



**75 years and the "Nakba" refugees,
from one refuge to another, til the storm
of death journeys blew them**

**75 عاماً ولأجنو "النكبة" من لجوء إلى آخر
حتى عصفت بهم رحلات الموت**



**25 years and "PHRO" bears witness
to the policies and practices
leading to emigration**

**25 عاماً و"حقوق" شاهدة على
السياسات والممارسات المؤدية إلى الهجرة**



The migration of Palestinian refugees from Lebanon and the rise of deadly journeys as the inevitable result of widespread policies and practices of racial exclusion

Introduction

The conventional definition of migration, and its risky repercussions, is known as a movement of person(s) from one geographic region to another. This process has been going on since the beginning of humankind and has positive and negative effects on immigrants and the origin and host countries. There are many types of migration, including individual and/or group migration, voluntary and/or forced, temporary and/or permanent, internal and/or external, legal and/or illegal migration. Foreign immigration, especially illegal, which has become an important phenomenon, carries with it dangers for immigrants, especially those who place their destinies in the hands of human traffickers. Women face double the danger as they are exposed to exploitation and physical and sexual abuse. The migration of women is constantly increasing and has reached nearly 50% of the total number of immigrants. However, it remains in the shadows and its economic and social repercussions on society are ignored. Human organ trade is also common, affecting particularly children, male, and female, as they are sometimes kidnapped and sold for organs¹.

Although immigration has become a global phenomenon, it has many reasons, including economic, social, and/or political, finding stability, improving living conditions, and living in dignity. For most Palestinian, as refugees; escaping unrest, wars, arbitrary persecution, and racial discrimination are the main reasons for their migration.

The United Nations and most countries have issued agreements, treaties, laws, procedures and information practices regulating migrations, some of which take into account human rights and others that carry, directly or implicitly, purely political and security dimensions.

The forced migration of the Palestinians in 1948, most of the Palestinians, who are the original inhabitants of Palestine, were uprooted from their cities, towns, and villages, and forcibly displaced, inside and outside their country, and replaced by others. They were dispersed and fragmented to ensure that they could not exercise their collective right to self-determination and were denied from returning to their homelands under unfair and arbitrary laws, that discriminated against all non-Jews, this crime, and its disastrous consequences continue until today in light of the inability of the international community to implement decisions related to the Palestinian cause and the return of refugees. Palestinian civil society, especially human rights organizations inside Palestine, as well as the Palestinian Human Rights Organization (PHRO) have always insisted on placing it in the category of a crime of apartheid, which amounts to a crime against humanity².

¹ SOTOR in the following links (Arabic version)

<https://sotor.com/أسباب-الهجرة-ونواتجها/>
<https://sotor.com/أسباب-الهجرة-غير-الشرعية/>
<https://sotor.com/آثار-الهجرة-على-الفرد-والمجتمع/>

² States Should Act to Protect Human Rights in Palestine, and Dismantle Israel's Apartheid - Al-Haq
<https://www.alhaq.org/advocacy/20641.html>

Recently, international organizations have become increasingly convinced that Israeli practices against the Palestinians are tantamount to practices of an apartheid regime.

The matter has become a subject of research and discussion, and reports have been issued by Human Rights Watch³ and Amnesty International⁴. Among the repercussions of the forced displacement of Palestinians outside their land is the suffering experienced by Palestinian refugees in Lebanon, subjected to similar practices, as they live in semi-isolations (camps) and under arbitrary, racist and exclusionary laws and procedures, which push them to onward migration. This matter will be the subject of this report.

The ongoing voluntary and forced migrations of Palestinian refugees from Lebanon (which classifies itself as a country of transit and not of settlement for refugees). Lebanon has not ratified the 1951 Refugee Convention. It has a reservation on the articles related to Palestinian refugees in the "Casablanca Protocol" of 1965, and completely ignored the first clause of the Cairo Agreement in 1969 related to the economic and social rights of Palestinian refugees, before the agreement was unilaterally cancelled in 1987.

Due to its sectarian nature, Lebanon considers the Palestinian refugees as a problem, and refuses to recognize their civil and political rights, and refrains from providing any economic and social services, especially health and education, considering that UNRWA is the only entity responsible for providing services and employing Palestinian refugees. It only established the Directorate of Refugee Affairs, under the responsibility of the Ministry of Interior in 1959, whose name was later changed into the "General Directorate of Political Affairs and Refugees". It is in charge, among other responsibilities, of issuing identity cards for the Palestinian Refugees and the documents required to obtain travel documents from the General Security, also affiliated with the Ministry of the Interior. 75 years ago, the ancestors took refuge; new generations of refugees in Lebanon were born deprived of enjoying their human rights. As part of this outrageous policy of exclusion, their presence has not been legally regulated to this day, with the aim of getting rid of them and pushing them to emigrate by various means. The absence of protection mechanisms from the UNRWA mandate since establishment, has led to this treatment.

