

# Lebanon

## ECONOMIC AND SOCIAL RIGHTS OF PALESTINIAN REFUGEES

### SUBMISSION TO THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

**64th session of the Committee on the Elimination of Racial Discrimination (the Committee), February-March 2004: Comments by Amnesty International on the compliance by Lebanon with its obligations under the Convention on the Elimination of All forms of Racial Discrimination (the Convention)**

This document is submitted to the Committee on the occasion of the examination of Lebanon's fourteenth, fifteenth and sixteenth periodic report. The submission addresses some of the specific aspects of the situation of Palestinian refugees in Lebanon and is the outcome of preliminary research conducted by Amnesty International on the conditions of Palestinian refugees in Lebanon. Amnesty International believes that the issues presented in this document raise important human rights concerns in relation to Lebanon's obligations under international human rights law in general, and under the Convention in particular. This document is not intended to address all the human rights issues faced by Palestinian refugees and should not be regarded as dismissing any other human rights concerns relating to Palestinian refugees in Lebanon. The document also does not address other human rights issues in Lebanon that relate to racial discrimination.

### INTRODUCTION

Amnesty International recognizes the efforts undertaken by the Lebanese authorities to accommodate hundreds of thousands of Palestinian refugees on its territory for over 50 years. However, Amnesty International has concerns over the protection of, *inter alia*, the economic and social rights of Palestinians living in Lebanon. This submission limits itself to addressing some of the most important issues relating to the economic and social rights of Palestinian refugees. In addressing these concerns, Amnesty International does so without any prejudice to the right of Palestinians to return to their homeland, which they should be given the opportunity to exercise. The right to return to one's own country is based in international law and is the most obvious way to redress the situation of those who are in exile<sup>1</sup>

Amnesty International carried out a research mission in Lebanon between 27 May and 14 June 2003. The mission focused on the conditions of Palestinian refugees in Lebanon and their access to economic and social rights. Research activities were carried out in Beirut, Tripoli, Sidon and Tyre.

Amnesty International delegates undertook a diverse range of activities during this visit. Delegates visited four official Palestinian refugee camps in Lebanon, 'Ayn al-Hilwah, al-Rashidiyyah, Mar Elias and Nahr al-Barid, as well as the unofficial camp of Jal al-Bahr. Amnesty International delegates met with the Popular Committees<sup>2</sup> and representatives of different Palestinian political groups in the camps and with some of the families that live there.

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<sup>1</sup> See "*The Right to Return: The Case of the Palestinians*", Amnesty International, AI INDEX: MDE 15/013/2001, 30 March 2001.

<sup>2</sup> In most camps, a Popular Committee is in charge of political and administrative affairs in the camp and has representatives from major political groups present in the camp.

During these meetings, the delegates had the opportunity to discuss the most pressing problems faced by Palestinian refugees living in those camps.

Amnesty International delegates also had the opportunity to meet with government officials and members of Parliament to discuss issues related to Palestinian refugees. Delegates also conducted both multilateral as well as bilateral meetings with a large number of NGOs, lawyers, and human rights advocates working on the issues affecting Palestinian refugees. A meeting with the director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in Lebanon also took place to discuss problems faced by Palestinian refugees in Lebanon.

### **SUMMARY OF AMNESTY INTERNATIONAL'S CONCERNS**

Amnesty International considers that the following concerns point to contraventions of Lebanon's obligations under international human rights law:

1. Palestinians in Lebanon are *de jure* and *de facto* discriminated against as compared with other non-citizens with regards to the rights to own and inherit property;
2. Palestinians in Lebanon are restricted from rebuilding or redeveloping refugee camps due to government-imposed restrictions;
3. Palestinians in Lebanon are *de jure* and *de facto* discriminated against in relation to other non-citizens with regards to the right to work and the right to social security;
4. Discrimination levied against Palestinians in relation to the rights to own and inherit property and the right to work, creates conditions where Palestinian refugees cannot enjoy an adequate standard of living.

