

Lebanon

Limitations on Rights of Palestinian Refugee Children

Briefing to the Committee on the Rights of the Child 42nd session of the Committee on the Rights of the Child (the Committee), May-June 2006: Comments by Amnesty International on the compliance by Lebanon with its obligations under the Convention on the Rights of the Child (the Convention)

This document is submitted to the Committee on the occasion of the examination of Lebanon's third periodic report. The submission addresses some of Amnesty International's specific concerns relating to the rights of Palestinian children in Lebanon and is an outcome of the organization's research into the conditions of Palestinian refugees in Lebanon. This follows on from a briefing made to the Committee on the Elimination of Racial Discrimination (CERD) in 2004,¹ addressing limitations on the rights of Palestinian refugees in Lebanon. Since then, little has changed, and the various limitations on the rights of Palestinian refugees remain. A positive step was the decision of the Lebanese Minister of Labour on 27 June 2005 which relaxed the restrictions on Palestinian refugees' access to employment; however, the restrictions were only partially alleviated.

Amnesty International considers 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. It should be noted that this document does not seek to address all of the human rights issues relevant to children in Lebanon, either of Palestinian or of other origin.

In this document, Amnesty International aims briefly to describe how state policies and practices in Lebanon discriminate, effectively on grounds of racial and national origin, against Palestinian refugees who reside in Lebanon and that, consequently, Lebanon is failing to comply with its obligations under the Convention on the Rights of the Child with respect to Palestinian children. Particular concerns highlighted include limitations on the right to an adequate standard of living, the right to education, the right to be registered and the right to a name, and the right to social security.

Amnesty International considers that the fulfilment of the human rights of Palestinian refugees, including the economic, social, and cultural rights discussed in this document, does in no way prejudice their right of return. 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. Amnesty International believes that the right to return applies not just to those who were directly expelled and their immediate families, but also to those of their descendants who have maintained what the Human Rights Committee calls "close and enduring connections"

¹ Amnesty International Submission to the Committee on the Elimination of Racial Discrimination, *Lebanon: Economic and Social Rights of Palestinian Refugees*, AI MDE 18/017/2003, 22 December 2003.

with the area. Accordingly, Amnesty International calls for Palestinians who fled or were expelled from Israel, the West Bank or Gaza Strip, along with those of their descendants who have maintained genuine links with the area, to be able to exercise their right to return.

Lebanon's third periodic state party report gives, in certain instances, reasons for restrictions on the rights of Palestinian refugees that are incompatible with Lebanon's international obligations. For example, in relation to the prohibition of expansion or renovation of existing refugee camps, the report explains that this is to "prevent the consolidation of the Palestinian presence in Lebanon and implicitly accept the forced resettlement and destroy the principle behind the right of return."² The right to return is a right protected under international law; other human rights do not contradict it and their fulfilment does not negate it. Palestinian refugees should be able to enjoy their human rights to the fullest possible extent until such time when their right to return is fulfilled.

Background: The Palestinian refugee population in Lebanon

The Palestinian refugee community in Lebanon is one of the world's most longstanding refugee populations and Palestinian refugees now account for approximately one tenth of Lebanon's total population. They remain, however, a highly deprived community, notwithstanding recommendations made by the Committee and other United Nations bodies with a view to alleviating their situation and ensuring their greater enjoyment of their human rights. The discrimination to which Palestinian refugees are subject to in Lebanon impacts particularly on Palestinian children, whose ability to access basic human rights, such as the right to education, is impeded through the existence of such restrictions.

According to a 2004 report of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (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... 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."³

There are three categories of Palestinian refugees in Lebanon: refugees registered with UNRWA (hereafter registered refugees), who are also registered with the Lebanese authorities; refugees who are registered with the Lebanese authorities but not registered with UNRWA (hereafter non-registered refugees); and refugees who are not registered with either UNRWA or the Lebanese authorities, who are commonly referred to as non-ID refugees. Non-ID refugees do not possess valid identification documents; this has serious, negative implications for their enjoyment of human rights in Lebanon.