Methodology

This report was prepared in cooperation/coordination with: The Lebanese Center for Human Rights **CLDH**; Human Development Center; and Tatweer for Strategic Studies and Human Development.

The aim of this report is to highlight the continuous arbitrary, racist, indiscriminate and exclusionary policies and practices and their results, which have become irrecoverable, as part of the "non-stay policy" towards Palestinian refugees adopted by the successive Lebanese governments. This policy leads to a lack of access to rights, the closure of the civil and socioeconomic spaces, and mass violations of human rights, public international law,

³ A Threshold Crossed Israeli Authorities and the Crimes of Apartheid and Persecution – HRW
<https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>

⁴ ISRAEL'S APARTHEID AGAINST PALESTINIANS – Amnesty
<https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/>

and international humanitarian law. This situation leads to onward migration and deadly journeys, especially for those without legal status in Lebanon.

To prepare this research, PHRO relied mainly on the Universal Periodic Review reports (UPR) on the human rights situation of Palestinian refugees in Lebanon and its evolutions from 2010⁵ to 2020^{6&7}, prepared and published by PHRO in cooperation with other civil society organisations, especially human rights groups working on the Palestinian issue in Lebanon. PHRO witnesses the continuous violations for 25 years.

For this report, it relied on its own reports, appraisal papers, position assessments, documents from partner organisations, as well as individual interviews and focus groups with youth from the camps of northern Lebanon, conducted after the tragedy of one of the death boats that left the northern coasts and sank on 20/9/2022. It also relied on reports of UNRWA and of the Lebanese Palestinian Dialogue Committee (LPDC) for information and statistics, as well as reports of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR).

PHRO aims at using this report for advocacy purposes and to strengthen the mobilization to put an end to all these illegal and inhumane policies and practices, to demand accountability, hold the perpetrators accountable, and to mobilize support for finding rights-based approach solutions to the issue of Palestinian refugees who are victims of these policies and practices.

The preamble to the Lebanese constitution, paragraph “b”⁸, stipulates that:
“Lebanon is Arab in its identity and its affiliation. It is a founding and active member of the League of Arab States and abides by its pacts and covenants. Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception”.

Article 2 of the Lebanese Code of Civil Procedure states⁹: “The courts shall comply with the principle of the rules of hierarchy. In the event of conflict between the provisions of international treaties and those of ordinary law, the former shall take precedence over the latter.”

As the preamble to the Universal Declaration of Human Rights states:
“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. [...] Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”.

⁵ UPR - 2010 Palestinian Socio-Economic and Civil Rights <http://palhumanrights.org/rep/ENG/UPR%20Booklet%20-%20ENG.pdf>

⁶ UPR - 2015 Human Rights Violations Perpetrated Against Palestinian Refugees in Lebanon <https://rb.gy/2ujfd>

⁷ UPR – 2020 Human Rights Violations Perpetrated Against Palestinian Refugees <https://rb.gy/7c1sm>

⁸ THE LEBANESE CONSTITUTION PROMULGATED MAY 23, 1926 WITH ITS AMENDMENTS 1995
<https://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanese%20Constitution.pdf>

⁹ The New Code of Civil Procedure Legislative Decree No. 90/83 Selected Articles Book 1 The Code of Procedure Preliminary Provisions General Principles <https://rb.gy/5xvwa>

The “non-stay policy” is the profound policy pursued by the successive governments in Lebanon towards the Palestinian refugees:

This policy is an **implicit exclusion of the laws and habits**. It takes a soft character at times and harsh at others, in the absence of an effective accountability system, and the prevailing of impunity policies, aiming at reducing the number of registered refugees as much as possible, while still using the registered number in official statements and policies.

At the 2018 Rome meeting, the Lebanese Foreign Affairs Minister demanded to support UNRWA “to erase Palestinian refugees from UNRWA records, if they left the Lebanese territory or obtained the nationality of another country, to reduce the number of refugees”. However, Lebanon has registered again all the people erased from their own records before 2006 to maintain high numbers that allow it to maneuver better. Such continuous policy began in the fifties of the last century and was reactivated in the mid-eighties (after a break of about 10 years due to the military dominance of the PLO factions as de facto forces), where the closure of spaces began and tightened with the decisions and decrees Lebanon issued.

Post-Taif governments adopted measures such as the exclusion of Palestinian refugees from a general amnesty for crimes committed during the civil war. Lebanese authorities also imposed on the refugees a number of exclusionary, arbitrary, racist, political, security, and economic measures that contributed to strengthening their isolation, marginalization, persecution, and deprivation of human rights, such as the right to live with dignity. These policies left the Palestinian refugees in a feeling of insecurity and in a state of extreme fear and destitution, constantly searching for ways to seek asylum in other countries by all means. However, the exclusion of the Palestine Liberation Organization (PLO) from the Lebanese arena following the Israeli invasion in 1982, and its involvement in the peace process in the early 90's, has contributed to the absence of social security for the refugees. Among other consequences, this led to many forms of racial discrimination and collective punishment practiced on the Palestinian refugees through the siege of camps and the partial or total destruction of some of them. This is what pushed Palestinian Refugees to face deadly and risky migration journeys..