### **LIVING CONDITIONS OF PALESTINIANS REFUGEES IN LEBANON**

As of 30 June 2003, there were 391,679 Palestinian refugees registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in Lebanon.<sup>3</sup> In addition, Lebanon has between 10,000<sup>4</sup> and 40,000<sup>5</sup> Palestinian refugees that are

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<sup>3</sup> *Total Registered Refugees Per Country and Area*, UNRWA, Online:

<http://www.un.org/unrwa/publications/statis-01.html> (page accessed on 21 October 2003).

<sup>4</sup> As indicated in the report by the Fédération Internationale des Ligues des Droits de l'Homme (FIDH), *Lebanon, Palestinian refugees: systematic discrimination and complete lack of interest on the part of the international community*, published in March 2003. FIDH cites 10,000 as the number of non-registered Palestinian refugees in Lebanon, as reported by the Palestinian Human Rights Organization. A figure of 16,000 is reported by the US Committee for Refugees in its Lebanon Country Report (World Refugee Survey 2003).

<sup>5</sup> A report, *The Palestinian right to work and own property in Lebanon* (April 2003) by the Palestinian Human Rights Organization estimated the number of non-registered Palestinian refugees to be 35,000

not registered with UNRWA and not receiving any assistance from it. In addition, thousands more do not have any form of identification and are not receiving assistance from UNRWA; they are commonly referred to as non-ID Palestinian refugees.<sup>6</sup> Some 20,000 Palestinians are believed to have been naturalized as Lebanese; however it appears that the status of some of the naturalized Palestinians is not secure as there were reports that their Lebanese nationality may be annulled.<sup>7</sup>

The majority of Palestinian refugees in Lebanon live in 12 camps administered by UNRWA and housing 225,125 refugees.<sup>8</sup> In addition, thousands live in so called “unofficial” camps, which are not under UNRWA’s administration and generally suffer from worse conditions. ‘Ayn al-Hilwah, located in the outskirts of the city of Sidon, is the largest camp administered by UNRWA in Lebanon. According to UNRWA, 44,133 refugees live in this camp;<sup>9</sup> other, unofficial estimates, are between sixty and seventy thousand people living in the camp.

During Amnesty International’s visit to the ‘Ayn al-Hilwah camp, the Popular Committee pointed out that the main problems faced by refugees in the camp are of a social and economic nature, emanating from the reduction in UNRWA’s services. According to them, health services in particular are deteriorating and unemployment reaches a figure of 80 per cent among professionals, including doctors, teachers and engineers.

During its visits to the camps, Amnesty International noted serious environmental and public health problems. For instance, the sewage systems in most of these camps appeared to be damaged and to pose health risks to the community. In the camps in the south of Lebanon, one of the main causes of these problems seems to be that residents in these camps are not allowed to bring into the camps building and other materials needed for repairing and improving housing and sanitation facilities. This is due to a government policy prohibiting the provision of these materials to a number of the camps.<sup>10</sup> Living conditions are aggravated by the overcrowding in the camps, which is caused by a swelling population in the camps’ confined land areas. UNRWA’s description of the state of Palestinian refugee camps in Lebanon is very indicative of the situation:

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in addition to 5,000 non-ID Palestinian refugees. The European Union’s Humanitarian Aid Office (ECHO) puts the number of non-registered Palestinian refugees in Lebanon at 40,000, see *Palestinian Territories: Solidarity with the victims*, online: [europa.eu.int/comm/echo/pdf\\_files/leaflets/palestinian\\_en.pdf](http://europa.eu.int/comm/echo/pdf_files/leaflets/palestinian_en.pdf)

<sup>6</sup> The PHRO estimated their number to be between 4,000 and 5,000 (see *An Emerging Refugee Society: Palestinian without Identification*, published by PHRO in 2002), while camp popular committees estimate the number to be 15,000 (see *a Review of the Status of Palestinian refugees in Lebanon*, report by Ghassan Abdalla of the PHRO).

<sup>7</sup> See also page 4 of this document.

<sup>8</sup> Source: <http://www.unrwa.org/unrwa/refugees/camp-profiles.html> (accessed on 23 October 2003).