² Third periodic reports of States parties due in 2003 (Convention on the Rights of the Child): Lebanon. UN Doc. CRC/C/129/Add.7, 25 October 2005, para. 474

³ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East: 1 July 2003-30 June 2004*, United Nations General Assembly, fifty-ninth session, Supplement no.13, UN Doc. A/59/13, para. 38.

According to UNWRA, the official number of registered Palestinian refugees in Lebanon is 400,582;⁴ 30.1% of registered refugees were under the age of 16 as of June 2000.⁵ However, precise numbers are less certain because some registered Palestinian refugees have left Lebanon since obtaining registration and are now resident in other countries. The last official census in Lebanon took place in 1932 and there has never been a census aimed at the Palestinian refugee population. In addition to the registered refugees, there are an estimated 10,000⁶ to 40,000⁷ non-registered Palestinian refugees and a further 3,000-5,000⁸ non-ID Palestinian refugees. This latter group face even more severe restrictions on the exercise of their human rights than the registered and non-registered Palestinian refugees in Lebanon. In particular, they face additional obstacles in accessing education, in the exercise of their freedom of movement, and in registering marriages, which are all dependent on possessing recognized registration or identification documents. Many of these refugees have lived in Lebanon for decades and many are married to registered Palestinian refugees.

Lebanon has 12 Palestinian refugee camps serviced by UNRWA with a registered refugee population of 210,952 living in these camps;⁹ these are often referred to as ‘official camps’ (hereafter camps). In these camps, UNRWA offers services ranging from the maintenance and development of basic infrastructure to schools, clinics, and property registration. In addition to the camps, there are dozens of informal gatherings (hereafter gatherings), which are sometimes referred to as ‘unofficial camps’; these are spread throughout Lebanon. Some comprise hundreds and others accommodate thousands of refugees. UNRWA does not provide services for the gatherings but registered Palestinian refugees who reside within them are permitted access to UNRWA assistance and services in other locations.

⁴ Online: http://www.un.org/unrwa/publications/pdf/rr_countryandarea.pdf last visited on 29 March 2006

⁵ Online : <http://www.un.org/unrwa/publications/pdf/figures.pdf> last visited 13 April 2006

⁶As 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).

⁷ 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 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:

http://europa.eu.int/comm/echo/pdf_files/leaflets/palestinian_en.pdf

⁸ Sources: The Danish Refugee Council; the Palestinian Human Rights Organization

⁹ Online: <http://www.un.org/unrwa/refugees/camp-profiles.html> last visited on 29 March 2006

Article 2: Non-Discrimination

Amnesty International is concerned that the differential treatment afforded to Palestinian refugees and their children, as reported in this briefing, violates Lebanon's obligations under Article 2.1 and 2.2 of the CRC. Lebanon currently fails to extend the same protection to "each child within their jurisdiction" (Article 2.1), distinguishing between citizens and non-citizens and discriminating in particular against the stateless. Amnesty International also believes that Lebanon is in violation of the prohibition on discrimination on the basis of, *inter alia*, "the child's or his or her parent's or legal guardian's ...national...origin... birth or other status" (Article 2.1), as well as the duty to ensure that children are protected against all forms of discrimination on the basis of the status of their parents or guardians (Article 2.2).

As this briefing shows, the rights of Palestinian refugee children are at risk in all cases where their parents' status is that of registered, non-registered or non-ID refugee, and also due to their statelessness.

Article 27: Right to an Adequate Standard of Living

Article 27 of the Convention states that States Parties shall "recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development... [and] shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing." Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) describes the right to an adequate standard of living as including "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 notes the opinion of the Committee, expressed in its Concluding Observations to Lebanon's second periodic report at its 29th session in 2002:

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.¹⁰

Underlying factors impeding the exercise of the right to an adequate standard of living for children of Palestinian refugees include regulations and restrictions which

¹⁰ 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.

discriminate against Palestinian refugees in access to employment, which Amnesty International considers a violation of Lebanon's obligations under the ICESCR and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).¹¹ This view was echoed by CERD in considering Lebanon's Sixteenth Periodic report, when it stated, "While acknowledging the political factors related to the presence of Palestinian refugees in Lebanon, the Committee reiterates its concern with regard to the enjoyment by the Palestinian population present in the country of all rights stipulated in the Convention on the basis of non-discrimination, in particular access to work, health care, housing and social services as well as the right to effective legal remedies."¹²