Most of the youth that PHRO met reported that after the shipwreck incident on September 20, 2022¹⁰, these deadly journeys are like a bullet of mercy for Palestinian refugees, especially regarding the slow death faced by the youth in Lebanon, that makes the non-stay policy a crime against humanity. Here, it is necessary to stress that women do not only follow their male relatives in these deadly journeys, but that women have transcended the social burdens, broken the taboos of stereotypes, and taken the decision to migrate by themselves. They face twice the violence: the one that follows them since their birth and keeps them exposed to all forms of discrimination and exploitation when they are forced to bear all the burdens of the family when men migrate, and the oppression of those racist, arbitrary, exclusionary policies and practices.

¹⁰ " In order not to wake up every day on a new Deathly Migration Journeys"
<http://www.palhumanrights.org/rep/MigrationJourneysSep22.pdf>

1. **Evidences and indications on the soft non-stay policy measures that lead to emigration:**

The absence of legal status for Palestinian refugees and their fragmentation is an informal policy, but it is practiced in all aspects of life, legally, economically and socially, as Palestinian refugees in Lebanon are sometimes considered a special category of refugees, other times foreigners, and sometimes stateless. They have been fragmented into three categories: registered; not registered; non-ID's. After the Syrian civil war broke out in 2011, a fourth category was added, namely the Palestinian refugees from Syria. This resulted in a further fragmentation and a reinforcement of their inability to exercise their collective right to self-determination.

It is worth to mention that the words "Palestine" or "Palestinian" were ignored in the texts of the Lebanese laws before 2010, the year in which Lebanon maneuvered to improve its image under the pressure of the local and international communities, to appear as making efforts to improve the situation of refugees, through two partial amendments to the labor and social security laws with no real value. They persisted to considering refugees as foreigners, while the amendment of the Foreign Ownership Law of 2001 considered them as stateless, still without mentioning the word "Palestinian".

And when it comes to the establishment of foreign organisations, which requires a special decree issued by the Council of Ministers, according to Special Resolution No. 369 L.R¹¹. issued on December 21, 1939, the Palestinians are considered a special category of refugees, who are deprived of the right to form an organisation and even to form local associations because they are foreigners. There are also restrictions imposed on their participation to Lebanese organisations.

Closure of spaces in the **mid-eighties**, right after the Israeli invasion in 1982, and the withdrawal of the PLO forces from Beirut, the Lebanese authorities resumed their practices of pressure on Palestinian refugees. They froze the renewal of travel documents for Palestinian refugees outside Lebanon. This policy was maintained until the mid-eighties, and left many of them stuck in airports of countries that did not allow them to enter because they did not have valid documents.

This measure was revoked without clear orders. However, Decree No. 478, issued in 1995, required Palestinians residing in Lebanon and wishing to leave to obtain a re-entry visa valid for a period of 6 months. Those residing abroad and who had left for a period of more than 6 months and wishing to return had to obtain an entry visa from a Lebanese consulate abroad, even though they were holding valid travel documents issued by the Lebanese Authorities in an explicit and blatant violation of the freedom of movement.

This measure was revoked in 1999, but its impact still persists. It obstructed temporary voluntary migration for work towards the Gulf region, which was previously a space of hope, and pushed the Palestinian refugees registered in Lebanon and working in the Gulf countries to permanent emigration abroad. So many temporary voluntary emigrations turned into permanent forced emigrations, which increased the fragmentation of Palestinian families.

¹¹ Reference Book on Internal Governance for NGOs in Lebanon Chapter II Foreign Associations, Decision No .369 LR of 1939 page 23 http://www.undp.org.lb/communication/publications/downloads/IntGov_en.pdf

The adoption of a racist amendment to the Foreign Ownership Law (296/2001) aimed at prohibiting Palestinian refugees from owning any real estate, through describing them without mentioning them, since they do not possess “citizenship issued by a recognized country” and on the pretext of contradicting “the provisions of the constitution in terms of rejecting resettlement”. This amendment confiscated the ownership of Palestinian refugees who owned property before 2001, through arbitrary practices and measures. The amendment impacted the properties that were purchased and paid off, but whose owners did not entirely complete registration before the amendment of Law, even though it does not contain retroactive effect. Arbitrary practices and measures also obstructed completing the transfer of inherited registered real estate, in implementation of the inventory of inheritance issued by the religious courts, to Palestinian refugees inheritors. Despite the fact that the Law does not place any restriction on the transfer of inherited property, the authorities enforced the law as an excuse to expropriate property.

