



Australian Government

Department of Foreign Affairs and Trade



# DFAT Thematic Report

Palestinians in Jordan and Lebanon

2 March 2015

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# Map



# 1. Purpose and Scope

- 1.1 This Thematic Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at time of writing and is distinct from Australian Government policy with respect to Jordan and Lebanon.
- 1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.
- 1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the *Migration Act 1958* states that:
- Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.
- 1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources, including government sources, civil society and community groups. It takes into account relevant and credible open source reports, including publications from Amnesty International, the Consortium for Applied Research on International Migration, Human Rights Watch, the International Labour Organization, the United Nations High Commissioner for Refugees, the United Nations Relief and Works Agency, the United States Department of State, and the World Health Organization. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.
- 1.5 See also the December 2013 DFAT Thematic Report on Sectarian Violence in Lebanon and the February 2014 DFAT Country Report on Lebanon.

## 2. Background Information

### Nomenclature

2.1 ‘Palestinian’ denotes a person or people that identify as having Palestinian background. Most Palestinians in Jordan are Jordanian citizens. To distinguish various sub-groups of Palestinians in Jordan, this report will adopt the term ‘Palestinian-Jordanians’ to describe Jordanian citizens of Palestinian descent, and ‘East Bankers’ (i.e. to the East of the river Jordan) to describe descendants of those Jordanians resident in Jordan before the immigration of Palestinians from 1948. There are a number of categories of Palestinians resident in the West Bank; these are discussed in detail below at ‘Demography and History of Arrival’. Because the term ‘West Bankers’ could tend to conflate these groups, it is avoided in this report.

2.2 There is also a community of Palestinians descended from Palestinians that moved to Jordan from Gaza in the wake of the 1967 Arab–Israel war. In Jordan, these Palestinians are commonly referred to as ‘Ex-Gazans’. This report adopts this usage, emphasising that the term ‘Ex-Gazan Palestinians’, as used in this report, does not refer to people whose normal place of residence is the Gaza Strip.

2.3 In Lebanon, most Palestinians are not Lebanese citizens. The term ‘Palestinians’ will be used generally to refer to Palestinians resident in Lebanon.

2.4 The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) defines a ‘Palestine refugee’ as someone “whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict”. UNRWA allows descendants of these refugees to be registered with the agency. Such registered descendants are frequently described as refugees by UNRWA and the majority of states. This is the case even where such registered descendants have obtained citizenship in third countries, such as Jordan.

2.5 The Office of the UN High Commissioner for Refugees (UNHCR), which generally seeks to secure the well-being of refugees, defines ‘refugee’ on the basis of the 1951 Refugee Convention, and does not generally seek to address Palestinian concerns. This is because UNHCR was established after UNRWA was established. The former’s mandate specifically precluded it from looking after a refugee population for which a UN body already existed.

2.6 In this report, the use of the term ‘refugee’ when discussing Palestinians is consistent with the usage made common by UNRWA and does not indicate an Australian Government position on whether Australia owes protection, according to the *Migration Act 1958*, to Palestinians, individually or collectively.

### Syrian Palestinians

2.7 There are hundreds of thousands of Palestinians, resident in Syria for decades, who have fled the fighting there to Jordan and Lebanon. However, this report considers only those Palestinians whose usual country of residence is Jordan or Lebanon.

## 3. Jordan

### Demography and History of Arrival

3.1 Up to 70 per cent of Jordan's population of 7.9 million (July 2014 estimate) is estimated to be of Palestinian descent. Of these, approximately 2 million are registered as refugees with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Jordan's population has recently increased due to a large influx of Syrian refugees. Before the Syrian civil war began, most estimates of Jordan's population were of approximately 6.5 million people.

3.2 Registration with UNRWA is a voluntary process. Palestinians in all the territories in which UNRWA operates will usually register with UNRWA to access its services or to preserve their claim to a 'right of return' as part of any future peace settlement. Several factors contribute to the discrepancy between the estimated Palestinian population in Jordan and the number of Palestinians registered with UNRWA. First, many Palestinians moved to Jordan for normal migration purposes and thus do not meet UNRWA's definition of refugees. Second, Palestinian Jordanians can access Jordanian public health and education services and have less need of UNRWA services—many Palestinians who do not wish to access UNRWA's services will not necessarily register with it.

3.3 There are ten official Palestinian refugee camps in Jordan, in which approximately 18 per cent of registered Palestinians live. Overwhelmingly, Palestinians in Jordan live in the north-western part of the country, with large populations in the capital Amman and the cities of Irbid and az-Zarqa.

3.4 Palestinian refugees arrived in Jordan in three waves. The first was as a result of the 1947–1949 Arab–Israel war, when an estimated 350,000–470,000 Palestinians were displaced from what became Israel (these figures include Palestinians displaced to the West Bank, which Jordan annexed in 1950). Of these, between 70,000 and 100,000 were in 'East Bank' Jordan (that is, to the east of the Jordan River). In a series of legislative moves culminating in the adoption of the 1952 Constitution, Jordan granted citizenship to all Palestinians in its claimed borders, including those in the West Bank; though with Jordan's disengagement from the West Bank in 1988 it revoked the citizenship of Palestinians in the West Bank.

3.5 The second wave occurred as a result of the 1967 Arab–Israel war. A result of the war was the Israeli occupation of the West Bank, Gaza Strip, Golan Heights and Sinai Peninsula. This wave included refugees (and descendants) of the 1947–1949 war that had been displaced to the West Bank and Gaza, as well as West Bank Palestinians (i.e. those that had always lived in the West Bank). The first category was labelled by Jordan as 'refugees-displaced', the second as 'displaced persons', as opposed to refugees (since the West Bank was then considered by Jordan to be part of Jordan, these people were technically internally displaced, not refugees.) This second wave numbered between 250,000 and 388,000 people, including 60,000 from the Gaza Strip (which, until 1967, had been under Egyptian occupation. Thus, these people were not Jordanian citizens).

3.6 The third wave occurred as a result of the 1990–1991 Gulf War, when Kuwait and other Arab countries evicted Palestinians and Jordanians due their opposition to the Palestine Liberation Organisation (PLO), and Jordan's support for Iraq. Some 300,000 Jordanians of Palestinian descent 'returned' to Jordan at this time (though most had never lived in what is now Jordan; they were largely descendants of families that had emigrated from the West Bank in the 1950s—then in Jordan—to Gulf countries).

### Socio-Economic Situation

3.7 As discussed in greater detail in other sections of this report, the overwhelming majority of Palestinians in Jordan are Jordanian citizens, with the same access to public services as other Jordanian citizens. While 'wasta' (see below) and some official discrimination exist, the socio-economic levels of the Palestinian population in Jordan is comparable to those of other Jordanians, though camp dwellers are

statistically more likely to be poorer than the national average in Jordan. Palestinian-Jordanians range from the very poor to the very rich.

3.8 Forty-one per cent of Palestinians in Jordan participate in the workforce, a rate comparable to other regional Palestinian populations and the same as the wider Jordanian workforce participation rate. Palestinians tend to work in the private sector in Jordan. Despite their numerical superiority, there are relatively few Palestinian-Jordanians in the public sector (for more information, see 'Employment', below).

3.9 The health status of the Palestinian population is, likewise, essentially identical to other Jordanians (noting that the overall population's health status is wide-ranging, in line with the wide-ranging socio-economic levels that exist in the country). For instance, a 2008 study in the *Bulletin of the World Health Organization* reveals there is "essentially no difference" between the infant mortality rates of Palestinians and other Jordanians in Jordan.

