

# UPR 2020: Palestinian Refugee Rights in Lebanon

## **Joint Submission by:**

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## **Introduction**

1. This report was prepared through coordination and cooperation between a wide range of civil society organizations, associations, and alliances working with the Palestinian community in Lebanon. It seeks to reinforce civil society's role in monitoring State obligations and their implementation of international declarations through stakeholder organizations involved in this experiment, presenting their suggestions and comments on the UPR process and highlighting key unfair practices against Palestinian refugees in Lebanon. The report went through several stages: collection, aggregation, and analysis of information, before being reviewed by coalition members, who are active in several areas, including human rights, women's rights, children's rights, social services, health care, and the rights of persons with disabilities. One of the objectives of this networking was to enhance coordination and work in the field of advocacy and defense of human rights, especially with regards to the rights of Palestinian refugees in Lebanon, and to activate the process of reviewing their human rights and social situation for preparing this report.

2. Palestinian refugees in Lebanon face a reality that has deteriorated over the years, becoming worse and more arbitrary due to unfair Lebanese government measures, leading to further restrictions and the isolation of Palestinian camps in the country (including the construction of a separation wall around Ain al-Hilweh and Mieh and Mieh camps). Such measures have had a negative impact on all aspects of social and economic life. In July 2019, the Lebanese Minister of Labor initiated the so-called "Plan to Combat Illegal Foreign Workers in Lebanon," whose application affected Palestinian workers and employers, in contravention of previous Lebanese laws and decisions approved by the Lebanese Parliament since August 2010. Dozens were dismissed from their jobs, tens of businesses run by Palestinians were closed, and university and technical school graduates and various professionals were barred from working.
3. Despite promises to improve their conditions, the Lebanese state continues to hold on to their rights, especially the right to work, through issuing partial amendments to the labor and social security laws in 2010 and failing to issue implementation decrees as of the date of preparing this report. Due to the implementation of the Minister's plan in 2019, a wave of anger erupted among refugees, accompanied by peaceful protests around Palestinian camps in Lebanon, which called for the plan's cancelation and for Palestinian refugees to be granted their human and social rights.
4. For the past 72 years, consecutive Lebanese governments have failed to take any measure to address the various security or socio-economic crises and violations faced by Palestinian refugees in Lebanon, despite repeated promises by governments to improve their economic and social situation and despite Lebanon's approval of some UPR recommendations in 2010, which it failed to implement and later rejected during the 2015 session. Although the Lebanese Palestinian Dialogue Committee (under the Presidency of the Council of Ministers) provided a clear definition of the legal status of Palestinian refugees in its document on a "A Unified Lebanese Vision for the Palestinian Refugees Affairs in Lebanon," addressing Palestinian refugee issues remains arbitrary, sometimes considered refugees, sometimes foreigners, and at other times stateless.
5. In a first of its kind step in Lebanon since 1948, a general population and housing census of Palestinian camps and gatherings was conducted in 2017, supervised by the Lebanese-Palestinian Dialogue Committee and carried out by the Lebanese Central Administration for Statistics and the Palestinian Central Bureau of Statistics. Based on the census, Palestinians in Lebanon number about 192,000 (174,422, Palestine refugees in Lebanon and 17,706 Palestinian refugees from Syria present in 12 camps and approximately 156 gatherings).
6. Palestinian camps suffer from social and economic exclusion, the lack of due process, and a state of continuous deprivation of Palestinian refugees of their civil, economic, and social rights. They are thus still prevented from owning real estate or working in more than 30 professions, including liberal professions, and endure the near impossibility of working in permitted professions due to discriminatory measures. This is

in addition to restrictions and discrimination facing women and PwDs, as well as Palestinian employers.

7. Violent practices and violations are prevalent on the social and household levels, impacting Palestinian women and children refugees in Lebanon and from Syria, particularly through increased child labor and child marriage used by parents as mechanisms to cope with the economic situation and increasing financial constraints. The application of a child protection system and its related mechanisms is still lacking on the national level generally and in Palestinian refugee camps, in particular, due to the absence of due process, where eight out of ten Palestinian children suffer from violence.
8. The protection of Palestinian refugees is a common responsibility shared by host countries and the institutions of the international community concerned with the situation of Palestinian refugees in Lebanon, particularly UNRWA. To improve the situation of Palestinian refugees, the report re-emphasizes the following issues, elaborating their related recommendations.