Contrary to the text of the unfair law itself, racial discrimination measures are practiced against foreign nationals of Palestinian origin. As for other foreigners, the real estate registration procedures require the possession of a “statement of non-ownership”. This procedure considers the family as a unit (husband, wife, and children under 18); if the wife or the husband is a Palestinian refugee, the registration procedure will be left pending¹², and most probably refused. These procedures prompt those affected to resort to the judiciary system, and thus add new burdens, often without success.

This amendment came in a context of a lack of adequate housing inside the camps, where the Palestinian refugees live in narrow, cramped and overcrowded spaces, and in close vertical buildings that do not have adequate ventilation and do not receive sunlight. The inhabitants of the camps also face the problem of drinking water, sanitation, and the hazardous extensions added to the electricity grid, causing dozens of electrocutions annually, and the death of some people¹³.

The adoption of an amendment to Labor Law 129/2010 legalized to consider Palestinian refugees as foreigners and ignored their refugee status. Although Article 59 of the amended law exempted them from reciprocity, it stipulates that they must renew their work permit annually, which contributes to keeping them under the burden of instability. The non-issuance of implementing decrees for the amendment made it of no real value on their daily life, and the application was left to the decision of the Ministries of Labor, which led to negative repercussions on the employment of Palestinian refugees.

The best evidence of this is the implementation of the plan aiming at eliminating illegal foreign labor launched by the former Minister of Labor Camille Abu Suleiman in 2019¹⁴. It caused the revocation of a large number of Palestinian workers. This amendment also increased the deprivation of Palestinian refugees from their right to work in the

¹² UPR – 2020 Human Rights Violations Perpetrated Against Palestinian Refugees <https://rb.gy/7c1sm>

¹³ Wires of death in Burj al-Barajneh camp "Witness" <https://pahrw.org/portal/ar-LB/17/تقارير-وأبحاث/أسلاك-الموت-تقارير-وأبحاث/1036/في-مخيم-برج-البراجنة-تقرير-حقوق/> (Arabic version)

¹⁴ PHRO Report on the repercussion of the Ministry of Labor plan implementation that affected the Palestinian labor and its legal background..It's.. Time for radical solution <https://rb.gy/fdxek>

"syndicated professions". The laws/regulations of the liberal profession's unions have not been amended to correspond with the Labor Law amendments. This prevents refugees from joining trade unions and from practicing their work, especially since the laws regulating these professions impose/prefer the Lebanese nationality. The liberal professions unions allow exceptions, if they want or are in need as well. Also, the unions should harmonize their laws/ regulations with those issued by the Parliament¹⁵.

Complementing the Labor Law amendment, Article 9 of the Social Security Law 128/2010 was re-written, and the Palestinian refugees were exempted from the requirements of reciprocity of citizens between states . In return, it imposed on the working Palestinian refugees to pay the social welfare fees (23.5% of the salary), while they only benefit from the retirement indemnity (equivalent to only 8.5% of the salary). It deprives Palestinian refugee workers from health security services. This also includes the high maternity benefits. It contradicts the claim that they are exempted from the work permit fees, since they pay more than the value of such fees, by paying the full social security fees and benefiting partially from it. This situation drives them to resort to private health care insurance and forces them and / or their employers to face additional financial burdens. Employers are therefore pushed to abandon the employment of Palestinians refugees. These complex and arbitrary procedures push Palestinian refugees into exploitation by, and force them to work in harsh conditions with low pay and outside the protection of the law¹⁶.

Due to Lebanon's current need of Palestinian workers in the field of nursing, after the Covid-19 pandemic, the economic collapse, and the emigration of many Lebanese nurses, the "law 221 regulating nursing practice" has been amended and adopted by Parliament on July 22, 2021. Under this law, the Ministry of Health may authorize a Palestinian residing as a refugee in Lebanon, registered within UNRWA, and holding legally required conditions to practice the nursing profession, and to work temporarily for a period of one year in a specific hospital after the latter presented a proof of its need for nurses and not having any Lebanese who applied. Despite being announced by the National Employment Institution, the same procedures are requested for renewing the permission on yearly bases¹⁷. This law is considered another model for the exploitation of Palestinian refugees, and it allows employers to exploit them in a different way.

Arbitrary procedures and drive-out practices for example prevent Palestinian refugees, including those from Syria, who do not hold permits issued by the Directorate of Intelligence of the Lebanese Armed Forces from entering the camps. However, on the other hand, those procedures and practices increase reject towards the camps via a rumour that they are insecure places, and it is preferable for non-Palestinians and Lebanese not to enter them.