<sup>9</sup> Source: <http://www.unrwa.org/unrwa/refugees/camp-profiles.html> (accessed on 23 October 2003).

<sup>10</sup> See also *Parliamentary Assembly: The situation of Palestinian refugees*, Council of Europe, 15 May 2003, Doc. 9808, para. 31(1).

Today, all 12 official refugee camps in the Lebanon Field suffer from serious problems - no proper infrastructure, overcrowding, poverty and unemployment. The Lebanon Field has the highest percentage of Palestine refugees who are living in abject poverty and who are registered with the Agency's "special hardship" (SH) programme.<sup>11</sup>

There are a number of unofficial Palestinian refugee camps in Lebanon. Of these camps, Amnesty International visited Jal al-Bahr. This squatter camp near Tyre is not administered by UNRWA; its location on a thin strip of land bordered by the sea and a highway makes it particularly dangerous for children. Its population of approximately 1,200 people live in appalling conditions with some homes consisting of one room housing up to 9 people, often without beds, and without adequate protection from the weather.<sup>12</sup> Palestinian refugees live in these inferior conditions as there is no space for them in camps administered by UNRWA. Government restrictions on making repairs or building improvements are also imposed on the unofficial camps in the south of Lebanon.

UNRWA reports often highlight the difficulties faced by the organization in meeting the needs of Palestinian refugees in Lebanon; according to UNRWA:<sup>13</sup>

As a result of difficult socio-economic conditions, combined with the inability of the refugees to gain full access to the job market or to benefit from public health facilities, most of the over 389,000 registered Palestine refugees in Lebanon continued to face deplorable living conditions and depended almost entirely on UNRWA for basic services. The Agency's special emergency appeal for Lebanon, launched in July 1997, sought to solicit additional contributions in the amount of \$11 million in support of essential health, education, and relief and social services activities in order to alleviate the financial pressures resulting from insufficient resources in the Agency's core budget.

Recent years have witnessed reductions in the services provided by UNRWA for Palestinian refugees (see appendix 1 for the table: *Indicators of the impact of underfunding on the agency's operations (UNRWA)*). In Lebanon, there are scarce opportunities for Palestinian children to receive adequate education and for children and adults in need of health services to be provided with the necessary medical care outside of UNRWA's assistance schemes. This is due to restrictions on Palestinian refugees' access to government education and health care and the high costs of private alternatives, which most refugees cannot afford.<sup>14 15</sup>

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<sup>11</sup> *Lebanon Refugee Camps Profile*, UNRWA, online: <http://www.un.org/unrwa/refugees/lebanon.html> (accessed on 24 October 2003).

<sup>12</sup> It is typical to see holes in the corrugated iron plates that act as ceilings for the dwellings in the camp.

<sup>13</sup> *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East: 1 July 2002-30 June 2003*, United Nations General Assembly, fifty-eighth session, Supplement no.13, UN Doc. A/58/13, para. 114.

<sup>14</sup> *Ibid.*, para. 198 and 204.

<sup>15</sup> Food provisions by UNRWA have also been affected; see the comparison between the years 1990 and 2002 of the percentage of eligible refugees receiving minimal food supplements in appendix 1.

Amnesty International was told that school drop-out rate is increasing and that there is a general decline in the quality of education provided. There also appears to be, due to budget limitations, a reduction in the provision of medical services and a denial of specialist medical services for the over sixties. There is in particular a drop in the provision of medical care related to open heart surgery, kidney diseases, and cancer, to give some examples.

The overall living conditions of Palestinian refugees in Lebanon are best summarized by UNRWA:

Palestine refugees in Lebanon are among the most disadvantaged. They have only limited access to government services and have to depend almost entirely on the Agency for basic education, health and relief and social services. Lebanese authorities continued to restrict construction in certain refugee camps, and entry of construction materials continued to be subject to military approval, which was not always granted. Palestine refugees in Lebanon suffer from poor living and housing conditions and high rates of unemployment. New legislation aims at preventing refugees from buying immovable property and depriving them of their inheritance rights. There are similar attempts to retroactively annul the Lebanese nationality obtained by certain refugees in 1994.<sup>16</sup>

The main problems faced by Palestinian refugees are of a social and economic nature, including a high rate of unemployment existing among professionals, including doctors, teachers and engineers and the decreasing assistance they receive; these problems are accentuated by laws and policies that discriminate against Palestinians refugees in Lebanon.