**9. Right to Legal Personality:**

**9.1. Lack of clarity regarding the legal personality of a Palestinian refugee in Lebanon:**

Lebanese legislation has not developed a law providing a definition for a Palestinian refugee in Lebanon, taking into consideration the special legal situation of Palestinian refugees, with the exception of the personal identification cards issued by the Ministry of Interior's General Directorate of Political Affairs and Refugees, whereby the Ministry's General Directorate of General Security classifies refugees as a special category of foreigners. Nevertheless, Law 296/2001 denies Palestinian refugees from the right to own real estate and classifies them as stateless. Furthermore, the Lebanese Labor Law and the Plan to Combat Illegal Foreign Workers in Lebanon considers them as any other foreigners residing in Lebanon.

**9.2. Unsustainability of solution regarding legal personality of non-ID Palestinians**

The State of Lebanon had started issuing ID documents valid for one year and which can only be used to travel inside Lebanon. Very few who had lost their IDs (non-ID) were able to benefit from those cards in 2008 and in an unsustainable manner. During the UPR's 9<sup>th</sup> Session in 2010, Lebanon reported the issuing of documents for non-IDs as one of its achievements. However, the Lebanese state has yet to provide a reply to Recommendation 84.11. More than 5000 people from this category are still denied their most basic human rights, such as the right to a legal personality, the right to health and hospitalization, education, especially university, and work. It also remains impossible to register marriage contracts if one of the spouses was non-ID, and thus their children are denied the right to be registered with official departments.

**9.3. Denying Palestinian refugee women their right to pass on their legal status to their children**

Lebanese laws discriminate against women in general, denying Lebanese women from their right to pass on their nationality to their children. Palestinian refugee women registered at the Directorate of Political Affairs and Refugees and married to foreigners are denied the right to provide discretionary residence permits to their husbands, on equal standing with women with Lebanese citizenship. Furthermore, their husbands cannot obtain annual residency permits in exchange for a fee, similar to Palestinian refugee husbands registered at the Directorate of Political Affairs and Refugees and married to a foreigner.

**9.4. Lack of recognition by the Lebanese state of the legal identity of Palestinian refugees from Syria to Lebanon**

Up to August 2014, the Lebanese state had dealt with Palestinian refugees from Syria to Lebanon (PRS) as tourists, who must fulfill a set of conditions for entry and/or stay in Lebanon, as part of the foreign residency procedure. Following that date, Lebanon began to exercise an unclear and opaque policy, which seemed to push for their deportation through arbitrary renewals of residency for a period of six months. Many had to stay illegally and were subjected to prosecution. Entry procedures into Lebanon became almost impossible. Legally, the Lebanese state does not recognize them as war refugees, nor Palestinian refugees. They are not treated like Syrian refugees, who are classified as "displaced."

**9.5. *Recommendation 1:*** *The Lebanese State must issue a law providing a clear and explicit legal definition of Palestinian refugees in Lebanon, guaranteeing them their human, economic, and social rights and dignified living.*

**9.6. *Recommendation 2:*** *Begin issuing official ID documents in a continuous manner, guaranteeing a legal personality for Palestinian refugees of the Third Category (refugees not registered by the Lebanese state or UNRWA), preserving their humanity and dignity, and treating them equally with other Palestinian refugees in Lebanon.*

**9.7. *Recommendation 3:*** *Lebanon must respond to international agreements, lift its reservations on Article 9 of CEDAW, and amend all its laws accordingly.*

**9.8. *Recommendation 4:*** *Lebanon must recognize the legal personality of Palestinian refugees from Syria to Lebanon (PRS) as refugees.*

**10. Right to Property**

Palestinian refugees in Lebanon were excluded from the right to own real estate by law 296/2001, under the pretext that they do not hold a "nationality issued by a recognized state" and the rejection of implantation.