In this context, the camp of Nahr al-Bared went through several phases: at the beginning, even residents required a permit to enter and exit; later, the permit was limited to visitors. Eventually, the situation became similar to the camps located in the South of Lebanon,

¹⁵ ibid UPR – 2020

¹⁶ ibid UPR – 2020

¹⁷ Law No. 221, "Regulating the Practice of the Nursing Profession in Lebanon,
<http://www.orderofnurses.org.lb/ArchivePDF/law221.pdf#zoom=120> (Arabic version)

where permits were imposed on the Palestinians from Syria, Arabs, and foreigners even if they were of Palestinian origin¹⁸.

Palestinian refugees are prevented by these arbitrary measures and practices from entering construction materials and supplies for sanitation maintenance, except with permission from the Directorate of Intelligence. This obstructs or even prevents the renovation and repair of homes, especially in the camps of southern Lebanon. It poses a permanent danger to the lives of the residents, due to the deterioration of the buildings and the possibilities of collapse¹⁹.

This is much like in the fifties and sixties when a prior permit from the security authorities was required to move from one camp to another and to bringing construction materials to the camps.

2. Evidences and indications on the harsh non-stay policy measures that leads to emigration

The spaces closure after Taif: The issue of this agreement was not limited to the reactivation of the ban on professions and jobs for Palestinian refugees. Rather, the Palestinians were also excluded from the amnesty law issued by the Lebanese government. The latter tightened the embargo regulations on the besieged southern camps. The prosecution of Palestinian political activists, which began in 1982 and later intensified, led hundreds of them being imprisoned without fair trials.

Even after the official relationship between the Lebanese state and the PLO was restored, the reopening of a PLO diplomatic representative in Beirut in 2006, the establishment of an embassy after the recognition of the State of Palestine in 2008, and the critical review and apology that came in the "Palestine Declaration document in Lebanon"²⁰ in the same year, the Palestinian refugee's situation has not changed. The "Unified Lebanese Vision for the Palestinian Refugees Affairs in Lebanon" document, issued in 2017²¹, included proposals on defining resettlement, who are the Palestinian refugees, and improving their conditions. However, it was buried in the drawers of the Council of Ministers, despite the continuous work of the Lebanese-Palestinian Dialogue Committee emanating from the Lebanese Council of Ministers, which lasted for two years with the seven main Lebanese political parties, which are powerfully represented in Parliament and are influential in the formation of governments.

Hate speech and racial incitement severely increased among Politicians, media professionals, artists, and culture promoters via television and social media. For example, the song "Ain El-Hilweh Wall" of Charbel Khalil (*the producer and director of Basmat Watan TV show on LBCI at that time, who produced and premiered the song on his TV show*), caused a stir because of the hatred, racism and profanity against Palestinian Refugees it contains.

¹⁸ Lebanese restrictions on freedom of movement case of Naher El Bared camp

http://palhumanrights.org/NBC/ENG/Freedom%20of%20Movement_ENG_web.pdf

¹⁹ Thousands of homes in the Palestinian camps in Lebanon ... with no response 23/11/2022 "Witness"

<https://l1nq.com/5rwzK> (Arabic version)

²⁰ Palestine Declaration document in Lebanon 2008 <https://www.lcrs-politica.com/research/eaalan-flstyn-fy-lbnan> (Arabic version)

²¹ Unified Lebanese Vision for the Palestinian Refugees Affairs in Lebanon

<https://www.lpdg.gov.lb/DocumentFiles/unified%20vision-636365069171725661.pdf>

He reaffirmed this via a message that he posted in 2019 on his Twitter account: "he wrote it three years ago and that it is remembered and repeated"²². Another example is the famous racist tweet of the former Lebanese Foreign Affairs Minister Gebran Bassil on Twitter, in which he said: "This is the land that produced prophets and saints, neither refugees nor displaced persons nor corrupt people will replace us in it". Bassil and his political team insisted on refusing to give the Lebanese women the right to pass their nationality to their children, unless if women married to Palestinians are excluded. This promotes racial discrimination, and distinctions between Lebanese citizens and others.

Hate speech, racial incitement and collective punishment against the camps were not limited to politicians. The incitement of some media against the camps intensified, the latter being framed as harboring terrorists. The examples here are too numerous to list. It is known that the Palestinian camps in Lebanon are surrounded by strict security measures by the Lebanese army and security services, and that entry to and exit from camps take place through a limited number of inspection points.

Despite this, all talks about terrorism in Lebanon are pointed towards the camps, accusing them of being incubators and shelters for terrorists and criminals. The camp of Ein al-Hilweh is particularly targeted. Without even trying to understand how the terrorists and criminals reached it despite it is tightly besieged, how can Ein al-Hilweh be a place for terrorists and criminals, when it is not only narrow in area and tightly besieged, but is not adjacent to any borders, and far from the sea (?!!).