3.10 A distinct group of Palestinians in Jordan are the 'Gazan Palestinians'. These are descended from the approximately 60,000 Palestinians who left Gaza for Jordan after the 1967 Arab-Israel war. These Palestinians do not have Jordanian citizenship. Access to government services and the employment market is harder for them than for other Palestinians. These Palestinians are discussed in 'Ex-Gazan Palestinians', below.

3.11 The influx of hundreds of thousands of Syrians into Jordan has created a number of pressures on the economy. These pressures affect Palestinians and others living in Jordan. In short, the influx of people fleeing the violence in Syria has dramatically increased labour supply, thus reducing wages and working conditions and increasing unemployment, particularly in the youth and unskilled sectors. Additionally, the increase in population has increased the cost of goods and services for all households.

### 'Wasta'

3.12 In Jordan as elsewhere, certain individuals and groups have disproportionate access to power and influence. In Jordan and the broader Arab world, this phenomenon is referred to as 'wasta', though it varies in importance from country to country. *Wasta* can affect business, bureaucratic, political and social dealings.

3.13 The nature of *wasta* tends to cement advantage and disadvantage over time. Generally speaking, most Palestinians in Jordan have little *wasta* when dealing with government bureaucracy, which is dominated by East Bankers. DFAT has been told that Palestinian businesses will frequently employ East Bankers with *wasta* in positions that liaise with the bureaucracy. The apparent need for East Banker 'front men' has been described by some to DFAT as evidence of discrimination against Palestinians. However, DFAT assesses it more as an acceptance of the situation as it is. In numerous academic studies, Jordanians have reported that they do not like *wasta*, but tend to use it on an everyday basis. *Wasta* works in both directions. A lack of *wasta* prevents the descendants of desert tribes—East Bankers—from penetrating urban professions dominated by Palestinians. Moreover, as some industries are dominated by Palestinians, some Palestinians have more *wasta*—and thus a greater ability to obtain quicker, cheaper or better service (or prevent those with which they are in dispute from easily obtaining these services)—than many East Bankers in relation to these industries.

3.14 Thus, *wasta*, in DFAT's assessment, is not evidence in and of itself of official or societal discrimination against Palestinians, but a central component to understanding how Jordanian society operates.

3.15 The system maintains itself by having those in positions of influence (who achieved those positions through *wasta*) ensure, through *wasta*, that their families and allies replace them. Thus, *wasta* plays an important role in the recruitment and promotion of public sector employees. This has made the public sector inefficient, as employees are frequently under-qualified and the sector has become bloated by too many appointments made in the name of *wasta*. *Wasta* also plays a part in private sector employment, but to a lesser extent; people tend to be more judicious about hiring competent staff over family members when their own money is at stake. As discussed in 'Employment', below, the public sector is dominated by East Bankers and the private sector by Palestinian-Jordanians.

3.16 Beyond employment, *wasta* is also used, by those possessing it, to facilitate earning better marks at school, gaining university admissions, scholarships or bank loans, having fines (such as speeding tickets) waived or obtaining government services quickly.

## The 1970 Jordan–PLO Confrontation

3.17 In 1970 there was a confrontation between Jordan and the PLO in what is commonly referred to as ‘Black September’. As a consequence of Black September, many Palestinians who were considered to have connections with the PLO were fired from public sector roles.

## Treatment by the State

3.18 Most Palestinians in Jordan are subject to a low level of official discrimination, as outlined in the following sections.

## Citizenship and Bridge Cards

3.19 The status of Palestinian-Jordanian citizens has been affected by international and domestic changes in 1948, 1967, 1983, 1988 and 1994. These are explained below.

3.20 In 1948, Jordan captured what it later dubbed the ‘West Bank’, annexing the territory. All Palestinians (including refugees) in both the East and West Banks were later granted full and unconditional Jordanian citizenship.

3.21 For Palestinians in the West Bank, this status was maintained when Israel occupied that area in 1967 (i.e. Palestinians in the West Bank were considered Jordanian citizens under Israeli occupation).

3.22 In 1983 Jordan instituted a colour-coded system of travel cards, to facilitate travel between the West Bank and Jordan. Originally, these ‘bridge cards’ (they were only used on the bridge over the Jordan River across which people pass between the East and West Banks) did not denote differing statuses in Jordan. However, as described below, from 1988 they did. Thus, from 1983 Palestinians carried a yellow or green card (or no card), depending on where they lived. Thus:

- Palestinian-Jordanian citizens who normally lived in the East Bank and had no family or property in the West Bank were not given a colour card
- Palestinian-Jordanian citizens who normally lived in the East Bank but had family or property in the West Bank were given yellow cards
- Palestinian-Jordanian citizens who normally lived in the West Bank (i.e. under Israeli occupation) were given green cards.

3.23 In 1988, Jordan officially relinquished its claim to the West Bank. Palestinians living in the West Bank were stripped of their Jordanian citizenship, and effectively became stateless. (Since the establishment of the Palestinian Authority in 1994, most Palestinians that normally live in either the West Bank or Gaza may be granted Palestinian Authority passports. They may use these passports to enter Jordan. Their access to Jordanian services is the same as for any Arab foreign national.)

3.24 Palestinian-Jordanian citizens who normally lived in the East Bank and had no family or property in the West Bank retained their full citizenship and family books, complete with national number, full access to services and a normal five-year passport (for more information on family books and national numbers, see ‘Documentation’, below).

3.25 Palestinian-Jordanian citizens who normally lived in the East Bank but had family or property in the West Bank (i.e. yellow card holders) also retained their full citizenship and family books, their national number, full access to services and a normal five-year passport. Some yellow card holders have subsequently had their citizenship withdrawn. For more information, see ‘Withdrawal of Citizenship’, below. A complication is the official number of Palestinians in Jordan (i.e. those registered with UNRWA) is less than the actual number. Based on publicly available research and conversations with Palestinians in Jordan to which DFAT has spoken, DFAT estimates that approximately 10 to 20 per cent of Palestinian-Jordanians have yellow cards.

3.26 As above, Palestinians that normally lived in the West Bank (i.e. under Israeli occupation) were stripped of their Jordanian citizenship. They retain the right to receive green cards and enter Jordan, including to live as temporary residents. They may do so after receiving a ‘statement of no objection’ from the Jordanian Ministry of the Interior, which is given after being satisfied the Palestinian in question will not lose their West Bank residency rights from Israel. Those with green cards have the same rights and responsibilities as other foreigners in Jordan. Palestinians with green cards who do not have Palestinian Authority passports are able to obtain five-year Jordanian passports in order to travel. These look the same as Jordanian passports, but do not contain a national number.

## Ex-Gazan Palestinians

3.27 As above, approximately 60,000 Palestinians from Gaza entered Jordan in the months and years after the 1967 Arab–Israel war. These and their descendants now number approximately 100,000 to 150,000.

3.28 Because these Palestinians were not citizens in 1967 (until the war Gaza had been administered by Egypt), they are treated by Jordan as Arab foreign nationals.

3.29 Many Ex-Gazan Palestinians live in the Jerash refugee camp, which UNRWA established after the 1967 Arab–Israel war. This camp is commonly described as the most impoverished Palestinian camp in Jordan, with poor infrastructure. Jordan is responsible for the building and maintenance of infrastructure in UNRWA camps in Jordan.

3.30 Ex-Gazan Palestinian children under the age of six may access Jordanian public health care. After that, Ex-Gazan Palestinians pay the same rates for health care as uninsured Jordanians, which is less than foreigners pay. Most Jordanians have a form of health insurance that is paid by their employer. Approximately three-quarters of Jordanian nationals have this insurance, which must be provided by all businesses with over five employees. This insurance subsidises most common medical expenses. Generally, Ex-Gazan Palestinians do not have access to this health insurance. The state subsidises some of the medical expenses for Jordanian nationals without insurance (including of basic hospital treatment), though these people will typically pay more than insured Jordanians. The healthcare of foreigners in Jordan is not subsidised. They pay higher rates for healthcare than anyone else in Jordan unless covered by a reciprocal arrangement between Jordan and their home country. As technical foreigners, ex-Gazan Palestinians may not access the services of state social workers.