**10.1. The expropriation of Palestinian refugees who bought property prior to 2001 but had not completed registration procedures at the relevant departments.**

Property purchased and paid for prior to the adoption of Law 296/2001 (which is not retroactive) and whose new owners had not completed registration procedures before that date is not being registered in official real estate departments due to the deliberate wrongful interpretation of the law. Other arbitrary procedures at real estate departments are preventing Palestinian refugees from transferring their registered property through the enforcement of inheritance laws by religious courts, although Law 296/2001 did not prevent this. This forces some injured parties to seek the courts, incurring additional financial burdens. It should also be noted that the Lebanese courts have stopped looking into such cases since 2011.

**10.2. Constraints in real estate registration procedures for foreigners married to Palestinian refugees**

One of the requirements for registering real estate to a foreigner in Lebanon is obtaining a certificate of "denial of ownership," a document that includes the household as a unit (husband, wife, and minor children). If one of the spouses is found to be Palestinian, the registration application is denied.

**10.3. *Recommendation 5: End discrimination against Palestinian refugees and issue a legal amendment allowing them to own real estate.***

**10.4. *Recommendation 6: End to arbitrary measures that prevent the registration of real estate purchased prior to the 296/2001 legal amendment and the transfer of real estate inheritance, as well as the suspension of contracts surveyed before 2001, due to passage of time.***

**10.5. *Recommendation 7: End the discriminatory and arbitrary measures that hinder the registration of real estate to foreigners married to Palestinian refugees.***

**11. Right to Freedom of Opinion and Expression**

**11.1. Restricting the right to expressing opinion through demonstrations to Lebanese citizens and denying it to Palestinian refugees**

Decision 352 issued on 20/2/2006 by the Ministry of Interior and Municipalities restricted the right to expression through organizing demonstrations to Lebanese citizens, thus depriving Palestinians the right to demonstrate. Paragraph 3 of Article 1 of the Decision clearly indicated that "organizers of the demonstration must be Lebanese." It should be noted that the practical application of Decision 352 allows Palestinians the right to demonstrate and express opinions.

## **11.2. Denying Palestinian refugees the right to issue publications**

Palestinian refugees in Lebanon are officially denied the right to issue media publications, in accordance with Article 4 of the Lebanese Publications Law of 1948, which stipulated that "the owner of the periodical must be (1) Lebanese. If they are a foreigner, the license must be approved by the Ministers of Interior and Exterior, based on reciprocal treatment between Lebanon and their country."

11.3. **Recommendation 8:** Amend Law 352 to include Palestinian refugees and their right to express opinion through demonstrations and peaceful assembly without restraint.

11.4. **Recommendation 9:** Exempt Palestinian refugees from the principle of reciprocity mentioned in the Lebanese Publications Law and treat them equally with Lebanese citizens in issuing media publications under the Law to Organize Publications.

## **11.5. Right to Association**

Being classified as a special group at times and foreigners at others, Palestinian refugees are denied the right to establish their own associations and their participation in establishing or working in other associations is restricted, due to the lack of sensitivity of the law's executive procedures of the special legal status of Palestinian refugees. Each organization "actually run by foreigners, which has foreigners in its board of directors, or where one quarter at least of its membership is foreigner" is actually considered a foreign association and falls under Decision 369 L.R., issued on 21/12/1939 in its fourth article. Its establishment requires a special decree by the Council of Ministers.

11.6. **Recommendation 10:** Legalize the establishment of Palestinian refugee associations in Lebanon, in equality with Lebanese citizens, instead of "turning a blind eye."

## 12. Right to Protection

### 12.1. Child Labor in Palestinian Camps

Palestinian camps in Lebanon are full of children forced to work to help their families secure a livelihood. They are denied their right to education and enjoyment of their childhood like other children. Palestinian children live in harsh conditions that deny them their childhood and health. They are exploited in dangerous and unsafe tasks, without consideration of physical, psychological, and moral risks. They are vulnerable to all types of exploitation.

### 12.2. Palestinian refugee children, especially those living the camps, do not benefit from the Juvenile Protection Law or the Law on Domestic Violence

Article 1 (Paragraph 1) of Law 422/2002 on the protection of minors in contact with the law or those at risk deprives refugee children from its legal protection and jurisdiction to intervene for their protection due to the absence of due process inside the camps, where children are subjected to several forms of violations.