If we assume, as it is alleged, that there is a large outbreak of this phenomenon, then why not look into its causes and try to treat them? It raises many questions. For example, if we also assume that weapons have always been there, where does the ammunition come from and how is it replaced, while it is used extensively without any accountability or control during the clashes? How often do these clashes take place? These clashes have negative consequences, as they lead to losses of lives and property. They also lead to forced migrations of the camp's residents, not only temporarily outside it, but also permanently outside Lebanon. Eventually, who is responsible when the camp is besieged and surrounded by barbed wire and a **concrete wall, similar to the "apartheid wall" in Palestine**, and strict security measures at the entrances and exits?²³

These measures, which affect the civilians living in the camp, also hardly affects the presence and effectiveness of the supposed terrorists and criminals. **They are a collective punishment** that keeps the Palestinian refugees in a state of distress, fear, and permanent psychological and security instability. The issue of the media focusing on the camps and its frequent intolerable events that took place and/or may take place outside it, is a **blatant racist incitement** upon the camp and its inhabitants, and more broadly upon all camps, as their inhabitants are used as a political and security card and a mailbox, in the sense of a place for local and regional political messages exchange²⁴.

²² The song "Your Wall Ain El Helweh" <https://www.youtube.com/watch?v=DnExq2k9sbQ> (Arabic version)

²³ Ein al-Hilweh camp: Are we facing a second apartheid wall?!! And this time in Lebanon: Will we follow the example of our colleagues in Palestine by resorting to the judiciary?
<http://www.palhumanrights.org/rep/EinElHelwehWall.pdf>

²⁴ Ein El-Hilweh Evaluation and Assessment PHRO Position Paper
http://www.palhumanrights.org/AHC_EvaluationAssessmentPaper.pdf

The camp of Nahr al-Bared was entirely ruined during the battle of May-September 2007, despite the resident's respect to the Lebanese army's call to evacuate it, in order to eliminate the terrorist organisation "Fatah al-Islam". This operation led to the complete and avoidable destruction of the camp, which was a collective punishment of all residents despite their responsive attitude to the army's orders.

After the battle, the refugees of the Nahr al-Bared camp lived in the fear of their displacement, because this happened to the residents of the camps of Tal al-Zaatar and Nabatiyeh, and because of political and partisan campaigns, which bore a sectarian and racist character, not to rebuild it. The reconstruction, later approved under international pressure, was intended to be completed within two years. However, it is still incomplete as of the writing of this report. The part completed was fully rebuilt 13 years after it was scheduled to be²⁵.

Today, although the Nahr al-Bared camp is completely under the control of the Lebanese army, movement to and from the camp is complicated by the Lebanese army's checkpoints. Strict security measures are imposed to it. For example, early in the morning on October 25, 2022, the camp's defenceless residents woke up in a state of panic and great fear, due to an incursion and a raid, during which excessive force was used, of armored vehicles, fighter jets, helicopters, and military boats, under the pretext that there were wanted persons in the camp. Some of the houses' doors and belongings were broken, the residents were abused, and their dignity and privacy were violated, which reminded to the residents the tragedy of the Lebanese army's battle with the terrorist organization "Fatah al-Islam"²⁶.

This arbitrary and excessive security operation comes as a collective punishment, inconsistent with international humanitarian law, and pushes Palestinian refugees in Lebanon to illegally migrate. This reminds the migrations of the 1980s after the Sabra and Shatila massacre in 1982, and the War of the Camps in the mid-1980s. However, at that time it did not receive major attention, like the previous ones that took place after 1976, following the massacre of Tal al-Zaatar, the destruction of the camp and the displacement of its refugee population, and before that the destruction of the Nabatiyeh camp by the Israeli army in 1974 and the displacement of its residents, and the similarities between the two camps are that they are not reconstructed.

The decision not to rebuild the ruined camps, and the improper restoration of others that were partially destroyed, is a clear tendency to narrow the spaces allowed to the Palestinian refugees. It participates to the non-stay policy that prompted the Palestinian refugees to search for alternatives, such as internal and international migration. With the worsening life conditions, the increasing pressure, and the loss of hope for an improvement of the overall situation, the Palestinian refugees increasingly undertake deadly migration journey, as mentioned earlier in this report. The Lebanese Official authorities turn a blind eye on these journeys and fail to prosecute the human smuggling gangs and death merchants that serve the non-stay policy and appear to be supported by certain official actors.