3.31 Ex-Gazan Palestinians may access public primary and secondary education, but may not access public tertiary education at the heavily subsidised rate nationals enjoy. Ex-Gazans may enter private universities or pay the same fees as foreigners at state universities, but these fees are prohibitive for most ex-Gazan Palestinians, who are almost uniformly poor. There are limited, competitive scholarships for public universities for which ex-Gazan Palestinians are eligible. These are offered by UNRWA and the Palestinian Authority. However, the UNRWA scholarships are open to all Palestinians that live in refugee camps in Jordan and the Palestinian Authority scholarships are open to all Palestinians in Jordan. For more information on tertiary education in Jordan, see ‘Education’, below.

3.32 There are significant areas of the job market to which ex-Gazan Palestinians do not have access. Jordan restricts positions in the public sector to Jordanian citizens or to citizens of those countries with whom Jordan has a reciprocal employment agreement (subject to residency permit requirements and Ministry of Labour approval). Thus, ex-Gazan Palestinians may only work as contract workers in the public sector. These rules were established in approximately 2000; non-citizens (including Palestinians) who were in these roles before then were allowed to keep their jobs.

3.33 As foreigners, ex-Gazan Palestinians may not work in 15 ‘closed professions’, which are open to only Jordanian (including Palestinian-Jordanian) citizens. These closed professions are broadly defined, including lawyers, medical professionals, administrative roles (such as accountants), drivers (for instance, of taxis or buses), or in higher education. As a result, many ex-Gazan Palestinians work informally, which makes them vulnerable to abuse and arbitrary dismissal.

3.34 Ex-Gazan Palestinians require approval from the Interior Ministry to own property. However, workarounds are commonly found, such as registering property in the name of a Jordanian national (including a Palestinian-Jordanian).

3.35 Ex-Gazan Palestinians may obtain a Jordanian passport that is identical to a regular Jordanian passport except that it doesn’t have a national number (which only citizens have) and is valid for two years (normal passports are valid for five years). The two-year passport may be renewed through a Jordanian embassy overseas. DFAT has been told that holders of these two-year passports find it difficult to obtain visas for other countries.

3.36 The passports are supposed to only be used as travel documents, though DFAT understands they are sometimes used as identity documents. Jordan issues Gazan Palestinians a blue identity card. Gazan Palestinians must present their blue card in order to receive their residency permit, which needs to be updated every two years (and is usually done without problems, though numerous NGOs have told DFAT that renewal is “not assured”). Normal Jordanian identity cards, with or without the identity number, are not issued to Gazan Palestinians

3.37 DFAT understands that some other administrative procedures, such as opening bank accounts, are also difficult for Gazan Palestinians.

3.38 In Jordan, as in most Arab countries, citizenship of children derives from the father, meaning the children of an ex-Gazan father and a Jordanian mother will be considered as ex-Gazan Palestinians by Jordan. Likewise, wives may not usually pass their citizenship to their husbands. Notwithstanding this law, DFAT understands that there is an unofficial practice whereby children of stateless West Bank Palestinian men and Jordanian women are granted Jordanian citizenship by the Interior Ministry. However, this unofficial practice does not extend to ex-Gazan Palestinians. This affects marriage prospects for ex-Gazan Palestinian men, in particular, as few Jordanian families will agree to their daughter marrying an effectively stateless man, and having effectively stateless children.

3.39 In summary, DFAT assesses that ex-Gazan Palestinians face a moderate level of official discrimination in Jordan. While this discrimination is mostly passive, the relevant policies have the effect of ensuring a low level of access to public services or employment opportunities for Gazan Palestinians. Numerous researchers and NGO representatives with whom DFAT spoke in Jordan spoke of 'generational poverty' for ex-Gazan Palestinians, to which the wider Palestinian community is not subject.

### Withdrawal of Citizenship

3.40 In recent years, according to numerous reports, Jordan has stripped several thousand Palestinian-Jordanians of their citizenship. This has been done by removing an individual's national number and replacing their yellow card with a green card. Most of these cases occurred before 2011 and the practice appears to have ended.

3.41 DFAT understands that there was never an official policy to strip people of their citizenship. The decision, taken by the 'Follow-up and Inspection Department' within the Ministry of the Interior, as to whether an individual's citizenship (and thus access to services) was stripped appeared arbitrary and not in accordance with Jordan's Law on Nationality. (The Law on Nationality provides a number of reasons that Jordanian citizenship may be revoked. These are entering the service of an enemy state or entering the military or public service of a foreign state. However, in the second and third cases, the person in question must be given the option of quitting the foreign state's military or public service before Jordanian citizenship is revoked.)

3.42 The majority of people who have had their Jordanian citizenship revoked appear to be yellow card holders, though reports by human rights NGOs have noted that some 'no card' Palestinians had their national numbers withdrawn. DFAT estimates that approximately 10 to 20 per cent of Palestinian-Jordanians have yellow cards.

3.43 The most common reason given by Palestinians who have had their citizenship revoked appears to be because they lost their Israeli-issued residency permit for the West Bank. DFAT understands that all those that have had their citizenship revoked have family roots in the West Bank.

3.44 The (unofficial) policy appears to have been to pressure other Palestinians not to lose their residency permits for the West Bank, and thus to reinforce the importance (to Israel and the international community) of the Palestinian 'right of return'.

3.45 In most cases, people were not informed they had lost their citizenship until they attempted to submit official forms, such as passport applications. At that time they would be directed to the Follow-Up and Inspection Department, where they would be informed that they had lost their national number.

3.46 Palestinians with their citizenship revoked became similar, in regards to their access to services, to ex-Gazan Palestinians (for more information, see 'Ex-Gazan Palestinians', above). The children of Palestinian fathers that had their citizenship revoked also lost their Jordanian citizenship. This was the true even if the child in question was legally an adult.

3.47 Since 2011, the process of revoking citizenship has reportedly been stopped, and yellow cards have reportedly been restored to a handful of downgraded families. Further, as of 2012, the Prime Minister now has to sign off on any revocation of citizenship. The most recent US State Department Human Rights Report on Jordan noted that no Palestinian-Jordanians reported their citizenship being stripped in 2013. According to the same report, in 2012, Jordan's quasi-governmental National Council for Human Rights received 12 complaints from Palestinian-Jordanians regarding withdrawal of their citizenship.

3.48 In summary, DFAT assesses that there is currently a low risk of a Jordanian national having his or her citizenship withdrawn.

## Representation

3.49 Despite their numerical majority, Palestinian-Jordanians make up less than a fifth of Jordan's Parliament. However, this representation is considerably more than in the last Parliament, in which less than a tenth of parliamentarians were Palestinian origin. The main reason for this discrepancy is that four-fifths of parliamentarians are elected from, and represent, their local districts. However, these electorates are uneven in population or size, resulting in an under-representation of Palestinians in Parliament. A fifth of parliamentarians are elected from national lists. Jordan's Parliament is primarily advisory and the monarchy retains many executive and legislative powers.

## Military Service and Security Forces

3.50 Military service is not compulsory in Jordan. Although Palestinian-Jordanians may and do join the military, it and the wider security forces are popularly seen as reserved for East Bankers or families descendant from Circassian refugees. Despite this not being official policy, an unofficial 'glass ceiling' exists in the security forces, and few Palestinian-Jordanians rise to senior ranks.

