

Beirut, March 2015.

Women of the Camp.
Shatila Camp.
Beirut, Lebanon.

Universal Periodic Review.
Human Rights Council.
United Nations.

Ref. Submission to the United
Nations Universal Periodic Review.
Second session of the HRC, UPR,
2015.

Dear Madam or Sir.

In this submission, WOMEN OF THE CAMP (herein after referred as “WOC”), a Palestinian NGO as described hereto, provides information pursuant the “Universal Periodic Review: information and guidelines for relevant stakeholders’ written submissions”; claims the existence of serious violations of Human Rights derived from the “Refugee” status applied to Palestinian refugees living in Lebanon; and makes recommendations to the state of Lebanon and to the International Community of States.

I. Executive summary.

WOC is a Palestinian NGO working at the Shatila Refugee Camp in Beirut. It focuses its work with Palestinian women and children. Its endeavor refers to the preservation of Palestinian identity and traditions within Palestinians in exile. In that capacity appears before the council, claiming the “Refugee” legal status as being applied to “Palestinian refugees” has implied serious violation of Palestinians Human Rights living in Lebanon.

In that regard whichever the perspective that tries to resolve Palestinian refugees’ problems living in Lebanon, and which does not face *prima facie* the “Refugee” status is biased and, notwithstanding the good faith, which eventually underlies decisions and policies to be adopted in favor of Palestinians living in Lebanon, will not deliver an adequate solution to the matter at hand.

The difference between “Refugee” and “refugee” is not rhetorical. It is being claimed, the factual situation of refugee has entailed for Palestinians, the application of a legal status -“Refugee”- that very far from protecting them, has deprived them from minimal conditions of dignity, openly violating article 1 of the Universal Declaration of Human Rights.

In this regard, as it is being described herein, all the parties involved -including international agencies and States- and not only Lebanon and the Palestinian Community

should commit themselves, firstly, to the fulfillment of the most fundamental provision of the Human Rights Declaration, and only then, intend to regulate other provisions and rights which despite relevant, are of secondary importance.

This party realizes the described approach implies foremost a political endeavor, which has a strong juridical justification but mostly depends on States' good will.

II. Background and framework.

a. Description of the NGO.

WOC is a NGO created by the women of the Palestinian refugee camp, in Shatila, Lebanon. They produce handicraft, an art that was passed by generations and which remains as one of the main cultural expressions of Palestinians living in exile since 1948. The camp of Shatila itself is symbolic, not only because it houses around 22.000 refugees, but also because it is the place where the "Shatila-Sabra" massacre did take place. Shatila, as a camp, represents the suffering and the legitimate yearning of a community, in which the dead and the living live together behind one hope.

b. Legal context.

Art. 1. Human Rights Declaration.

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

The article, it is affirmed, is being openly violated in prejudice of Palestinians living as "Refugees" in Lebanon, turning futile any further discussions¹ regarding their rights, mainly because of two situations.

(i) The term "Refugee" as a legal status applied to Palestinians who fled to Lebanon², does not only describe a factual situation, but it is the source of the deprivation of rights and dignity affecting Palestinians. The fact is Palestinians nowadays, are no longer factual "refugees" but still burden the "Refugee" status. As it has been vastly described in the "The National Action Plan for Human Rights in Lebanon, 2014-2019", Palestinians, because of that "Refugee" status, have limited or no rights at all in certain legal fields. Such restrictions and limitations have no justification on law and made no

¹ In this regard, it has no context to, for example, try to extend Palestinians right to move freely within Lebanon, if they actually are termed "Refugees" for all legal purposes. By no means, this party does not acknowledge the efforts made by Lebanese authorities in that regard, but the issue is not the restriction and the solution, then, is not how to deal with the restriction, but to question such legal qualification. Which originally may have made sense. The fact, though, is that situation has lasted more than 65 years. In this same sense, these allegations by no circumstances and in no context should be construed as a renounce to the legitimate right of Palestinians people to restitution and reparation.