## **GENERAL OBLIGATIONS UNDER THE CONVENTION AS PERTAINING TO THE ECONOMIC AND SOCIAL RIGHTS OF NON-CITIZENS**

Lebanon's obligations under human rights law and standards arise from, *inter alia*, being a party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR, acceded in 1976), the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention, acceded in 1971), and the Convention on the Rights of the Child (CRC, ratified in 1991), in addition to the International Covenant on Civil and Political Rights (acceded in 1976), the Convention on the Elimination of All Forms of Discrimination Against Women (acceded in 1997), and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (acceded in 2000).

Under the Convention, Lebanon has an obligation to eliminate all forms of racial discrimination; article 1(1) of the Convention states:

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<sup>16</sup> *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East: 1 July 2002-30 June 2003*, United Nations General Assembly, fifty-eighth session, Supplement no.13, UN Doc. A/58/13, para. 38.

In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

The Convention allows for different treatment between citizens and non-citizens; article 1 (paragraphs 1 and 2) state:

This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

However as the Committee clarified in *General Recommendation XI on non-citizens* that, in relation to non-citizens:

Article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination defines racial discrimination. Article 1, paragraph 2, excepts from this definition actions by a State party which differentiate between citizens and non-citizens. Article 1, paragraph 3, qualifies article 1, paragraph 2, by declaring that, among non-citizens, States parties may not discriminate against any particular nationality.

It is clear from the explanation of the Committee that while there exists a margin for states to give different treatment to citizens and non-citizens, that this cannot infringe on the obligation not to discriminate between individuals or groups on the basis of *inter alia*, national origin or descent. It is also important to note that non-discrimination in the enjoyment of economic, social and cultural rights is explicitly provided for in article 5 of the Convention.

Another obligation that is very relevant in the present context is that under article 2(1)(c) of the Convention, which places an obligation on each state party to "take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists."

## **DISCRIMINATION IN THE RIGHTS TO OWN AND INHERIT PROPERTY AND THE RIGHT TO ADEQUATE HOUSING**

The living conditions in the Palestinian refugee camps described above fall short of fulfilling the substantive requirements of the right to adequate housing as a component of the right to an adequate standard of living (see below the section on *Discrimination in the Right to an Adequate Standard of Living*); this is further aggravated by laws barring them from owning or inheriting property.

In 2001, the Lebanese parliament passed law 296 amending decree 11614 of 1969, which deals with the ownership of real estate in Lebanon by non-Lebanese nationals. The amended first clause states:

It is prohibited for any person who is not a bearer of nationality of a recognised state, or anyone whose ownership of property is contrary to the provisions of the Constitution relating to “*Tawtin*”<sup>17</sup> to possess real rights of any nature.<sup>18</sup>

In practice, the law mainly targets Palestinians as Palestine is not a recognized state and the majority of Palestinian refugees in Lebanon do not possess Lebanese citizenship; they are stateless. The amended law, in addition to preventing Palestinians from acquiring property, also prevents them from inheriting property or registering real estate which they were buying in instalments.<sup>19</sup> The poor living conditions in the refugee camps often mean that housing in these camps does not fulfil the requirements of “adequate housing”. The amended law leaves Palestinian refugees in a position where they only have a choice between living in one of the camps or paying high prices for rent without any prospect of ever owning property.

Amnesty International regrets that efforts made by some members of the Lebanese Parliament in October 2003 to amend this law in a way that would not discriminate against Palestinians have been thwarted. It is noteworthy that Lebanese Prime Minister Rafiq Hariri reportedly said, on this occasion, “that the time was not right to grant Palestinian refugees such rights but that the “unjust” ban would one day be lifted.”<sup>20</sup>

Lebanon has an obligation under article 5 of the Racial Discrimination Convention:

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

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<sup>17</sup> *Tawtin* can be translated as naturalization.