3.51 As with the early days of the state (see 'Wasta', above, for more information), today, the King's authority and security is ultimately dependent on the military and security forces, which are dominated by East Bankers—positions that are frequently achieved through *wasta*. Employment in and promotion through the security forces is popularly seen as a secure source of employment for East Bankers.

## Employment

3.52 There are no legislative restrictions against Palestinian-Jordanians joining the public service, and many do. However, the public sector is dominated by East Bankers, and an unofficial 'glass ceiling' prevents most Palestinians from achieving senior rank, though exceptions occur. Employment into and promotion through the public sector is determined by *wasta*, among other things.

3.53 The private sector in Jordan is dominated by Palestinian-Jordanians and Palestinians.

3.54 Despite anti-discrimination and other measures designed to protect workers from unscrupulous employers, in practice, these offer limited protection. This lack of effective protection does not, in and of itself, advantage East Bankers over Palestinians or vice versa. One's *wasta* is the key form of protection Jordanian nationals have, including Palestinians. And while East Bankers generally have more *wasta* with government bureaucracy, Palestinians often have more *wasta* with parts of the private sector.

## Health Care

3.55 DFAT assess that there is no official discrimination in relation to health care for Palestinian-Jordanians. As Jordanian nationals, they are entitled—by law and in practice—to the same benefits as other Jordanians. As above, the access to subsidised public health services for stateless Palestinians (such as ex-Gazans) is the same as the approximately 25 per cent of Jordanians that do not have health insurance. However, those ex-Gazans that live in UNRWA camps have access to UNRWA services, including hospital treatment partially subsidised by UNRWA, if necessary.

## Education

3.56 There is no official discrimination against Palestinian-Jordanians in regards to school education. Palestinian-Jordanians may attend public or private schools. Palestinians registered with UNRWA may attend either UNRWA schools or Jordanian schools. No people with whom DFAT has discussed the issue believe there is a substantial difference in quality between UNRWA or Jordanian public schools.

3.57 In regards to tertiary education, an unofficial policy of 'positive discrimination' exists to increase the number of East Bankers in universities. This policy results in less access for Palestinian-Jordanians.

3.58 The ten state universities in Jordan are heavily subsidised by the state, and collectively attract approximately two-thirds of the tertiary students in Jordan. In theory, placements at state universities are competitive. However, in practice, there appears to be a quota system, with places reserved for particular cohorts. For instance, an estimated 20 per cent of state university places are reserved for children of those in the military or security forces. Others are reserved for the children of public service workers or people working in higher education. DFAT was unable to determine the exact extent of the quota system, or the manner in which quotas are divided between cohorts. However, DFAT understands that Palestinians are

underrepresented in admissions into public universities and they have limited access to scholarships. DFAT understands that the end result of this quota system is that the overwhelming majority of the reserved places are given to East Bankers. *Wasta* plays an important role in having one's child earn a reserved place.

3.59 The remaining subsidised places at state universities are earned competitively, and are shared between East Bankers and Palestinian-Jordanians. An estimate made by numerous local and international NGOs with which DFAT spoke in Jordan was that up to 80 per cent of students at public universities are East Bankers. There are also places available at public universities for people willing to pay full fees. DFAT is not aware of discrimination as to the awarding of these places.

3.60 There are 17 private universities in Jordan. These are typically smaller than the state universities. The fees for these universities tend to be higher than those of state universities (including for non-subsidised courses at state universities). DFAT is not aware of discrimination in the awarding of places at private universities.

3.61 Part of the quota system is scholarships awarded by UNRWA and the Palestinian Authority. UNRWA awards 300 scholarships per year for Palestinians that live in refugee camps. Likewise, the Palestinian Authority, through its embassy in Amman, awards scholarships, which are open to all people of Palestinian descent in Jordan.

## Property Ownership

3.62 DFAT does not believe there is official discrimination against Palestinian-Jordanians in regards to property ownership. Palestinian-Jordanians, just like East Bankers, may own property.

## Freedom of Expression and Association

3.63 Palestinian-Jordanians, like East Bankers, have freedom of expression within known, if unspoken, red lines. Where these red lines lie is, to a great extent, dependant on the *wasta* an individual possesses. Generally speaking, most Palestinians do not have fears regarding their freedom of expression.

3.64 DFAT understands that it is perceived to be easier for East Bankers to criticise Government policies than it is for Palestinian-Jordanians, as Palestinians might be seen as criticising the regime, as opposed to individual policies. Conversely, where Palestinians do criticise individual policies, it is easier for the Government to dismiss those criticisms (like much else in Jordan, this is closely related to the issue of *wasta*). Thus, many political and protest movements, even if the majority of the people involved are Palestinian, will present themselves as East Banker movements, and will place East Bankers in key positions within the movement. (However, there have been in recent years significant protest movements in Jordan led and constituted by East Bankers).

3.65 Palestinian-Jordanians may and do express admiration and support for the various Palestinian political and paramilitary organisations involved in the Israeli–Palestinian dispute. Likewise, many Palestinian-Jordanians have familial ties with low- and high-ranking members of these organisations. The Jordanian security forces will frequently monitor people—Palestinian or East Banker—with familial or actual connections to paramilitary organisations. Any close attention will likely be a consequence of Jordanian security forces taking into account Jordanian national security interests, not due to the political opinions (imputed or otherwise) of those with connections to armed organisations.

3.66 Individuals (both East Bankers and people of Palestinian origin) with a political profile that are close to Hamas or the Muslim Brotherhood are more likely to be viewed by the security services as a security threat.

## State Protection

3.67 Despite being a numerical minority, the majority of the security forces, including the police, are East Bankers. DFAT assesses that there is no official policy for security forces to make life more difficult for Palestinians. However, personality-driven discrimination by individual officers against Palestinians and others can and does occur. It is unlikely that any complaints made by Palestinians of abuse by law enforcement agencies would result in legal redress. As is the case in much of Jordan, the individual's *wasta* would likely determine the quality of redress.

3.68 The General Intelligence Directorate (GID) is Jordan's internal security organisation. It seeks to prevent any threats to the regime from materialising, and will closely monitor anyone—Palestinian or East Banker—it perceives as a threat. DFAT assesses that the GID does not discriminate against Palestinians because they

are Palestinians, but will closely monitor individuals seen as a threat through the prism of Jordan's national security interests.

## Treatment by Society

3.69 Given that Palestinians make up the majority of the population (including in the large urban environments) and a significant proportion of the business elite, DFAT assesses that people of Palestinian descent do not face societal discrimination on account of their being Palestinian. An individual's *wasta*, both within the Palestinian community and in dealing with East Bankers or the bureaucracy, will determine, to a great degree, the level of access that individual has. But a lack of *wasta* is not equivalent to discrimination, societal or otherwise.

3.70 DFAT notes that Palestinian and East Banker intermarriage occurs, though the extent of this is unknown (largely because Palestinians in Jordan are Jordanians, so separate statistics are not considered necessary).

## Other Considerations

### Internal Relocation

3.71 There are no legal impediments to Palestinians internally relocating within Jordan. This includes Palestinians who live in refugee camps.

### Entry and Exit Procedures

3.72 The colour-coded bridge cards described above (see 'Citizenship') are required for movement across the King Hussein Bridge into and out of the West Bank. Palestinians leaving other borders, sea ports or airports require no different procedures to any other Jordanian.

### Documentation

3.73 Beyond the colour-coded travel cards (which are only required when crossing the King Hussein Bridge), Palestinian-Jordanians have no indication on their identity papers, including their identity cards, that they are Palestinian and not East Bankers. However, surnames are frequently obviously one or the other.

3.74 Until 1983, passports were considered proof of identity in Jordan. However, in that year Jordan introduced the family books. They are given to heads of families and remain in use.

3.75 The national number (Arabic: *raqam watani*) was introduced in 1992. The national number is now proof of identity. Anyone who does not have a national number is not a citizen.