²⁵ UNRWA annual operational report 2020

https://www.unrwa.org/sites/default/files/content/resources/2020_aor_eng.pdf

²⁶ The army's security measures in Nahr Al-Bared camp to arrest wanted persons were disproportionate and caused a state of outrage in the camp. "Witness" <https://shorturl.at/fsAS5> (Arabic version)

Conclusions and a claim for accountability

It is clear that Lebanon has succeeded in the absence of an effective accountability system, with impunity and “non-stay” policies, eventually leading to a decrease of the number of Palestinian refugees. A study of the American University of Beirut in cooperation with UNRWA in 2015-2016 estimated the number of Palestinian refugees residing in Lebanon between 260,000-280,000²⁷. The “Population and Housing Census in Palestinian Camps and Gatherings in Lebanon” led by the Lebanese-Palestinian Dialogue Committee, showed that the number of Palestinian refugees present in Lebanon reached 174,422 at the end of 2017, and the number of Palestinian refugees from Syria decreased from 50,000 to 18,000 in 2015-2016²⁸. The figures are constantly decreasing, and the Lebanese official bodies are still sticking to the number of approximately 479,000 people registered with the Ministry of Interior and UNRWA, according to the UNRWA registration for the year 2020²⁹.

As Lebanon is supposed to exercise sovereignty over its territory, it bears the primary responsibility for the results of its racist, arbitrary, exclusionary policies and practices against the Palestinian refugees. The United Nations, as the body issuing resolutions, agreements and covenants related to refugees and human rights, as well as the countries represented in this organization, also bear the responsibility.

PHRO is deeply concerned by the degrading human rights situation of the Palestinian Refugees in Lebanon. It becomes un-recoverable, as evidenced by the decreasing number of residing refugees. This situation pushes them into migrations, via all means possible, including via deadly journeys. This results from the rise of an unnecessary and disproportionate use of force, the randomized destructions and the siege of the camps, the collective punishment, the ongoing systematic exclusions and human rights violations, closures of spaces, racist arbitrary policies and practices, hate speech and racial incitement; and the pressure exerted on opposition.

Considering that the human rights violations and crimes conducted against the Palestinian Refugees are rooted in an institutionalized regime of systematic non-stay policies and oppression over the Palestinian Refugees, amounting to the crime of apartheid;

Noting that apartheid, defined as inhuman acts committed for the purpose of establishing and maintaining racial domination and oppression by one racial group over any other racial group is a crime against humanity and prohibited under the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid and the 1998 Rome Statute;

²⁷ AUB AND UNRWA launch survey on the socioeconomic status of Palestinian Refugees in Lebanon 2015
https://www.unrwa.org/sites/default/files/content/resources/survey_on_the_economic_status_of_palestine_refugees_in_lebanon_2015.pdf

²⁸ Population and Housing Census in Palestinian Camps and Gatherings in Lebanon “LPDC”
<https://www.lpd.gov.lb/DocumentFiles/Key%20Findings%20report%20En-636566196639789418.pdf>

²⁹ UNRWA <https://www.unrwa.org/where-we-work/lebanon>

Indications on the Lebanese State's apartheid practices against refugees in general and particularly the Palestinians are:

- ❖ *Discriminatory laws, policies, and practices since 1948, and its escalation since the mid 80's, particularly of depriving them of their right to: legal identity, own property, work, and of isolating them in besieged camps, which clearly segregate the Palestinian refugees and the Lebanese, in order to ensure they further migrate and seek asylum in other countries, even via illegal and dangerous routes.*
- ❖ *Strategic fragmentation of the Palestinian refugees, between registered Palestinian refugees, non-registered Palestinian refugees, non-IDs Palestinian refugees, and recently Palestinian refugees from Syria. Through the denial of their basic human rights, the restrictions on freedom of movement and difficulties on entering and residing in the besieged camps, Lebanon ensures that the fragmented Palestinians Refugees are unable to practice their inalienable collective right to self-determination.*

Acknowledging that recognition of Lebanon's apartheid is the beginning of a long road towards effective implementation of the right of the Palestinian refugees to enjoy their human rights, including their right to self-determination;

Also, the fact that the crime of apartheid is a crime against humanity creates obligations for all States concerned not to accept this illegal status quo, not to provide any support or assistance to maintain this regime, and to act for its end.

The failure of the States concerned to acknowledge the existence of apartheid crimes in Lebanon and to take action to put an end to Lebanon's violations of the rules of international law is concerning and enables Lebanon to continue these practices.

Based on the above, PHRO:

- Calls on third States to recognize that Lebanon's discriminatory laws, policies, and practices have established, and continue to maintain, an apartheid regime over the Palestinian refugees, and to take positive and effective steps to end Lebanon's illegal apartheid regime, including through the imposition of sanctions and countermeasures, ending cooperation with Lebanon, and adopting legislation to limit trade, aid and assistance and make it effectively conditional to effectively end all the arbitrary and racist policies and practices against refugees.
- Calls the third States to provide the utmost political, institutional and material support to enable the UN Commission of Inquiry established in May 2021 to continue with its mandate unhindered;
- Calls the UN to reconstitute the UN Special Committee against Apartheid and the UN Centre against Apartheid;
- Calls the UN bodies, organizations and institutions concerned to take concrete steps to open an investigation on the situation of the Palestinian refugees in Lebanon;
- Calls on Lebanon to lift reservations on international treaties and joining other related conventions, repeal all legislation and end all policies and practices that directly or indirectly affect the effectiveness of human rights through racialized distinctions;