The Right to Adequate Housing

The land area allocated to and occupied by the 12 Palestinian official refugee camps in Lebanon has remained mostly unchanged since 1948 despite the growth in the number of Palestinian refugees living in Lebanon from an estimated 100,000¹³ in 1949 to over 400,000¹⁴ at the present time. Often, refugee families have felt the need to build additional rooms and, in many cases, additional stories to their places of dwelling in order to accommodate increasing numbers. Some households visited by Amnesty International in 2005 had families of up to ten people sharing a single room.

The living conditions in the Palestinian refugee camps noted by Amnesty International fall short of fulfilling the substantive requirements of the right to adequate housing. This is most clearly reflected in gatherings which suffer from poor infrastructure and almost no services or facilities and do not provide legal security of tenure. In terms of habitability, dwellings in refugee camps and informal gatherings fail in many cases to provide the inhabitants "with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, [and] structural hazards."¹⁵ The infrastructure and facilities in the camps are often insufficient or in need of substantial improvement. UNRWA's description of the state of Palestinian refugee camps in Lebanon is indicative of the situation:

¹¹ See Amnesty International Submission to the Committee on the Elimination of Racial Discrimination, *Lebanon: Economic and Social Rights of Palestinian Refugees*, AI MDE 18/017/2003, 22 December 2003.

¹² Concluding Observations of the Committee on the Elimination of all forms of Racial Discrimination, 28 April 2004, UN Doc. CERD/C/64/CO/3, para 12.

¹³ Source: UN *Report on Economic Survey Mission to the Middle East*, New York, 1949. p22 at <http://www.badil.org/Statistics/population/03.pdf>

¹⁴ This includes: 400,582 Palestinian refugees registered with UNRWA; estimates of between 10,000 and 40,000 Palestinian refugees not registered with UNRWA but registered with the Lebanese authorities; 3,000-5,000 Palestinians refugees neither registered with UNRWA nor with the Lebanese authorities. Sources: UNRWA; Fédération Internationale des Ligues des Droits de l'Homme (FIDH); The European Union's Humanitarian Aid Office (ECHO); the Palestinian Human Rights Organization, the Danish Refugee Council.

¹⁵ General Comment 4 "the right to adequate housing" (article 11(1)), Committee on Economic, Social, and Cultural Rights, sixth session, 1991, para 8(d).

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" programme.¹⁶

Violations of the Duty to Respect the Right to Adequate Housing

An important element of all economic, social and cultural rights is self-help, and the obligation on the state to respect these rights and refrain from impeding measures taken by individuals to realise their rights. The Committee on Economic, Social, and Cultural Rights (CESCR), states that the right to housing should not be interpreted as “merely having a roof over one's head... rather it should be seen as the right to live somewhere in security, peace and dignity.”¹⁷

The poor housing conditions of Palestinian refugees living in camps and gatherings has been exacerbated by a series of government policies which deny the right of Palestinian refugees to improve their housing. In the south of Lebanon, the government has prohibited the entry of building materials into refugee camps since the late 1990s, a measure only taken in relation to Palestinian camps. The official refugee camps have houses built of bricks and concrete, and have streets, shops and sometimes paved roads. All of these require regular maintenance, however, no materials used for new buildings, renovation, and repair works are allowed in the camps. This has led to deterioration in the state of houses and the physical infrastructure. This policy was temporarily revoked for several months in late 2004 and early 2005, but was reinstated later in 2005.

There are many houses [partly built] with corrugated iron and many old houses that are falling apart... Construction materials were not allowed in the camp. We could not get an electricity cable or a brick inside. You could do it through an agent who has arrangement with [Lebanese] security. A load of sand cost LL100,000 in the camp, while outside it cost LL40,000. Now we are allowed to get construction material in the camps, but for how long? It had been the case since the Lebanese army took control of the area.