12.3. **Recommendation 11:** *The Lebanese State must enable Palestinian juveniles to access justice, enhance due process to include the camps, and be able to protect Palestinian refugee children.*

### 12.4. Right to Work

### 12.5. Restricting Palestinian refugees from accessing the Lebanese labor market

Lebanon's Labor Law discriminates between Lebanese and non-Lebanese citizens. It is not sensitive to the status of Palestinian refugees in Lebanon, who fall under laws governing foreign labor. Despite the Labor Law Amendment 129/2010, namely Article 59, which exempted them from the principle of reciprocity and work permit fees, they are required to obtain a work permit in some professions that must be preceded by registering at the NSSF. The annual registration requirement leads to instability.

### 12.6. Denying Palestinian refugees the right to work in the liberal professions

Palestinian refugees in Lebanon are barred from working in what is called the "liberal professions" that require membership in the related syndicate. Laws regulating such professions require the Lebanese nationality. For example, the

Bar Association's laws stipulate that practicing lawyers must be Lebanese for at least the past ten years. Other professions call for reciprocity and the right to practice in their country of origin, such as the Lebanese Order of Physicians (applying Decree 1659 of 1979), the Order of Pharmacists, and the Order of Engineers and Architects. Although Amendment 129/2010 exempted Palestinian refugees from the condition of reciprocity, their denial of membership in syndicates deprives them their right to practice any of the unionized professions.

**12.7. Denying Palestinian refugee workers their right to benefit from the NSSF**

12.8. Law 128/2010 amended Article 9 of the Social Security Law, eliminating the condition of reciprocity. However, the amendment still denies Palestinian refugee workers their right to health benefits and family allowances, especially maternity allowances. Although Palestinian refugee workers in Lebanon who are registered at the NSSF still have to pay the full fees (23.5%) of the salary like Lebanese workers, they can only benefit from end of service indemnity (amounting to 8.5% of the total amount paid). They are forced to use private insurance, adding to the financial burdens of both Palestinian refugee workers and employers. Thus, opportunities for their employment are reduced or they are forced to work in harsh conditions at low wages and outside the protection of the law.

12.9. ***Recommendation 16:*** *The Lebanese state must take into account the special legal status of Palestinian refugees in Lebanon, through their exemption from the Foreign Labor Law and issuance of appropriate Ministerial decisions and administrative orders.*

12.10. ***Recommendation 17:*** *The Lebanese state must amend Law 128/2010 and issue executive decrees allowing Palestinian refugee workers the enjoyment of their full rights at the NSSF, especially ensuring maternity benefits.*

12.11. ***Recommendation 18:*** *The Lebanese state must enforce 129/2010 through executive decrees and binding procedures related to syndicates, ensuring the right of Palestinian refugees to engage in the liberal professions organized in syndicates.*

12.12. ***Recommendation 19:*** *The Lebanese state must amend the law organizing professions in line with the exception of Palestinian refugees from the labor law and continue in the process to eliminate the principle of reciprocity and the condition of practice in the country of origin.*

**13. Right to Health**

**13.1. Denying Palestinian refugees from treatment and hospitalization in the public sector**

The Lebanese state does not provide Palestinian refugees with free hospitalization and denies them access to primary healthcare and prevention campaigns, including Palestinian refugee workers who pay their dues to the NSSF, like Lebanese workers. They are also denied health and hospitalization benefits per NSSF Law 128/2010.

### **13.2. Denying Palestinian refugees with Disabilities from PwD rights**

Palestinian refugees are denied from the rights accorded to Lebanese PwDs, although Law 220/2000 does not exclude Palestinian refugees from its provisions, which mentions "persons with disabilities" and not "Lebanese persons with disabilities".

### **13.3. Denying Palestinian refugees a healthy environment**

Palestinian refugee camps in Lebanon suffer from an inadequate infrastructure, including an overlap between the drinking water and sewage network, high humidity, water seepage, poor ventilation, and lack of sunlight in most houses in Palestinian camps and gatherings. In addition, waste collection sites are located in proximity to homes leading to an unhealthy environment and causing lung, chronic, and critical ailments. Medical and health aid and protection from diseases and epidemics is scarce and not available in a sustainable manner.

