



قطاع الحماية والرعاية الاجتماعية في سوريا
Protection and Community Services Sector inside Syria

Echoes From Syria

Issue 12



PALESTINE REFUGEES IN SYRIA WAITING FOR A JUST SOLUTION

Article 13(2) Universal Declaration of Human Rights – 1948

“EVERYONE HAS THE RIGHT TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY”.

Article 12(4) of the International Covenant on Civil and Political Rights – 1966

“NO ONE SHALL BE ARBITRARILY DEPRIVED OF THE RIGHT TO ENTER TO HIS OWN COUNTRY.”

Introduction

The Palestine refugee issue was born out of the 1948 Arab-Israeli war, which resulted in a large number of Palestinians becoming refugees to countries neighboring Palestine, including Syria. Until today, Syria has hosted several waves of Palestine refugees, which came at different periods in time in response to political and security developments in the region, including the civil war in Lebanon, or the invasion of Iraq. Palestine refugees in Syria live under a range of legal statuses, each of which comes with specific rights and protection concerns.

In December 1949, the United Nations General Assembly (under Resolution 302 (IV)) established the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) with the mandate to respond to the needs of Palestine refugees until a durable and just solution is found to the refugee issue. Its mission is to “help Palestine refugees achieve their full potential in human development in the difficult circumstances in which they live”. The Agency fulfils this mission by providing a variety of essential services to Palestine refugees in the West Bank, the Gaza Strip, Jordan, Lebanon and the Syrian Arab Republic (SAR). Among United Nations agencies it is unique in delivering services directly to refugees, to a population of 4.67m Palestine refugees under its mandate, and with around 29,000 staff.

UNRWA Syrian Field Office works in close collaboration with the Government General Administration for Palestine Refugees (GAPAR) and provides assistance to registered Palestine refugees in Syria.

Prior to the outbreak of unrest in March 2011, Syria was hosting over 560,000 Palestine refugees, of whom 80 percent lived in Damascus and rural (Rif) Damascus governorates. The legal status of Palestine refugees in Syria is regulated by the Syrian law (Law No 260 of July 10, 1956) stipulating that Palestinians living in Syria have almost the same civil rights as Syrian citizens other than nationality and political rights.

The ongoing conflict has dramatically increased the vulnerability of Palestine refugees as people living for decades in a state of temporary refuge. It has also highlighted the fact that besides Syria, no other country in the region welcomes Palestine refugees or allows them freedom to seek safety. The devastating consequences of the Syria conflict continue to expose Palestine refugees to risks and hardships and to generate urgent humanitarian needs which outstrip the resources available to UNRWA.



The international legal framework

Palestine refugees live under a specific legal framework. The first major UN Resolution (194/III) on Palestine issue was adopted by the General Assembly in December 1948. This resolution established a Conciliation Commission for Palestine and instructed it to “take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them. The UN Resolution 194 also called for the return of Palestine refugees to their place of origin.

The Universal Declaration of Human Rights (UDHR), which the General Assembly adopted in 1948 – one day prior to Resolution 194 – is the foundation for the right of return in human rights law. Article 13(2) of the UDHR phrases the right of return as follows: “Everyone has the right to leave any country, including his own, and to return to his country.”



In 1949, the United Nations General Assembly resolution 302 (IV) of 8 December 1949 set up a specific Agency mandated to carry out direct relief and works programmes for Palestine refugees until a just and durable solution is found to their plight. UNRWA focuses on addressing the humanitarian and human development needs of Palestine refugees in the interim. In the absence of a solution to the Palestine refugee problem, the General Assembly has repeatedly renewed UNRWA's mandate, most recently extending it until 30 June 2017.

In 1966, article 12(4) of the International Covenant on Civil and Political Rights (ICCPR) phrases the right of return similarly: "No one shall be arbitrarily deprived of the right to enter to his own country."

UNRWA defines Palestine refugees as people whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, who lost both home and means of livelihood as a result of the 1948 Arab-Israeli war, and their male descendants. Basically, those are eligible to receive the services of UNRWA as well as its protection.