Mazen, Burj El-Shemali camp

Lebanon's third periodic state party report states:

Lebanese authorities forbid the construction of new camps, expansion of existing camps, renovation and reconstruction, in order to prevent the consolidation of the Palestinian presence in Lebanon and implicitly accept the forced resettlement and destroy the principle behind the right of return. This principle is of great importance

¹⁶ Online: <http://www.un.org/unrwa/refugees/lebanon.html> last visited 29 March 2006.

¹⁷ General Comment 4 “the right to adequate housing” (article 11(1)), Committee on Economic, Social, and Cultural Rights, sixth session, 1991, Para 7.

for both the Lebanese as well as the Palestinian population and they hold on to it. Consequently, UNRWA was unable to contribute to the renovation of 3 camps located in the south due to the Lebanese authorities' decision to ban the introduction of construction materials into the camps since 1998, which eventually lead to the deterioration of the situation of these camps due to limited areas and tremendous increase in the population size.¹⁸

“I built [the wall of] a small room in 2003. The police came and pulled it down”

Khaled

Palestinian refugees living in gatherings are particularly hard hit by the policies of the Lebanese government. Families have lived in these gatherings since shortly after Palestinian refugees arrived in 1948. Living conditions in gatherings such as Jal Al-Bahr can be precarious. Located on the outskirts of the southern city of Saida, Jal El-Bahr occupies a thin strip of land between a highway and the sea; children have to cross the highway to go to school in the nearby camp of Al-Bus. Residents reported that a number of houses were completely destroyed by flooding from sea water in the winter of 2005. A typical feature of many houses in gatherings is the corrugated metal sheets that are placed side by side to act as a wall or a ceiling; they do not provide adequate protection from the elements, letting in both rain and wind, and they become excessively hot during the summer. Replacing these metal sheets with brick would substantially improve the quality of housing for refugees; however, the Lebanese authorities do not allow the refugees to do this.

Amnesty International has recorded cases where Palestinian refugees living in such accommodation have attempted to replace ceilings or walls made of corrugated metal sheets by building bricks and have consequently been fined and had their recently built ceilings or walls pulled down by the local police. In one case, a woman was arrested by police and detained until the brick wall her husband had recently built was pulled down. In another case, a family had taken a private loan to rebuild their house, which was in a severely dilapidated state. This new structure was bulldozed by the Lebanese authorities, because they had not received permission to build. The family then had to rent a new house while at the same time paying back the loan they had received to build the demolished house, causing a substantial drain on their limited resources.

Another refugee, Khaled, has lived with his parents, then with his wife and children in El-Ma'shouk gathering in Tyre for 32 years after his parents moved from the Burj El-Shemali camp (Tyre) to a bigger house. He left school in fourth grade to support his family when his father was detained during the Israeli invasion of Lebanon. He now lives in a small house close to his parents, with his wife and children. His parents' house has one room where the ceiling is made of corrugated metal while the other room has a ceiling made of bamboo sticks topped by mud. “To build bricks in the ceiling instead we

¹⁸ Third periodic reports of States parties due in 2003 (Convention on the Rights of the Child): Lebanon. UN Doc. CRC/C/129/Add.7, 25 October 2005, para. 474.

need permission from the local authority. The local authority does not give permissions. We could go to the governorate but it does not give permissions either.”

As for his own house, Khaled “built [the wall of] a small room in 2003. The police came and pulled it down”; he had to pay a LL230,000 fine.

The actions of the Lebanese authorities, in preventing Palestinian refugees from carrying out improvements that would make their accommodation safe, habitable and adequate, violate the duty to respect the right to adequate housing without discrimination, including the right of Palestinian children to enjoy adequate housing conditions and an adequate standard of living. Amnesty International believes that this practice is in violation of Lebanon’s obligation under article 27 of the Convention to “take appropriate measures to assist parents and others responsible for the child to implement... [the right to an adequate standard of living] and... in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.”

Amnesty International considers that the government of Lebanon should remove all restrictions imposed on the entry of building materials to Palestinian refugee camps and gatherings and to allow Palestinian refugees in camps and gatherings to make improvements to their homes.