13.4. **Recommendation 20:** *The Lebanese state must allow Palestinian refugees the opportunity to benefit from free health and hospitalization services, primary healthcare, and prevention campaigns.*

13.5. **Recommendation 21:** *The Lebanese state must work on integrating PwD through procedures sensitive to Palestinian PwDs within Law 220/2000 and issue Disability Cards on an equal basis with Lebanese PwDs.*

13.6. **Recommendation 22:** *The Lebanese state must take appropriate measures to combat the rampant diseases and epidemics in Palestinian camps and gatherings in Lebanon and improve their health environment.*

## **14. Right to Education**

### **14.1. Reduced spending on public and free schools and, in particular, UNRWA schools**

Public spending in Lebanon is constantly decreasing, from 2% in 2008 to 1.6% in 2011, less than half of the share in other Arab countries. There is also a discrepancy in quality of education between private and public schools, creating additional inequality in enjoying the right and access to education, particularly for Palestinian students who are considered part of the quota of foreigners in public schools. They are only admitted in case of available seats. The situation is

aggravated by the financial crisis faced by UNRWA and its adverse impact on the share of funding allocated to educational programs in UNRWA schools and high schools, considered the only available option for most Palestinian students in Lebanon. The successive financial crises reduced the education budget in UNRWA and the policy of merging classes, leading to overcrowding in classrooms of up to 50 students sometimes. Student educational performance suffered and the proportion of those who passed the official exams dropped to below 50% in 2019.

**14.2. Ineffective automatic promotion system and the risk of dropout**

A great number of children suffer from educational difficulties and are at risk of dropout, due to the automatic promotion system in UNRWA schools in Lebanon, in addition to the EMIS grading system adopted in light of reduced services at the expense of the human cadre. It meant that evaluation is no longer based on school grades but on the health and psychological assessment of students that neglects the health and psychological situation of students facing social and psychological problems.

**14.3. Lack of social workers assigned to schools**

There is a shortage of social workers both in public schools and especially in UNRWA schools, in addition to the lack of capacities. They are forced to refer children with difficulties to specialists in NGOs. There is also a growing phenomenon of bullying in schools that requires more attention.

14.4. **Recommendation 23:** *The Lebanese state must allocate a portion of the school budget to employ specialists in the psychological health of children living in a harsh social, economic, and security situation that impacts their psychology and thus their educational achievement.*

14.5. **Recommendation 24:** *The Lebanese state must cover the cost of treatment and hospitalization for Palestinian students on an equal basis with Lebanese students.*

14.6. **Recommendation 25:** *The Lebanese state must exercise its supervisory role in all schools and work towards the establishment of child-friendly schools. It should work on a curriculum and process to reduce bullying and violence and develop the sense of equality among children.*

14.7. **Recommendation 26:** *The Lebanese state must exempt Palestinian students from the foreign student quota in public schools and allow them access to free and public education without hindrance, on an equal basis with Lebanese students.*

**15. Right to freedom of movement, residence, and travel**

**15.1. Segregation of most Palestinian refugee camps through checkpoints and surrounding them with barrier walls**

Palestinian refugees face hindrances to their freedom of movement inside the country and to travel abroad. Spatial marginalization has worsened, exposing the camps and their residents to additional psychological and life stress. This marginalization is illustrated through the transformation of the camps into islands semi-isolated from their surrounding environments, through the installation of electronic gates at the entrances and exits of some camps and surrounding them with walls, like in Ain el-Helwe and Mieh and Mieh.

**15.2. Discrimination between refugee categories in terms of travel documents and their validity**

The Lebanese state provides Palestinian refugees with a travel document with a limited validity, which differs depending on the category of registration. Those registered with UNRWA are provided with a document valid for five years. Those who are not registered with UNRWA are provided with a one-year *laissez-passer*, limiting their work and educational opportunities outside Lebanon.

