bekaa Valley.

⁴⁷ Amnesty International focus group discussion on 12 October 2015, Chtaura, Bekaa Valley.

⁴⁸ Amnesty International focus group discussion on 8 October 2015.

⁴⁹ Committee on the Elimination of all forms of Racial Discrimination, General Recommendation XXX on discrimination against non-citizens, 2005

⁵⁰ Data available at <http://www.unrwa.org/where-we-work/lebanon>

Lebanon. As the Inter-American Court ruled in the case of the girls Yean and Bosico versus the Dominican Republic, “The fact that a person has been born on the territory of a State is the only fact that needs to be proved for the acquisition of nationality, in the case of those persons who would not have the right to another nationality if they did not acquire that of the State where they were born.”⁵¹

The principle of reciprocity is applied in some laws, whereby the right to work is granted to nationals of states which grant Lebanese citizens the right to work in their countries. This leads to Palestinians not having the right to work because they are stateless.

LAW VIOLATING THE RIGHT OF PALESTINIAN REFUGEES TO OWN AND INHERIT PROPERTY – ARTICLE 5 (D) (VI)

Palestinian refugees are subject to a discriminatory law introduced in 2001 preventing them from owning or inheriting property. Presidential Decree 11614 of 4 January 1969, as modified by law 296 of 3 April 2001, prohibits persons who do “not carry a citizenship issued by a recognized state” from owning property in Lebanon. This law does not explicitly refer to Palestinians, but Article 1 of the amended Decree provides:

No non-Lebanese person, either natural or juridical, ... is entitled to acquire through a contract or any other legal deed concluded between living persons, any real property rights in Lebanese territory ... No real right 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 provisions of the constitution relating to the prohibition of settlement (Tawteen)

This law thus directly discriminates against stateless persons, and in Lebanon the overwhelming majority of Palestinian refugees are *de jure* stateless. This restriction on the right to own property greatly diminishes the possibility for Palestinians to be guaranteed a degree of security of tenure outside of camps, forcing the majority of them to remain in overcrowded and often unsanitary camps. Amnesty International is concerned that, in addition to preventing Palestinians from acquiring property, the amended decree also prevents them from inheriting property or registering real estate bought in instalments because they are unable to register such property.

Successive government ministers have justified prohibiting Palestinians from owning property and from transferring their already purchased apartments and deeds to their children by stating that the law is in line with the government’s opposition to the resettlement of Palestinian refugees in Lebanon.

LAW VIOLATING THE RIGHT OF PALESTINIAN REFUGEES TO EDUCATION – ARTICLE 5 (E) (V)

Palestinian refugee children are denied access to free public education under a 1998 law which restricts the right to free primary education to Lebanese children. Law No. 686 of 1998, which amended Article 49 of Decree No. 134/59 provides that: “Public education is free and compulsory in the primary phase, and is a right of every Lebanese in the primary education age.”

By specifying that only Lebanese children have a right to free primary education, children born to Lebanese mothers and foreign national fathers and non-Lebanese long-term residents, including Palestinian refugee children, are denied such access to education.

THE RIGHT OF PALESTINIAN REFUGEES TO WORK – ARTICLE 5 (E) (I)

For many years, more than 70 job categories were off-limits to Palestinians – by government decree. Despite amendments in 2010 to some provisions of the laws regulating the employment of Palestinian refugees, Palestinians are still barred from working in professions requiring syndicate membership, including medicine and engineering.

In August 2010, the Lebanese parliament approved amendments to Article 59 of the Labour Law and Article 9 of the Social Security Law in relation to the employment of Palestinian refugees. The amendments waived the fees to obtain a work permit by Palestinian refugees born in Lebanon and revoked the reciprocity of treatment policy applying to social security benefits (end-of-service compensation and work-related injuries). The amended text of Article 9 states: “Palestine refugee workers are exempt from the condition of reciprocity stated in the Labour Law and Social Security Law, so that they benefit from the contributions of end-of-service indemnity conditions from which Lebanese workers benefit. Henceforth, the Administration of the Social Security Fund should establish a separate independent account for the contributions belonging to Palestinian refugee workers that does not bring any financial obligation on the Treasury or the National Social Security Fund. Beneficiaries covered by the provisions of this law do not benefit from

⁵¹ Inter-American Court of Human Rights, Case of the girls Yean and Bosico versus the Dominican Republic, Judgment of September 8, 2005, (*Preliminary Objections, Merits, Reparations and Costs*), para 156

the contributions of sickness, maternity, and family allowance funds.” In other words, Palestinian workers are required under the amended law to make full contributions to the National Social Security Fund, but only receive partial benefits and are not eligible for maternity leave pay or family allowances.