<sup>18</sup> Unofficial Amnesty translation.

<sup>19</sup> For more information see *The Palestinian right to work and own property in Lebanon*, Palestinian Human Rights Organization, April 2003.

<sup>20</sup> *Ban on Palestinian refugees buying property in Lebanon to stay in place*, Agence France Presse, 14 October 2003.

(d) Other civil rights, in particular:

...

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit; ...

While all nationals of recognized states can acquire or inherit real property in Lebanon, Palestinians are specifically prohibited from doing so by virtue of decree 11614 of 1969, as amended by law 296 (2001). It is clear therefore that Lebanese domestic legislation that prevents Palestinians from acquiring or inheriting property discriminates against a “particular nationality” by specifically targeting Palestinians as they are not “nationals of a recognized state”. This law is thus in direct violation of the provisions of article 5 of the Convention, in light of the Committee’s interpretation of article 1. Lebanon has not only failed to meet its obligation under article 2(1)(c) of the Convention, but it has actively violated this obligation by adopting legislation that discriminates between people on the basis of their nationality subsequently to its ratification of the Convention.

Furthermore, the discrimination against Palestinians with regards to the rights to own and inherit property, when taken in conjunction with the inadequate housing conditions in the refugee camps, creates a situation whereby Palestinian refugees are discriminated against in their enjoyment of the right to adequate housing (article 11(1) of the ICESCR), therefore making it incompatible with Lebanon’s obligations under article 5 of the Convention.

## **DISCRIMINATION IN THE RIGHT TO WORK AND THE RIGHT TO SOCIAL SECURITY**

Palestinians face severe restrictions in their access to work and to opportunities to gain their living by work. Palestinian refugees are barred *de jure* from practicing several professions such as law, medicine, pharmacy, and journalism due to a requirement of possessing Lebanese citizenship or to having reciprocal treatment in the country of the foreign national wishing to practice this profession.<sup>21</sup>

A Ministerial Decree issued on 15 December 1995 lists trades and vocations that are restricted to Lebanese nationals; this includes a non-exhaustive listing of dozens of trades and vocations restricted to Lebanese employees or employers. Exceptions can be made to foreigners satisfying the conditions of Decree 17561 of 1962; this is done at the discretion of the Minister of Labour. The Ministerial Decree bases itself on the requirements of “public interest” and “reciprocity of treatment”.<sup>22</sup> The principle of reciprocity of treatment is understood to refer to reciprocal treatment granted to Lebanese nationals by a recognized state. The stateless status of Palestinians means that the reciprocal treatment of Lebanese nationals

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<sup>21</sup>A *Study on the Lebanese Palestinian in the Lebanese Politics and Legislations* (English Version). Ajial Center – Statistics and Documentation Office. Published in Arabic in 2003, Beirut, p. 35-36.

<sup>22</sup>The provisions of this decree are studied in more detail in Ajial Center (see footnote 23) and *Palestinian Refugees: Systematic Discrimination and Complete Lack of Interest on the Part of the International Community*, published by the International Federation for Human Rights (FIDH).

is not possible due to the absence of a recognized Palestinian state; Palestinians refugees are thus at a disadvantage to other foreign nationals seeking work in Lebanon due to their Palestinian nationality.<sup>23</sup> This is another example of legislation adopted by Lebanon that actively violates its obligations under article 2(1)(c) of the Convention.

As for the right to social security, Palestinians in Lebanon suffer from similar discrimination as with the right to work since access to social security for foreigners is also dependent on “reciprocity of treatment”, article 9(4) of the social security law states:

Foreign Labourers working on Lebanese soil are not subject to the provisions of this law, and therefore not entitled to the benefits of any and all sections of Social Security, except if the country of their origin affords its Lebanese residents the same treatment as its own citizens with regard to Social Security<sup>24</sup>

It is important to note here the Committee’s recommendation (concluding observations, 30 March 1998) to the Lebanese government that “the State party take all appropriate measures, including those of a legal nature, to fully guarantee access to work and equitable conditions of employment to all foreign workers, including Palestinians”.