3.76 The national identification card ('personal card') was introduced in 1997 and contains basic personal information as well as a photo. There is no difference between the personal cards of Palestinian-Jordanians and East Bankers.

## 4. Lebanon

### Demography and History of Arrival

4.1 As of July 2014, Lebanon's population was estimated at 5.9 million (including over 1.4 million Syrians and around 50,000 Palestinian refugees from Syria).

4.2 It is estimated that 130,000 people entered Lebanon from what became Israel in 1948. Today, approximately 425,000 Palestinians are registered with UNRWA in Lebanon, though DFAT understands that only 260,000 to 280,000 currently reside in Lebanon (UNRWA does not take into account all Palestinians who have emigrated or died). Of these, 50 to 65 per cent live in 12 official refugee camps. The others live in unofficial refugee communities (commonly referred to as 'gatherings').

4.3 Not all Palestinians who entered Lebanon registered with UNRWA; up to 40,000 Palestinians in Lebanon are recognised as Palestinian refugees by Lebanese authorities, but are not officially recognised by UNRWA. Most of these arrived (or are descended from those who arrived) as a result of the 1967 Arab-Israel war. There are also several thousand 'non-ID' Palestinians that are neither registered with UNRWA nor Lebanese authorities.

4.4 Lebanon's religious demography significantly influences relations between the state and its citizens. Key positions in the executive, legislature, judiciary, military and civil service are allocated to the country's major religious groups on a (roughly) proportional basis. For example, by convention, the position of President is filled by a Maronite Christian, the Prime Minister by a Sunni, and the Speaker of Parliament by a Shia. Additionally, political parties in Lebanon are divided largely along sectarian lines.

4.5 Lebanon's last official census was undertaken in 1932. Given the country's confessional power-sharing system is ostensibly based on proportional representation by religious affiliation, there has been opposition to conducting a further census. There are therefore no current, official statistics available of Lebanon's ethno-religious make-up. However, academics assess that Lebanon's domestic population (i.e. excluding refugee and expatriate populations) is now approximately 40 per cent Shia, 30 per cent Sunni, and 20 per cent Maronite Christian, with most of the remainder made up by a range of other Muslim (including Druze and Alawite) and Christian denominations (including Greek Orthodox, Melkite Catholic, Armenian Orthodox, Syriac Catholic, Armenian Catholic, Syriac Orthodox, Roman Catholic, Chaldean, Assyrian, Coptic and Protestant).

### Socio-Economic Situation

4.6 As discussed in greater detail below, Palestinians in Lebanon have restricted access to the job market, social services (including health) and education. As a result, the Palestinian community in Lebanon is marked by high poverty rates, and poor infrastructure and housing conditions. In 2012, the International Labour Organization rated 66 per cent of Palestinians as poor (living on less than six US dollars (USD) per day), compared to 35 per cent of Lebanese nationals.

4.7 Lebanon's economy is dominated by small businesses; 95 per cent of Lebanese businesses employ 10 people or less. Many of these businesses trade primarily in the informal economy. Approximately 40 per cent of the Lebanese workforce, compared with approximately 80 per cent of the Palestinian workforce, work informally.

4.8 On average, Palestinian families have one more child than Lebanese families, further stretching resources. Palestinian women in Lebanon have a lower workforce participation rate than Lebanese women—15 per cent compared with 21 per cent.

4.9 Despite their many difficulties, a 2008 study revealed a lower rate of infant mortality among Palestinians in Lebanon than among the wider Lebanese community. Infant mortality is an important indicator of community health.

## The Influence of Confessions

4.10 In part due to the powers the Lebanese state has devolved to its various confessions, an individual's access to protection and due process can depend on his or her confession. Bureaucratic processes, treatment by law enforcement and judicial authorities and employer–employee relationships are frequently ad-hoc. Family, personal (see 'Wasta', above) and confessional connections will frequently improve access and service.

4.11 Palestinians are effectively excluded from this confessional structure. Although Palestinians are mostly Sunni, the Sunni hierarchy in Lebanon does not speak for or aim to protect Palestinian interests. This is also true of the various Palestinian Christian and Lebanese Christian denominations.

4.12 As a result, Palestinians lack many of the unofficial protections that Lebanese nationals are afforded by their place in their confession's community and the quality of connections they have both within and without that confession. This has a substantial impact on the quality of employment, judicial processes and interactions with bureaucracy.

## Camps

4.13 Between 50 and 65 per cent of Palestinians in Lebanon live in 12 refugee camps (Beddawi, Burj Barajneh, Burj Shemali, Dbayeh, Ein al-Hilweh, al-Buss, Mar Elias, Mieh Mieh, Nahr al-Bared, Rashidieh, Shatila, and Wavel). Palestinian camps are located across Lebanon. The largest camps, in which Palestinian groups are most active, are Ein al-Hilweh, near Saida, and Nahr al-Bared, near Tripoli.

4.14 The camps are generally poor and over-crowded and are sometimes violent. Lebanon argues that a prohibition on building new camps or expanding or improving existing camps is designed to prevent an implicit 'destruction' of the principle of the 'right of return' to Palestinian villages in pre-state Israel. (The 'right of return' refers to the claimed right of Palestinians displaced during the 1947–1949 and 1967 Arab–Israel wars to return to their former places of residence and/or receive compensation for their losses. The claimed right is extended to these Palestinians' descendants.) A 2010 American University of Beirut Socio-Economic Survey of Palestinian Refugees in Lebanon (which in DFAT's view is authoritative) found that almost three-quarters of Palestinians in camps were poor (defined as living on less than USD 6 per day). An influx of Palestinian refugees from Syria has increased demand for space and services in camps (as throughout Lebanon).

4.15 Palestinian camps and gatherings in the south of the country tend to be poorer than those further north. This trend is mirrored in other measurements, such as illiteracy rates. The American University of Beirut's 2010 Socio-Economic Survey of Palestinian Refugees in Lebanon found a significant difference between the level of poverty for Palestinian refugees in Lebanon (66.4 per cent) and the poverty level of the Lebanese population in Lebanon (35.1 per cent).

4.16 Camps viewed as security threats by the Lebanese security forces, such as Ein al-Hilweh, have fences surrounding them and strict entry and exit controls enforced by the Lebanese security forces (these camps often host Palestinian and non-Palestinian fugitives wanted by the Lebanese security forces, necessitating security measures). Camps in Beirut are more integrated into the surrounding suburbs, though the Lebanese security forces attempt to control movement into and out of the camps.

4.17 Standards of living are varied within camps; DFAT has seen a home (consisting of four small rooms), owned by a divorced mother, with air-conditioning and a wireless Internet connection. However, conditions are generally poor; DFAT has also observed multiple family members living in small, dark rooms. UNRWA will give additional assistance to 'special hardship cases', which includes building or renovating homes and covering the expenses of medical care additional to what other Palestinians receive in a small number of cases each year.

4.18 Palestinian camps and other communities are often highly militarised, with a prevalence of armed Palestinian militias. Extremist groups can also be found in some camps. By convention, Lebanese security forces have refrained from exercising their authority in Palestinian camps, with the significant exception of the 2007 confrontation between the Lebanese Armed Forces and Fatah al-Islam in Nahr al-Bared camp. That conflict resulted in the deaths of an estimated 169 soldiers, 287 Palestinian fighters and 47 civilians. Since

then, Lebanese security forces have retained control of movement into and out of the camp, and have maintained a presence inside the camp during its continuing reconstruction.

4.19 UNRWA provides services ranging from maintenance and development of basic infrastructure, to schools and medical clinics in or adjacent to the camps and sometimes to the informal Palestinian communities. However, registered Palestinian refugees in informal communities can access services in the official camps.