² This party does not agree with the differentiation appearing on pg. 139 among Palestinians Refugees living in Lebanon. It is true, the facts stated to make the difference are correct, but that differentiation does not take into account, we like it or not, there is a place called Palestine in which Palestinians may no freely live. For that matter, it is important to consider the differentiation made has been done, we do believe, for administrative purposes, without entailing that a "legal" or "affirmative" difference with further implications than stating an administrative issue. All Palestinians refugees have the same ontological right to recognition and dignity no matter their administrative status.

sense, since the intention underlying the qualification is to grant the “refugee” a protection during its refugee period. The “Refugee” status does not mean or entail the suspension of the dignity or of essential Human Rights of those subjects who are refugees. Or in any case, those restrictions should be understood as an exception limited in time and extension.

The “Refugee” status, then, and as it has been described in the “The National Action Plan for Human Rights In Lebanon, 2014-2019” implies an illegal differentiation with no justification considering article 1 of the Basic Law. All efforts from the Community of States, then should, firstly address and consider why do Palestinians are not born free and equal in dignity and rights, than for example, their Israeli neighbors.

(ii) In 1, March 2009, the Special Tribunal for Lebanon was inaugurated. It has four organs and its headquarters are on The Hague. Its primary mandate is “to hold trials for the people accused of carrying out the attack of 14 February which killed 22 people, including the former prime minister of Lebanon, Rafiq Hariri and injured many other.”³

We do believe, according to article 1 of the Humans Rights Declaration that every human being has a dignity, which has to be respected by any other human being. In that regard, this party congratulates the inauguration of such Tribunal.

In 1982, 3.500 civilians were killed, mostly Palestinians and Lebanese Shiites. The Sabra and Shatila Massacre has never had Justice. There has never been a criminal procedure seeking responsibility of those who actually planned and ordered the killings. Again, from article 1, there has to be no difference in dignity. If Justice is being legitimately pursued for the killings of 22 people, for the killing of 3.500 underlies the same justification.

Moreover, if we consider the “Basic Principles and Guidelines on the Right to Remedy and Reparation of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”, adopted and proclaimed by the General Assembly Resolution 60.147 of 16 of December, 2005 -even if it cannot be considered positive law but customary law-, the need of Justice is actually conceived as a legal obligation to “respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law”. (Cfr. Guideline I). In Guideline II, “Scope of the obligation”, 3 (b), it is said: “Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law.”

That standard has not being complied regarding the Sabra and Shatila massacre.

If we take and analyze the statements (i) and (ii), the conclusion is evident. From article 1 of the Human Rights Declaration such differences in treatment have no justification as all human beings have the same dignity and no administrative status can affect that essential nucleus

³ Cfr. <http://www.stl-tsl.org>

c. Regarding the implementation of the accepted recommendations and the developments of the human rights situations, specifically, regarding the Human Rights Plan 2014-1019.

Considering the “implementation of the accepted recommendations and the development of the human rights situations”, this party acknowledge the efforts made by all the authorities that have negotiated and worked on this implementation. This party, actually, congratulates the affirmative decision of the Lebanese government to improve the situation of Palestinians refugees living in Lebanon.

For that reason, as the positive intention to make a difference exists, improving Palestinians quality of life, and recognizing their dignity, is that this party appears claiming the abovementioned.

d. Main issues of concern.

This party’s main issue of concern is the “Refugee” legal status of Palestinians living in refugee Camps in Lebanon, have lasted more than 65 years, so far. The issue is such qualification formally justifies a difference in treatment and the deprivation of rights of Palestinians. Truth is, and from a legal point of view, such difference has no legal basis and makes no sense.

It is true, authorities and International actors together with the Palestinian Community have made advances regarding the special circumstances to which Palestinians are subjected. But, this party calls for a juridical decision on the matter. What has to be questioned is not if Palestinians can move freely within Lebanon but if the qualification of “Refugee” does have a legal justification. This party does believe it has not.

On the same sense, Justice as an expression of dignity should be verified regarding the Sabra and Shatila massacre.

e. Recommendations.

- (i) This party recommends all efforts shall be put in the consideration of a new legal status of Palestinians living in Lebanon. One, which does not preclude them of their dignity, and which does not affect Lebanon political equilibrium.
- (ii) This party recommends the extension of jurisdiction of the Special Tribunal for Lebanon to include the investigation of the facts and responsables for the Sabra and Shatila Massacre.

With all do respect.

WOC.