**15.3. Restrictions on the right of movement for Palestinian refugees to and from the camps**

The Lebanese state imposes almost daily strict measures on camp residents and visitors, controlling their freedom of movement to and from the camps, further isolating the camps and transforming them into no-entry no-exit zones.

15.4. **Recommendation 27:** *The Lebanese state must unify its procedures related to the type of document given to Palestinians in terms of giving them the same validity.*

15.5. **Recommendation 28:** *The Lebanese state must abolish the security measures imposed on the camps, dismantle the barrier walls surrounding some of them, and remove the electronic gates at the entrances of others, in a manner consistent with the concept of human security.*

## **Impact of COVID-19 on Palestinian Refugee Rights in Lebanon**

### **1. Right to freedom of movement, residence, and travel**

The spread and gravity of the Covid-19 epidemic were used to justify further restrictions of particular rights, such as limitations to the freedom of movement resulting from the quarantine, lockdown, or closure of some areas. On the other hand, the Lebanese government's plan to return citizens stranded abroad was a lost opportunity to apply human rights, especially the principles of non-discrimination, transparency, and human dignity. However, it chose to limit the repatriation plan to Lebanese citizens. It expressly excluded Palestinian refugees residing and registered in Lebanon and foreign workers residing in Lebanon from their circulars regarding the return, preventing them from returning to Lebanon.

**Recommendations:**

- *In its evacuation plan, the Lebanese government must treat Lebanese citizens and residents, especially Palestinian refugees, on an equal basis and without discrimination.*

**2. Right to Health**

International human rights law guarantees everyone the right to the highest attainable standard of health. It obliges states to take measures to prevent public health threats and to provide medical care to those in need. Human rights law also recognizes that, in the context of severe threats to public health and public emergencies that threaten the nation, restrictions imposed on some rights can be justified when they have a legal basis. They must also be necessary, based on scientific evidence, not arbitrary or discriminatory, with a specified time limit, respectful of human dignity, subject to review, and proportionate to the desired goal.

**Recommendations:**

- *The Lebanese government must integrate Palestinian refugees residing in Lebanon in its healthcare and preventive health plans. It must create the conditions that would provide medical services and medical care for all without exception or discrimination based on origin or nationality in the event of illness.*
- *The governments must take measures to make health care available, accessible to all without discrimination, and at an affordable cost. It must respect the ethics of the medical profession, be culturally appropriate, and of good quality.*

**3. Right to Education**

Although schools provide children with a sense of stability and normalcy and ensure that they have the psychological and educational support to deal with the changing situation, the Covid-19 pandemic turned things upside down. To ensure the appropriate response of the educational systems, UNESCO recommended that states "work to find solutions based on advanced or simple technology or without the use of technology to ensure the regularity and continuity of the learning process." The most practical choice was distance learning.

**Recommendations:**

- *Schools utilizing online learning technologies must ensure that tools protect children's rights and privacy.*
- *The Lebanese government should try to make up for actual school time when schools reopen.*

#### **4. Right to Work**

Before Covid-19, Palestinian refugees were enduring a humanitarian and socio-economic crisis impacting their rights, such as the right to access and practice work. The pandemic made things worse. Unemployment among the Palestinian workforce in Lebanon is currently around 80% (based on a 2019 study on the labor market and unemployment by Dr. Najib Issa). The financial crisis and limits imposed by banks and the government led to a slowdown of remittances by Palestinians to their families and relatives, exacerbating the situation of refugees.

##### ***Recommendations:***

- *The Lebanese government must lift its restrictions on Palestinian refugees' access to employment. It must take measures to ensure that they do not lose their jobs due to the pandemic. It must also follow-up on the closures of enterprises and the rights of private-sector workers.*

#### **5. Right to Association**

CSOs play an essential role in many countries to support efforts against the spread of the virus and ensure that those infected or living under lockdown or quarantine have access to protection, healthcare, and necessary social services. However, this does not apply to Lebanon.

##### ***Recommendations:***

- *The Lebanese government must protect and support CSOs to perform the above task, including organizations working on monitoring the impact of the disease. It must provide Palestinians the right to establish their organizations, based on the notification process used for Lebanese associations.*