4.20 Electricity is provided to camp residents by Lebanon through private contracts. DFAT was told by those knowledgeable about the situation that few electricity bills are paid, however the power is not cut off, either to the individuals' homes or the camps generally.

4.21 Camps are not generally subjected to Lebanese law and order but have a paralegal system enforced by 'popular committees' and 'security committees' in each camp. The effectiveness of these arrangements varies: for example, in Burj Barajneh it functions fairly well; in Rashidiyah not as well; and in Ein el-Hilweh it functions poorly. The popular committees consist of representatives of each faction present in the camp. Due to the rivalry between the PLO, the umbrella organisation for most Palestinian factions, and Hamas, some camps have two popular committees. The popular committees act to create and enforce the paralegal system that exists in each camp and cooperate with UNRWA and other aid agencies in administering and servicing the camp. They are not democratic—members represent their faction (and their factions' interests), not those of their constituents. The popular committees are a means with which to resolve problems that arise between individuals belonging to different factions. The popular committees are also the chief contact point for the Lebanese Government. When an individual from a camp requires permission from the Lebanese state—such as to bring in building materials—he or she liaises with the popular committee, who negotiates with the state on his or her behalf.

4.22 The security committees are an extension of the popular committees, and are used to enforce peaceful relations in the camp. Generally speaking, armed faction members will patrol specific areas in a camp controlled by that faction.

## Gatherings

4.23 Most gatherings are located adjacent to camps or in areas where Palestinian agricultural workers used to work (i.e. temporary shelters were erected decades ago that, over time, have become suburbs). Their infrastructure is provided by the relevant Lebanese municipal authority, which frequently does not invest adequately in the Palestinian communities.

4.24 Gatherings are not always exclusively Palestinian. Some gatherings are merely suburbs in which the majority of residents are Palestinian.

## Employment

4.25 Palestinian participation in the workforce in Lebanon largely replicates that faced by other Palestinian communities in the region. For instance, it is 42 per cent in Lebanon, 45 per cent in the West Bank, 40 per cent in the Gaza Strip and 41 per cent in Jordan. Participation rates in the workforce are similar for Palestinians and Lebanese nationals, though Palestinians tend to join the workforce at a younger age. Of those Palestinians that actively seek work, the overall employment rate is 92 per cent. However, this high rate masks a prevalence of informal and/or low-paying jobs, a preponderance of short-term or seasonal jobs, and frequently poor work conditions. The Palestinian workforce in Lebanon is estimated to make up approximately five per cent of the total workforce, or 15 per cent of the foreign workforce.

4.26 Only one in five employed Palestinians work in the formal sector (which, in Lebanon, requires a written contract). This compares with approximately three in five employed Lebanese nationals.

## Education

4.27 Palestinians in Lebanon tend to attain the same levels of education as those Lebanese nationals in a similar economic situation. However, a number of laws and other factors, discussed in 'Education', below, work to prevent the Palestinian community from attaining higher education levels (and thus better economic outcomes). Rates of illiteracy among Palestinians are approximately the same as for the wider Lebanese population. That said, Palestinians in Lebanon attain a lower level of education than the wider Lebanese community. For instance, per capita, approximately twice the number of Lebanese nationals are enrolled in secondary schools as compared with Palestinians. A 2012 survey of Palestinians in Lebanon revealed that

the highest level of education, achieved by approximately half the Palestinian population, was the completion of primary school. Twelve per cent of Palestinians in Lebanon had completed secondary school (a figure up from six per cent in 1999), and approximately five per cent had completed tertiary studies (though these figures might be skewed, as better educated Palestinians are more likely to have emigrated).

## Treatment by the State

4.28 Most Palestinians in Lebanon are subject to a legal loophole—they are considered by Lebanese law to be foreigners, and while foreigners in Lebanon have numerous civil rights guaranteed by law, most of these rights are dependent on the existence of reciprocal arrangements with the foreigner's home country. Because Palestinians in Lebanon are stateless, they are excluded from many of these rights. In some areas, discussed below, Palestinians have been given special dispensation in order to partially close this loophole.

4.29 DFAT understands that the reciprocity principle was originally designed to protect Lebanon's interests, and was not an 'anti-Palestinian' measure. While the difference might appear semantic, the Palestinian leadership, ideologically at least, support the principle behind the laws' maintenance. Lebanon—and the Palestinian community—insist that they do not want Palestinians to remain in Lebanon indefinitely; Palestinians aim to fulfil their 'right of return' as soon as possible. For this reason, Lebanon—with Palestinian acquiescence—has traditionally prevented any measure that might induce Palestinians to permanently stay in Lebanon. Thus, while the restrictions placed on Palestinians are acknowledged, they are acknowledged in light of preventing 'tawtin', or resettlement.

4.30 In summary, DFAT assesses that Palestinians in Lebanon are subject to a high level of official, if indirect, discrimination. While Lebanese law generally does not specifically target Palestinians, legislative restrictions prevent the Palestinian community from substantially bettering its position or prospects.

4.31 However, Lebanese law is flexibly enforced. If Lebanese law was inflexibly enforced, the level of direct discrimination against Palestinians would be considerably higher. For instance, stateless people in Lebanon cannot buy, sell or bequeath land, yet Palestinians do so informally (see 'Property Ownership and Housing', below, for more information).

## Citizenship

4.32 Of the 1948 Palestinian arrivals, approximately 30,000 were Christians and were granted Lebanese citizenship. However, most Palestinians in Lebanon are stateless. Among the stateless Palestinians, there are four categories:

- . 1948 Palestinians that are registered with UNRWA and the Lebanese state
- . 1948 Palestinians that are not registered with UNRWA, but are registered with the Lebanese state
- . 1967 Palestinians that are not registered with UNRWA, but are registered with the Lebanese state
- . Palestinians that are not registered with either UNRWA or the Lebanese state

4.33 As above, approximately 425,000 Palestinians are registered with UNRWA and the Lebanese state. In reality, between 60 and 65 per cent of this number are still alive and living in Lebanon.

4.34 Beyond the approximately 30,000 Palestinians that were naturalised in 1948, a small, unknown, number of Palestinians chose not to register with UNRWA when it was established. This was primarily because they had sufficient means and did not require the assistance UNRWA provided. However, these and all other Palestinians in Lebanon were encouraged to register with the Directorate-General for Palestinian Affairs (DGPA), when it was established in 1959. This is why there are up to 40,000 Palestinians in Lebanon who are considered refugees by the Lebanese state, but are not registered with UNRWA. All Palestinians registered with the DGPA are issued with an identity card. The DGPA is responsible for issuing Palestinian identification cards as well as birth, death and marriage certificates.

4.35 UNRWA only registers Palestinians displaced during the 1947–1949 Arab–Israel war, as well as their descendants. Palestinians displaced as a result of the 1967 Arab–Israel war are thus ineligible for registration with UNRWA (though UNRWA may provide them with services when necessary).

## Non-ID Palestinians

4.36 Between 3000 and 5000 Palestinians in Lebanon, referred to as 'non-ID' Palestinians are recognised by neither UNRWA nor Lebanon. Most of these are Palestinians (and their dependants) who fled Jordan in

the 1970s as a result of hostilities between Jordan and the PLO. Others came to Lebanon amidst its civil war to fight. Non-ID Palestinians are considered illegal immigrants in Lebanon.

4.37 Lebanon has not allowed Palestinians who are registered with UNRWA in another country (for instance, Jordan) to transfer their registration to UNRWA in Lebanon. This affects approximately half the non-ID Palestinians. DFAT understands that some non-ID Palestinians have acquired identity papers from popular committees in the camps. In these cases, UNRWA will comply with popular committee requests.