Summary and Recommendations:

During seven and a half decades of suffering, Palestinian refugees in Lebanon, and those fleeing from Syria following the outbreak of the civil war in the last decade, have paid high costs of their displacement and fragmentation. They have been subjected to unfair, exclusionary laws, and arbitrary political, military and security measures. The refugees feel being let down, abandoned, and feel that their humanity is deeply hindered. The youth lives in “double frustration and despair” on the individual and collective levels. They see that the same security policies are being implemented. The “indiscriminate policy of non-stay” still seeks to get rid of as many refugees as possible through the racist arbitrary exclusionary practices. The ways out became limited to waiting for a slow death or dangerous adventures through deadly journeys.

The responsibility has become great and neglecting it is dangerous. A solution must be provided. The Lebanese State bears the greatest responsibility, and has a problem with the refugees remaining on its land. It must be courageous and responsible in approaching the refugee issue and participate seriously and effectively to find fair and sustainable solutions that do not contradict the human rights approach, and are integrated with the final solution based on international legitimacy resolutions and the right to self-determination for the Palestinian people. This also concerns the international community, which has been unable to enforce the decisions related to the return of refugees to their land and homes,

The current situation does not allow any delay. We witness the ongoing humanitarian tragedy on board of the deadly journeys. It is of a high priority to provide now collective and individual protection to help Refugees survive. However, short-term solutions are not enough. They should be accompanied by strategies for the next decade that the refugee communities themselves, especially the youth, participate in formulating. It must be established strategies that provide a fair solution based on the human rights approach and that do not contradict with the interests of the refugees, the host countries and the regional countries.

*In this context, the recommendation to secure “alternative safe and legal pathways” contained in the joint statement between **UNRWA**, **UNHCR** and **IOM**, of September, 23rd 2022, was as well demanded by the refugee youth since 2014³⁰ and **PHRO included it in its strategy for 20/30**. This recommendation deserves attention and development by adopting it as one of the solutions to address the forced and illegal re-displacement of Palestinian refugees. (It should be noted that the Human Development Center has reservations about this paragraph)*

The Palestinian Human Rights Organization (PHRO) in cooperation with the “**Tatweer for Strategic Studies**” and “**Human Development Center**”, and with partners from **youth movements and initiatives**, has develop a strategy for 2023-2030,

³⁰ The demand of the Palestinian youth to emigrate is a desperate cry resulting from the continuous oppression, the Palestine Liberation Organization (PLO) concessions and the erosion of the stereotypical image of the “resistance” http://palhumanrights.org/rep/ENG/position_paper_emigrate.pdf

Youth Movements and the Immigration demand Campaign From incitement, distortion and undermining to intimidation and treason

<https://www.facebook.com/274116419410124/posts/pfbid034qdKx6DZYcRFvGcUfyXcYteVWzyvFw3uTxvZ3TxP7gVcb6Pf92SAXqziMtZRbhVEI/?d=w&mibextid=qC1gE> (Arabic & English below)

which is based on: reducing the state of fear and extreme poverty; confronting extremism; combating illegal immigration; preventing the recruitment of young people for wars and illegal acts of violence; building the capacity of young people so that they can participate in the making of solutions to their issues; engaging positively in the peace process, and being productive and not a burden on the security and economic situations.

This should be done by:

- Rehabilitating the refugee community and focusing on the youth by providing opportunities for academic and vocational education to enable them to enter in the labor market with the required level and in accordance with its needs in the region, especially in the Gulf countries, which we seek within the strategy to reopen their doors to the young qualified Palestinian refugees.
- Seeking support for the allocation of funds for Palestinian refugees in the region who produce goods that can be sold in the European markets according to the required standards, especially since they do not benefit from the funds allocated to Lebanon and even to Palestine, and are not eligible for the conditions of grants.
- Raising awareness on the dangers of illegal migration, working on mobilizing support to secure and facilitate: alternative safe and legal pathways, legal migration and reunification for Palestinian refugees, without bartering on the right of return like the other refugees under UNHCR's mandate,



This report prepared in cooperation and Coordination with



Lebanese Center for Human Rights CLDH

comm@cldh-lebanon.org



Human Development Center

human.dev.cnt@gmail.com



Strategic studies & Human Development (TATWIR)

heshamdibsi@gmail.com

Copyright® and all rights reserved to the Palestinian Human Rights Organization "PHRO" june 2023®

PHRO is an independent non-governmental organization, established in 1997, recognized in Lebanon under registration no. 36/AD and works for promoting, protecting and defending the Human Rights of the Palestinian Refugees in MENA region. PHRO is a member of the international Federation for Human Rights (FIDH) and the EuroMED rights and the Arab Organization for Human Rights (AOHR).