Legal Security of Tenure

The CESCR has identified a number of aspects of the right to adequate housing, including security of tenure. The CESCR clarified that tenure “takes a variety of forms, including ... informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.”¹⁹

Palestinian refugees, especially those living outside of the official refugee camps in Lebanese cities and towns, as well as those living in the informal gatherings, suffer from insecurity of tenure. The situation is particularly bad for those living in gatherings. For those living in camps there is a formal, administrative system for registering, buying, and selling property inside the camps; there is no such system for gatherings. Refugees living in gatherings should have a degree of security of tenure that protects them against harassment, as well as other threats such as the demolishing of new building works, as documented above.

For Palestinian refugees living outside of camps and gatherings, the situation is little better. 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. It does not refer to Palestinians explicitly, but Article 1 of the amended Decree states:

No non-Lebanese person, either natural or juridical, and also no Lebanese juridical person reputed by the present law to be alien, is entitled to acquire through a contract or any other legal deed concluded between living persons, any real property

¹⁹ *Ibid*, para. 8 (a).

rights in Lebanese territory or any other real right from among the rights referred to in the present law, except after obtaining a permit granted by a decree issued by the Council of Ministers on the proposal of the Finance Minister. There shall be no exception to this rule except in the cases explicitly stated in this present law or in a special text.

*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)*²⁰

The law later states that non-Lebanese persons can acquire property in Lebanon within certain limitations, including that such property or properties should not exceed a total of 3,000 square meters. This law thus directly discriminates against stateless persons, and in the context of Lebanon, Palestinian refugees suffer the most from it; the overwhelming majority of Palestinian refugees in Lebanon 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, leaving a majority of them to remain in overcrowded and often unsanitary gatherings. Amnesty International's research suggests that the amended decree, in addition to preventing Palestinians from acquiring property, also prevents them from inheriting property or registering real estate which they were buying in instalments as, since the issuance of the amended decree, they are unable to register such property.

Lebanon's third periodic state party report states:

*The issued property law (Decree 296) in May 2001, prohibits Palestinian from the ownership of property and deprives them of the right to transfer their already purchased apartments and deeds to their children. The Lebanese government considers the Law in harmony with its opposing stance to the resettlement of Palestinian refugees in Lebanon.*²¹

The justification of the Lebanese government for prohibiting Palestinians from owning property in Lebanon is inconsistent with its obligations under international human rights law. The housing conditions in the refugee camps and informal gatherings, when taken in conjunction with the discrimination against Palestinians with regards to the rights to own and inherit property and the policies prohibiting building improvements, amount to a violation of the right to adequate housing of Palestinian refugees, including Palestinian refugee children, in violation of Lebanon's obligations under article 27 of the Convention. Furthermore, discrimination in relation to property ownership is prohibited under article 5 of ICERD. Amnesty International stresses that the fulfilment of all the human rights of Palestinian refugees, including their economic and social rights is inherently without prejudice to their right to return.

²⁰ Amnesty International translation from Arabic

²¹ Third periodic reports of States parties due in 2003 (Convention on the Rights of the Child): Lebanon. UN Doc. CRC/C/129/Add.7, 25 October 2005, para. 470.

Amnesty International considers that the government of Lebanon should repeal the legal provisions discriminating against stateless people and ensure that the right to adequate housing is respected, protected and fulfilled for all without discrimination.

Article 26: Right to Social Security

Article 26 of the Convention states that “States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.” The non-discrimination provision in article 2 of the Convention ensures that children should not be discriminated against because of their national origin or their status as stateless persons or that of their parents or legal guardians.

Palestinians in Lebanon suffer from discrimination in their access to social security due to their status as stateless persons, as access to social security for non-citizens in Lebanon is 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 Security²²

Amnesty International believes that this legal provision violates Lebanon’s obligations under article 26 of the Convention by effectively denying all Palestinian refugee children social security protection, since their parents or the workers in their family would not be covered by the social security scheme due to their status as stateless people.

Amnesty International considers that the government of Lebanon should repeal this provision and ensure that the right to social security is respected, protected and fulfilled to all without discrimination.