SITUATION OF PALESTINIAN NON-ID HOLDERS

At least 3,000 Palestinian refugees have no official identification documentations because they arrived in Lebanon after the Palestine Liberation Organization was expelled from Jordan in 1971. Such documentation is required for proving their residence in Lebanon, for registering births, marriages and deaths, and for other essential purposes. In 2008, the Lebanese authorities issued temporary ID cards valid for one year to some 800 Palestinians as a step towards legalizing their status and to enable them to move freely in the country. In 2009, however, the General Directorate of the General Security prevented further ID cards from being issued, leaving Palestinian refugees to continue facing severe obstacles in accessing their basic rights. In 2010, the issuance of ID cards resumed; however, it remains unclear what rights are granted to individuals holding these temporary cards.

Children whose father is a registered Palestinian refugee are also registered as refugees by the United Nations Relief and Works Agency (UNRWA) and recognized as such by the Lebanese authorities. However, children born to Palestinian fathers who do not possess recognized identity documents are not registered with UNRWA and do not receive recognized identification documents from the Lebanese authorities or acquire Lebanese nationality even if they have a Lebanese mother, reflecting Lebanon’s nationality laws which discriminate against women.⁵²

Such children face obstacles in exercising their human rights, including to education. 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.

RECOMMENDATIONS

On the situation of refugees from Syria

To the government of Lebanon, in particular, the Ministry of Interior:

- Ensure that all refugees from Syria can renew their residency in Lebanon until there is a fundamental change in circumstances in Syria that means it is safe for them to return. To this end, remove obstacles to residency renewal, including the fee of US\$200. Ensure renewal processes are effective, fair, speedy and transparent and that relevant information is publicly available.
- Ensure that Syrian refugee women and Palestinian refugee women from Syria living in Lebanon without their husband are able to renew their residence permits without being required to show permission from their husband or to prove his whereabouts.
- Ensure that police provide a safe and confidential environment for all women and girls to report incidents of gender-based violence, labour exploitation or other human rights violations or abuses, irrespective of their nationality or the status of their residence permit, and ensure that all such complaints are recorded and promptly, impartially and effectively investigated and perpetrators brought to justice.
- Take appropriate action against police who abuse refugee women or fail to record cases or investigate allegations of human rights violations or abuses, including gender-based violence, committed against Syrian refugees or Palestinian refugees from Syria.
- End the suspension of registration of refugees as it is a key mechanism to identify those in need of international protection and assistance. Further, allow the UNHCR to re-register those who were deregistered due to their entry into Lebanon being after 5 January 2015.

On the situation of the Palestinian refugee population resident in Lebanon

⁵² Lebanon’s various personal status codes contain discriminatory provisions regarding marriage, divorce, parenting and inheritance. The Nationality Law stipulates that Lebanese women married to foreign nationals cannot pass on their nationality to their children, even if they were born in Lebanon. Children can receive Lebanese nationality from their fathers, but only from their mothers if they were born out-of-wedlock and their father is unknown. A further exception is when a non-Lebanese woman, who has children from a previous marriage to a non-Lebanese man, subsequently acquires Lebanese nationality through marriage to a Lebanese man; in such cases she can confer her acquired Lebanese nationality onto her non-Lebanese children upon the death of her Lebanese husband. While Lebanese men can pass their nationality to their foreign national spouses after only one year of marriage, Lebanese women married to foreign national spouses cannot do so.

To review existing legislation and to amend as necessary any provisions that do not comply with Lebanon's obligations under international law, including:

- Amend Law No. 296 of 3 April 2001 to enable Palestinians to exercise their right to own and inherit property, and to ensure that such amendment is in conformity with Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and other provisions proscribing discrimination included in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- Amend the Labour Law to allow Palestinians to have equal access to employment in all jobs and professions, to receive equal wages and to attain job security;
- Make primary education compulsory, free and available to all children, and to ensure that the government respects its obligations under ICERD and under Article 28 of the CRC and Article 13 of the ICESCR.

Take all necessary steps to regularize, without delay, the status of non-ID Palestinian refugees in Lebanon, including by:

- Registering all non-ID Palestinian refugees under Lebanese jurisdiction, providing them with official identification documents, ensuring that all their current and future children are provided with the necessary registration and documents, and ensuring that the authorities comply with article 7(1) of the CRC and article 24 of the ICCPR, which stipulates that every child has the right to be registered immediately after birth and the right to have a name and to acquire a nationality;
- Allowing, with immediate effect, Palestinian refugee students who do not have identification documentations to sit the Lebanese state exams, which give access to higher levels of education.

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