4.38 Non-ID Palestinians are not legally entitled to attend any schools, including UNRWA schools. Some non-ID Palestinians attend UNRWA schools informally, though do not receive certification at any level, as ID is required to do so.

## Personal Status Laws

4.39 In Lebanon, as in most Arab countries, citizenship of children derives from the father. Likewise, a wife may not usually pass her citizenship to her husbands. A Palestinian may marry a Lebanese national. If the Lebanese national is a man, any children will be granted Lebanese citizenship. A Palestinian wife may attain Lebanese citizenship. However, if a Lebanese national is a woman, she will retain her citizenship, but any children will be stateless. The marriages of non-ID Palestinians are not recognised by the state.

## Employment

4.40 Palestinians have long faced restrictive employment conditions in Lebanon. Until 2005, the Interior Minister maintained a list of professions reserved for Lebanese nationals. A reform of that system in 2005 eliminated a ban on Palestinians holding most clerical and technical positions.

4.41 However, more than 20 syndicated professions in Lebanon, such as medicine, law, engineering, nursing, accounting, pharmacy and teaching, remain largely off limits to Palestinians. Employment in these professions requires membership in the relevant syndicate, and such memberships are usually only available to Lebanese nationals (usually according to the by-laws of the various syndicates).

4.42 There are practical workarounds, however limited. For instance, there are some syndicates that have a quota for foreign members, based on reciprocity arrangements. DFAT has been told of at least one Palestinian lawyer who joined the Lebanese syndicate as a member of the Arab Lawyers Union, as a member from 'Palestine'. Likewise, DFAT has been told that the effective ban on Palestinians being employed as nurses in Lebanon is increasingly overlooked, as there is a shortage of nurses in the country. According to numerous contacts active on this issue, few Palestinians are aware of their (limited) employment rights or possibilities in Lebanon. There are organisations that seek to make Palestinians aware of possibilities open to them.

4.43 In addition to the restriction of certain professions to Lebanese nationals most other professions are only open to foreigners whose home countries have reciprocal work arrangements with Lebanon. This effectively excludes stateless Palestinians.

4.44 Foreigners require work permits to be employed in Lebanon. Most work permits are job-specific, and are organised by the employer upon hiring a Palestinian (or other foreigner). However, it is possible for an individual Palestinian to obtain a non-specific work permit. Palestinians who have work permits and are employed in legal work enjoy the same protections as Lebanese nationals.

4.45 When a Lebanese national or foreigner (including Palestinian) is legally employed, the employer must pay part of the employee's salary into a social security fund. However, Palestinians, by law, only enjoy limited benefits from this fund. Because of this, many Palestinians do not seek work permits and work informally. See 'Health Care', below, for more information.

4.46 There are other jobs, such as in agriculture and construction, that do not require foreigners to obtain work permits. Approximately three per cent of Palestinians are engaged in agricultural work and just under 20 per cent in construction work. However these numbers might trend downwards due to the influx of Syrians in Lebanon.

4.47 UNRWA is the main source of skilled employment for Palestinians in Lebanon. Palestinian and international NGOs also employ Palestinians in the refugee camps. They also run micro-credit projects. UNRWA has long advocated for more open work rights for Palestinians in Lebanon, so far with limited success.

4.48 The bans and other difficulties of Palestinians finding legal employment has led to a situation where Palestinian (including skilled Palestinians such as doctors) have accepted illegal positions with less pay and no security. In some cases, skilled Palestinians work for a 'front man', a Lebanese national who is officially employed, but has the Palestinian do the work for him.

### Informal work

4.49 Approximately 80 per cent of employed Palestinians work in the informal sector. This compares with approximately 40 per cent of employed Lebanese nationals. Palestinians (and Lebanese) employed informally have few legal protections and are vulnerable to abuse or arbitrary dismissal without access to legal redress.

4.50 The influx of Syrians since the conflict there commenced has dramatically increased the number of people seeking informal work, which has had a disproportionate impact on Palestinians.

### Health Care

4.51 Access to public health care for foreigners in Lebanon is dependent on reciprocal arrangements with the foreigner's home country. This effectively excludes stateless Palestinians. Palestinians may access private health care, but relatively few can afford this.

4.52 UNRWA provides basic health care for registered Palestinians, and will pay for emergency hospital treatment. Should an acute or chronic problem require a stay in hospital, UNRWA will subsidise the cost. UNRWA has informed DFAT that the maximum subsidy is currently USD 5000, or 40 per cent of the treatment cost, whichever is less. This contribution is often substantially inadequate, however UNRWA has additional funds for a very small number (around six to twelve per annum) of 'special hardship cases'. UNRWA does not provide secondary or tertiary health care but does subsidise the cost in some cases.

4.53 Palestinians who have legal work must pay tax. Part of this tax is a contribution to the National Social Security Fund (NSSF). The NSSF is a social security mechanism for Lebanon's private sector. It includes a superannuation-like end-of-service payment, insurance for work-related injuries and other health issues, family and education allowances and maternity benefits. Until a September 2010 change in the law, Palestinians did not have any access to NSSF benefits, even if they were legally employed and paid into it. Since September 2010, Palestinians have access to the end-of-service payments and insurance for work-related injuries. Palestinians remain ineligible for other NSSF benefits. A 2012 study by the International Labour Organization found that approximately five per cent of Palestinians had access to health care coverage, due to the restrictions mentioned in this paragraph and the fact that many Palestinians (and Lebanese) work in the informal sector.

### Education

4.54 By law, 10 per cent of public secondary school places are reserved for foreigners in Lebanon, including Palestinians. However, state schools will give priority to Lebanese nationals when filling places. Wealthy Palestinians can enter their children in private schools. UNRWA provides education to registered Palestinians in 80 pre- and primary schools and six secondary schools. Many of these schools are overcrowded, and 60 per cent operate on a double shift scheme.

4.55 Numerous credible contacts have assessed that the quality of education UNRWA offers is lower than the quality of the Lebanese public school system.

4.56 Lebanon's one public university (for which fees are heavily subsidised by the state) is the Lebanese University. Palestinian students may enrol in the Lebanese University. Although up to 10 per cent of students at the Lebanese University may be foreigners, including Palestinians, priority is usually accorded to Lebanese students.

4.57 Palestinian students enrolled at the Lebanese University do not enjoy the same rights as Lebanese students. They are not allowed to vote in student elections, nor do they benefit from health coverage provided by the National Social Security Fund.

4.58 In 2009, following the clashes between the Lebanese Armed Forces and Fatah al-Islam in the Nahr al-Bared Camp, the Lebanese Government exempted Palestinian students from the camp from university fees. Sixty-eight students are believed to have benefited from this decision.

4.59 Lebanon has numerous private universities. Palestinians do not face any legal restrictions in enrolling in private universities, provided they are able to pay the high tuition fees. (Fees at the Lebanese University are approximately 200 US dollars (USD) per year compared to upwards of USD 5000 for private universities).

4.60 DFAT understands that approximately 1200 Palestinians graduate from university each year. In total, approximately five per cent of Palestinians are university graduates. Several hundred scholarships for tertiary education are offered to Palestinian students by various organisations each year.

## Property Ownership and Housing

4.61 Until 2001, Palestinians (and other foreign Arabs) could acquire property in Lebanon. However, in 2001 the law was changed, preventing stateless people owning land. Additionally, changes of property ownership that related to 'resettlement' (i.e. making permanent the Palestinian presence in Lebanon) were also prohibited by the change in law. Thus, Palestinians are effectively barred from owning, selling or bequeathing property.

4.62 This law is flexibly enforced. For instance, DFAT understands that some Palestinians have been allowed to bequeath property, whereas others have not. Likewise, contacts familiar with the issues facing Palestinians report that Palestinians continue to buy and sell property, including outside the refugee camps. However, these exchanges—which include the issuance of notarised contracts—are not registered with the relevant Lebanese agency. Given the costs involved, some Lebanese nationals will likewise not register their newly-bought property. Palestinians may legally rent property in Lebanon.