Article 5 of the Convention states:

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

...

(e) Economic, social and cultural rights, in particular:

...

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(iv) The right to public health, medical care, social security and social services;

The obligation of Lebanon under article 5 of the Convention is a clear one prohibiting any racial discrimination in the enjoyment of the right to work and the right to social security. In the case of the Palestinians, they are *de jure* discriminated against because of their national origin.

According to the Committee:

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<sup>23</sup> The Palestinian national origin means that Palestinians not possessing any other citizenship are stateless, for which reason these laws discriminate against them.

<sup>24</sup> Social Security Law, art. 9, para. 4. Quoted from *the Obligation of Host Countries to Refugees under International Law: the Case of Lebanon* (by Wadie Said), in Palestinian Refugees: the Right of Return Edited by Naseer Aruri, Pluto Press, London, 2001, p.134.

Article 5 of the Convention, apart from requiring a guarantee that the exercise of human rights shall be free from racial discrimination, does not of itself create civil, political, economic, social or cultural rights, but assumes the existence and recognition of these rights. The Convention obliges States to prohibit and eliminate racial discrimination in the enjoyment of such human rights.<sup>25</sup>

Relevant to this is article 6 of the ICESCR, which recognizes “the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts”, while the right of everyone to social security is recognized in article 9 of the ICESCR. Lebanon is under obligation to respect both of these rights.

While article 2(3) of the ICESCR allows developing countries discretion in determining the extent to which non-nationals are guaranteed the economic rights enunciated in the Convention,<sup>26</sup> with regards to the right to work, the application of the principle of reciprocity clearly discriminates against Palestinians vis-à-vis other foreign nationals because of their status as stateless persons; the discrimination levied against Palestinian refugees in Lebanon is thus not a distinction between citizens and non-citizens but between different groups of non-citizens on the basis of nationality (Palestinian) and descent. It is therefore in contravention of article 5 of the Convention.<sup>27</sup> The same applies to the right to social security.

By virtue of article 2(1)(c) of the Convention, the Lebanese government is under a clear legal obligation to change its national laws and regulations so that they do not discriminate against Palestinian refugees vis-à-vis other foreign nationals in relation to the right to work and the right to social security.

## **DISCRIMINATION IN THE RIGHT TO AN ADEQUATE STANDARD OF LIVING**

While the right to an adequate standard of living is not explicitly stated in article 5 of the Convention, the Committee stated in CERD General Recommendation 20:

Note should be taken that the rights and freedoms mentioned in article 5 do not constitute an exhaustive list. At the head of these rights and freedoms are those deriving from the Charter of the United Nations and the Universal Declaration of Human Rights, as recalled in the preamble to the Convention. Most of these rights

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<sup>25</sup> CERD General Recommendation XX *Non-discriminatory implementation of rights and freedoms* (Art. 5): 15/03/96, para. 1.

<sup>26</sup> Here, it is important to note that the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (para. 43) state that “the purpose of article 2(3) was to end the domination of certain economic groups of non-nationals during colonial times. In the light of this the exception in article 2(3) should be interpreted narrowly.”

<sup>27</sup> This corresponds to the obligation imposed by article 2(2) of the ICESCR “to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

have been elaborated in the International Covenants on Human Rights. All States Parties are therefore obliged to acknowledge and protect the enjoyment of human rights, but the manner in which these obligations are translated into the legal orders of States Parties may differ.

The right to an adequate standard of living is provided for in article 25(1) of the Universal Declaration for Human Rights and elaborated in Article 11 of the ICESCR which provides for “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

Amnesty International would like to draw the attention of the Committee to the opinion of the Committee on the Rights of the Child on the state of Palestinian Children in Lebanon:

The Committee is concerned that the overall standard of living of many children is very low, as measured by income-related indicators such as access to housing, water, sanitation and education. In particular, it expresses concern at the large regional disparities in living standards, particularly with regard to children living in the governorates of the north, Nabatiah and Bekaa, and Palestinian children.