Article 7: Right to be Registered and Right to a name

Under article 7(1) of the Convention, every child has the right to be registered immediately after birth and the right to have a name and to acquire a nationality. Children who have a registered Palestinian refugee father are registered as refugees by UNRWA and recognized by the Lebanese state. However, children born to non-ID Palestinian fathers (who do not themselves possess recognized identity documents) are not registered with UNRWA and neither receive recognized identity documents from the Lebanese state nor have the ability to acquire a nationality even if they have a Lebanese mother as, under current Lebanese law, nationality can only be passed on by the father (paternalistic application of the principle of *jus sanguinis*).

²² 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.

The non-registration of children of non-ID Palestinian refugees has a detrimental effect on their ability to exercise their human rights, including the right to education (see below).

Amnesty International considers that Lebanon should put in place a system that will ensure that all children within its territory, including the children of non-ID Palestinian refugees, are registered, have an equal right to acquire nationality, and have equal access to human rights.

Article 28: Right to education

There are several factors restricting Palestinian children's enjoyment of the right to education, including the restrictions on other rights that directly affect the access to education, such as the right to work, and, for non-ID Palestinian refugees, the lack of identification documents.

Lebanon's third periodic state party report states:

*The educational levels of Palestinian [refugee] children is not comparable to that of Lebanese children or even to Palestinian [refugee] children living in neighboring Arab hosting countries. Out of three Palestinian children in Lebanon, aged 10 and above, one child leaves school before finishing primary or intermediate. The drop out rate is 39%, which is 10 folds higher than for Lebanese students for male and female alike. As for those holding high-school degrees or higher education they are few in numbers and they are 2 folds less in comparison to Lebanese students... Those opting to pursue their education and they are few, try to get enrolled in free governmental schools. Furthermore, places are limited in these schools, and priority is given to Lebanese students whenever they are available.*²³

In addition, 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 to every Lebanese in the primary education age." By only specifying that Lebanese children have a right to free primary education, this law appears not to comply with Lebanon's obligation, under article 28 of the Convention, to "make primary education compulsory and available free to all."

***"As a
Palestinian, you
study and pay
fees then you
can't work"***
Marwan

The restrictions on Palestinians refugees' right to seek employment²⁴ have direct negative consequences on their children's enjoyment of the right to education. In many cases, Palestinian families interviewed by Amnesty International indicated that children dropped out of school as they believe that spending many years of education to finish school or university would be wasted as they would not be able to use such

²³ Third periodic reports of States parties due in 2003 (Convention on the Rights of the Child): Lebanon. UN Doc. CRC/C/129/Add.7, 25 October 2005, para. 477-78.

²⁴ See Amnesty International's Submission to the Committee on the Elimination of Racial Discrimination, *Lebanon: Economic and Social Rights of Palestinian Refugees*, AI MDE 18/017/2003, 22 December 2003.

education to gain a living in Lebanon.

Marwan dropped out of school after the sixth grade as his family could not afford the cost of education. He says that "as a Palestinian, you study and pay fees then you can't work... I have cousins who finished school and now work in house painting jobs and don't get back any of what they spent." Marwan learned the butchery trade after he dropped out; he worked for a Lebanese employer for 7 years during which he received less than half the salary of his Lebanese counterparts. Then he took a loan and opened his own butcher's shop inside his home camp in Beirut. His brother left school after 7th grade; "he could have continued his education until he was 25 but make no money. So I took him to work with me in the butcher's shop to learn something with which he can earn a living."

Registered Palestinian refugee children can enrol in UNRWA schools in Lebanon. UNRWA operates 81 elementary and preparatory schools and 5 secondary schools in the country. Lebanon is the only country within UNRWA's area of operation (Jordan, Lebanon, Syria, the West Bank and the Gaza Strip) where it operates secondary schools. According to UNRWA, this is because Palestinian refugees in Lebanon "have limited access to public secondary education, and most cannot afford the high cost of private secondary schooling."²⁵ Although only registered Palestinian refugees are eligible to receive services from UNRWA, there are reports that some non-ID Palestinian refugee children are able to attend classes in UNRWA's schools. They can also attend private elementary schools, if they can afford the schools fees.