4.63 There is *de facto* property ownership in the refugee camps. Most homes in the camps were built by UNRWA, which passed ownership of each property to its resident. These residents may sell this property or otherwise rent it out. While Lebanese law does not effectively operate inside the camps, a paralegal system has been established. The popular committees in each camp operate a registry of property ownership.

4.64 Palestinians do not face any legal restrictions in renovating property they already own outside the camps. They are bound by the same laws that apply to foreigners.

4.65 Both major and minor renovations inside camps require prior Internal Security Forces (ISF) approval, due to concerns that material may be used for military purposes. Palestinians apply for permits to renovate their houses; UNRWA is involved when projects are implemented under its shelter programs.

4.66 In the event that a permit is granted for a Palestinian applicant, security services usually put in place tight verification measures, to the point of counting the cement bags or checking the quantity of stones that the applicant brings into the camp.

4.67 As a result of these restrictions, Palestinians have been known to smuggle construction materials into camps, which means that improvements happen, albeit informally. If caught, Palestinians may be arrested and the materials confiscated.

## State Protection

4.68 Several areas in Lebanon are not under effective state protection. These include Palestinian refugee camps, from which state forces, by convention, have generally refrained from exercising their authority. Following a sustained conflict in 2007, Lebanese security forces have greater control over Nahr al-Bared camp than over other Palestinian refugee camps in Lebanon. Lebanese law extends over the unofficial gatherings.

## Law Enforcement

4.69 Each Palestinian camp maintains a parallel extra-legal system operated by the camp's popular committee. This system includes the maintenance of prisons within camps. Many decisions are reached through discussion between factions and influential figures within the camp. DFAT understands that there is usually relatively good cooperation within the security committee in relation to petty thieves and those accused of drug offences (i.e. factional issues are put to one side). There is little information available in relation to the independence, legitimacy or equity of legal processes under these systems.

4.70 When a fugitive believed to be located in a camp is wanted by Lebanese security forces, the latter sometimes negotiate with the camp's popular committee(s) to have them handed over. This is a complicated and not-always-successful process, which is largely dependent on the fugitive's factional connections within the camp and how strong that faction is.

4.71 Credible DFAT contacts have said that, if the alleged crime is serious enough, Lebanese security forces will attempt to pressure the entire camp as a means of convincing the popular committee to hand over the fugitive. Some camps—particularly Ein al-Hilweh—offer a place of refuge for Lebanese and Palestinians wanted by Lebanese security forces.

4.72 Lebanese nationals perceived as a security threat by Lebanese security forces will receive the same level of interest and treatment as Palestinians perceived as national security threats.

4.73 It is generally considered that complaints made against Lebanon's various security forces, including the police, for abuse of people in custody will not result in punishment. As in many other areas of Lebanese society, the constant liaising and negotiations between confessions acts to resolve many of the problems resulting from such accusations, if they arise. Palestinians generally have much less of this unofficial protection, and are frequently vulnerable to abuse by security forces.

### Judiciary

4.74 Because of their lack of confessional protection, it is often easier for the judicial system outside of the camps to accuse Palestinians of crimes, and Palestinians found guilty of crimes will tend to receive heavier punishments, according to DFAT contacts. However, the treatment of Palestinians by individual law enforcement and judicial authorities frequently lacks consistency. UNRWA provides a measure of legal aid, and attempts to help Palestinians in legal difficulties.

## Treatment by Society

### Employment

4.75 As above, because of the bureaucratic difficulties in obtaining work permits for Palestinians, combined with the negligible benefits for Palestinians of the mandatory National Social Security Fund, relatively few Palestinians will seek work permits, even for professions in which they are legally able to be employed. This makes them vulnerable to abuse and arbitrary dismissal. Because of their willingness to work informally, Palestinians are frequently paid less and required to work longer hours than Lebanese nationals.

4.76 A 2012 study by the International Labour Organization found that a Palestinian worker is twice as likely to have health coverage if his or her employer was also Palestinian.

4.77 The National Social Security Fund covers Palestinian members for workplace injuries, but this does coverage does not extend to hospitalisation. DFAT is aware that insurance companies will offer cover for workers in construction industries—even if they don't have work permits—and that, in the case of workplace injuries, the insurance companies will make required payments. However, insurance companies will typically not cover agricultural workers, who are considered to be casual workers. As such, they do not enjoy any benefits or entitlements.

### Civil Society and Freedom of Expression

4.78 Within refugee camps, Palestinian youth, social and political groups operate extensively. While there are no laws prohibiting their operation, unstated red lines exist in regards to certain subjects—most Palestinian factions have armed representatives in each camp, and too-strongly criticising the wrong people can lead to violent repercussions. In the same way, DFAT understands that, on occasion, personal disputes between individuals can sometimes escalate into a factional dispute.

4.79 The level of freedom Palestinians have within the camps often depends on the camps themselves. Some camps—such as Ein al-Hilweh—are more internally militarised and radicalised with Islamist militias. Freedom of speech is more curtailed in camps where Islamic factions are more influential, such as Al-Buss, Burj al-Shemali and Rashidieh.

4.80 Outside the camps, Palestinians, like Lebanese nationals, face few legal restrictions against expressing their opinions.

## Other considerations

### Internal Relocation

4.81 All Lebanese nationals may legally relocate and resettle, subject to financial constraints, to any area within Lebanon (though for social reasons many live where their confession is a majority or else a substantial minority).

4.82 Palestinians may legally live anywhere in Lebanon if they can afford to pay rent and other fees, such as municipal fees, on an equal footing with Lebanese citizens. Palestinians may rent property in Lebanon, on an equal footing with foreigners. However, as discussed in 'Property Ownership and Housing', above, Palestinians may not legally buy property in Lebanon. Palestinians who live outside camps in properties rented or bought prior to 2001 are not considered to be living illegally.

4.83 Palestinians in some refugee camps are under movement and residency controls. For instance, restrictions to freedom of movement remain in place for Palestinians in Nahr al-Bared camp, including a military-administered permit system. Palestinian camps in southern Lebanon are fenced, with a limited number of entrances and exits. Restrictions are imposed on these camps at night.

4.84 Many non-ID Palestinians will reportedly not leave their camps, for fear of being arrested for not having identification.

### Entry and Exit Procedures

4.85 In practice, Palestinians have been denied entry to Lebanon in all but exceptional circumstances since September 2013, due to the large numbers of Syrian refugees entering Lebanon. Palestinians wishing to leave Lebanon must obtain an exit permit and may be required to pay a fine.

### Documentation

4.86 Lebanese citizens are required to hold national identity cards—these cannot be acquired by refugees.

4.87 The Directorate-General for Palestinian Affairs (DGPA) issues blue identity cards to most Palestinians registered with the Lebanese state, regardless of whether they are also registered with UNRWA. An exception is those 1948 Palestinians that chose not to register with UNRWA receive white identity cards. A 2012 study revealed that 96 per cent of Palestinians hold documentation attesting to their registration with both the Lebanese state and UNRWA. Palestinians may also be holders of 'NR' cards (not registered with UNRWA).

4.88 1948 Palestinians may receive five-year passports, which can be easily renewed. These passports can also be issued for one or three years. A 2012 study revealed that 95 per cent of Palestinians hold these passports, known as *wathika* ('paper', in this context, 'passport'). 1967 Palestinians may receive one-year *laissez-passers*, as can white card holders. Palestinians registered with the Lebanese state that obtain citizenship in another country become ineligible to receive Lebanese passports or *laissez-passers*.