The Committee is concerned about the high rate of Palestinian children living below the poverty line, as well as the lack of adequate access by Palestinian children to many basic rights, including health, education and an adequate standard of living, and about the quality of services provided.<sup>28</sup>

Amnesty International believes that the concerns expressed by the Committee on the Rights of the Child reflect the situation of Palestinian refugees in Lebanon, adults and children alike. This is an indication of violations of Article 11 of the ICESCR that can be attributed to policies discriminating against Palestinians in Lebanon.<sup>29</sup>

The attainment of an adequate standard of living is intrinsically linked to, *inter alia*, the right to work and the right of everyone to gain their living by work, as well as the right to social security. The conditions that Palestinian refugees live in, including their lack of access to adequate housing, food and clothing, lead to a situation where Palestinian refugees do not enjoy the right to an adequate standard of living. The living conditions in the Palestinian refugee camps, for example, fall short of fulfilling the substantive requirements of the right to adequate housing as a component of the right to an adequate standard of living (article 11(1) of the ICESCR). This is reflected in the limited availability of services, materials, facilities and infrastructure (which applies to the majority of refugee camps), as well as habitability and location (especially in relation to “unofficial” camps).<sup>30</sup> The conditions of Palestinian

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<sup>28</sup> Concluding Observations of the Committee on the Rights of the Child, Twenty-ninth session, 21 March 2002, UN Doc. CRC/C/15Add.169, paragraphs. 46 and 54.

<sup>29</sup> Here again it is important to refer to the Limburg principles, see footnote 26 above.

<sup>30</sup> See Committee on Economic, Social and Cultural Rights, General Comment 4, “The right to adequate housing” (Art. 11(1) of the Covenant), Sixth session (1991), para. 8.

refugees in Lebanon are aggravated by policies discriminating against them in relation to their access to work and social security, as well as discrimination in relation to the rights to own or inherit property. Such limitations result in widespread poverty among Palestinian refugees, which leads to severe limitations on their ability to attain an adequate standard of living. These practices contravene Lebanon's obligations under article 5 of the Convention.

## **CONCLUSION**

Lebanon is under obligation to "engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation". Amnesty International urges the Committee to recommend that the Lebanese government ends all forms of *de jure* and *de facto* discrimination against Palestinians in Lebanon in fulfilment of its obligations under international human rights law, and in particular its obligations under the Convention; this should include:

- Repealing or amending all laws discriminating against Palestinians in Lebanon with regard to the right to own and inherit property, including law 296 of 2001 amending decree 11614 of 1969;
- Repealing or amending all laws discriminating against Palestinians in Lebanon with regard to the right to work, including Ministerial decrees 17561 of 10 July 1962 and 621/1 of 15 December 1995;
- Ending all practices that prohibit or hinder the reconstruction or the development of Palestinian refugee camps and settlements.

## Appendix 1

**Table 4: Indicators of the Impact of Underfunding on the Agency's Operations**

|                                                                       | 1990        | 2002        |
|-----------------------------------------------------------------------|-------------|-------------|
| Donor Funding of General Fund Budget                                  | 102%        | 88%         |
| Percentage of area staff under 1999 Area Staff Rules*                 | NIL         | 31%         |
| Expenditure per refugee                                               | \$99        | \$73        |
| Average expenditure per refugee - Health programme                    | \$20        | \$13        |
| Percentage eligible refugees receiving minimal food supplements       | 7%          | 5%          |
| Cash disbursement to eligible Special Hardship Case refugee families. | \$64        | \$9         |
| Average expenditure per refugee - Relief & Social Services            | \$11        | \$7         |
| Doctors per 10,000 population                                         | 0.8         | 0.85        |
| Sanitation labourers per camp population                              | 1 per 1,000 | 1 per 1,500 |

\* Staff hired under the 1999 ASR receive less advantageous conditions of service than those recruited under the pre-1999 ASR.

Source: *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, Addendum: Program Budget 2004-2005*. United Nations General Assembly, fifty-eighth session, Supplement no.13, UN Doc. A/58/13/Add.1.

Note: This table relates to UNRWA's operations in general and is not restricted to Palestinian refugees in Lebanon.