However, even in such cases, non-ID Palestinian refugee children are unable to go to secondary schools as they cannot sit for the Lebanese state exams which lead to the award of the *brév *, the Lebanese intermediate schooling certificate, as they must possess recognized identification documents to sit for those exams. As such, they are unable to receive recognition of their educational achievement or complete their schooling.²⁶ Lebanon has an obligation under the Convention to ensure the right to education for all children under its jurisdiction, including in particular free and compulsory primary education without discrimination as to their status as refugees or asylum-seekers, any other legal status, or the legal status of their parents

*Rola is a 42-year-old Palestinian refugee. Her family came to Lebanon in 1948 and are registered with UNRWA. Her husband (whom she divorced) had a Jordanian passport; however he lost his passport and the Jordanian authorities allegedly refused to renew it. Rola does not have a civil certificate for her marriage, only a religious one. Despite being registered with UNRWA, her children lack such registration; they are non-IDs. They all went to non-UNRWA fee-paying schools. They were not able to continue their education past the 9th grade as they could not sit for the state exams (*br v *), which requires having identity documents.*

²⁵ Online: <http://www.un.org/unrwa/programmes/education/basic.html> last visited 31 March 2006.

²⁶ In Lebanon, the last school certificate is the *baccalaureat* after which students can go to university. Before going to study for the *baccalaureat*, students have to obtain a *br v *, which is an intermediate schooling certificate.

or guardians. Failure to do so is a violation of Lebanon's obligations under, *inter alia*, article 28 of the Convention.

Any bureaucratic requirements that hinder the access of refugees and asylum-seekers to education represent *de facto* discrimination against them. No administrative obstacles or other policies that have the purpose or effect of nullifying the enjoyment of the right to education, including through discrimination, are permitted under international human rights law. The failure to take measures which address *de facto* discrimination on the basis of legal status constitutes a violation of the right to education.²⁷

Amnesty International considers that the government of Lebanon should ensure that all Palestinian refugee children, including non-ID Palestinian refugee children, have access to education on an equal basis with Lebanese nationals, including access to free primary education.

Non-implementation of previous Concluding Observations

Amnesty International notes the Committee's Concluding Observations to Lebanon's second periodic report in 2002, in which the Committee expressed concern about "the lack of adequate access by Palestinian children to many basic rights, including health, education and an adequate standard of living."²⁸ Unfortunately, in the four years since the Committee issued its concluding observations, Lebanon has taken no steps to improve the access of Palestinian children to their basic rights. This document has highlighted the laws and practices that discriminate against Palestinian refugee children in their access to education and an adequate standard of living in particular. However, it makes no claim to be comprehensive or to describe the full range of restrictions on the rights of Palestinian refugees in Lebanon.

In its concluding observations of March 2004, CERD expressed its concern "with regard to the enjoyment by the Palestinian population present in the country of all rights stipulated in the Convention on the basis of non-discrimination, in particular access to work, health care, housing and social services as well as the right to effective legal remedies." CERD then urged Lebanon to "take measures to ameliorate the situation of Palestinian refugees with regard to the enjoyment of the rights protected under the Convention, and at a minimum to remove all legislative provisions and change policies that have a discriminatory effect on the Palestinian population in comparison with other non-citizens." CERD also urged Lebanon to review its legislation governing citizenship as under the present law "Lebanese citizenship is derived exclusively from the father, which may result in a situation of statelessness for children of a Lebanese mother and noncitizen father, where registration under the father's nationality is not possible." As demonstrated in this document, CERD's

²⁷ Committee on Economic, Social and Cultural Rights (CESCR), General Comment 13 "the right to education (art. 13)", 21st session, 1999, UN Doc: E/C.12/1999/10, para. 59.

²⁸ Concluding observations of the Committee on the Rights of the Child: Lebanon (CRC/C/15/Add.169), 21 March 2002, para. 54.

recommendations have unfortunately not been followed by Lebanon and the elements of discrimination highlighted by the Committee have yet to be addressed.

The names in case studies cited in this document have been changed.