Additional categories are also eligible to receive UNRWA services and protection where feasible and appropriate, on an emergency and temporary basis. These include people displaced by hostilities in 1967 and subsequently. Today, one third of the registered Palestine refugees live in 58 recognized refugee camps in Jordan, Lebanon, the Syrian Arab Republic, the Gaza Strip and the West Bank, with 12 of these camps in Syria.

Although, UNRWA's mandate focuses on Palestine refugees, there are specific circumstances under which humanitarian imperatives will require the Agency to extend its services to local communities and families hosting displaced Palestine refugees.

Palestine refugees who are living outside UNRWA operation fields fall under the 1951 Convention relating to the status of the Refugees and its 1967 Protocol, a primary instrument governing rights of refugees and obligations of the states towards them. They, therefore, fall under UNHCR's mandate.



The Syrian context

As the Syria crisis entered its fifth year, relentless violence and deteriorating economic conditions in Syria continue to gravely undermine the resilience of Palestine refugees in Syria. Prior to the crisis, Palestine refugees were already among the poorest communities in Syria, with 27 per cent of the population estimated to be living below the poverty line of USD 2 per day, and over 12 per cent unable to meet their basic food needs. The conflict has now encroached on most Palestine refugees' places of residence, causing not only extreme hardship and widespread displacement, but also unraveling social structure and support networks, and putting continuous strain on the capacity of host families. Approximately 560,000 Palestine refugees are currently registered in Syria. Of these, over 80,000 have displaced to other countries, leaving an estimated 480,000 refugees remaining in Syria. Around 280,000 of these have been internally displaced within Syria and struggle to survive under profoundly challenging conditions.

Over 95 percent of Palestine refugees are dependent on humanitarian assistance to meet their basic needs. The increasing cost of staple foods and decreasing access to local markets, combined with increased rental costs, have forced many families to prioritize shelter costs ahead of



nutritional health. The savings and social safety net of Palestine refugee communities have been all but exhausted, as families expend their resources to cope with rising cost of living and limited access to income resulting from the crisis. This protracted emergency, considered one of the worst humanitarian disasters in decades, has pushed many to the brink of survival.

One extreme illustration of the hardship endured by Palestine refugees in Syria is the ongoing tragedy, which is unfolding in Yarmouk, the largest concentration of Palestine refugees in Syria prior to conflict. The vast majority of its former residents have been displaced for over two years, along with the residents of other locations (such as Dera'a, Sbeineh and Husseinieh) who had sought shelter in Yarmouk. The remaining civilians have been trapped with little or no access to assistance for months. Early in 2014, UNRWA received credible reports of widespread malnutrition, which along with lack of health care contributed to a rising morbidity and mortality. Since January 18, 2015, UNRWA has had limited and interrupted access to carry out food distribution for the civilians of Yarmouk, which remain woefully insufficient to meet their most basic needs. On 1 April 2015, intensive clashes erupted as armed groups advanced into Yarmouk. As a result of these sustained armed engagements, thousands of civilians have so far fled Yarmouk to surrounding neighborhoods, relying on the UN, SARC and host communities to meet their minimum survival needs. Those who remain trapped between warring parties inside Yarmouk continue to live in the most wretched living conditions.

In addition to Palestine refugees registered in Syria, some 1,000 Palestinian refugees who arrived to Syria from Iraq remain in Syria today. They fall under the UNHCR's mandate, and reside mainly in Damascus. In the absence of the national legal framework concerning refugees, the immigration law regulates the rights and duties of refugees as foreigners. Resident permits provide the highest level of protection to refugees and asylum-seekers, but they are in principle available only to those who entered Syria legally and possess valid national passports. In late 2013 UNHCR and the Immigration Department agreed that Palestinian refugees from Iraq, who fall under the mandate of UNHCR, would be granted a six-month residency, despite the fact that the majority of them entered Syria irregularly and had no valid passport. This good practice continues and to date these Palestinian refugees get their residency extended.

The Protection Sector Response

Protection is an integral part of UNRWA's holistic approach to meet the needs of Palestine refugees in social services and relief assistance, and to achieving full respect for their rights under relevant international law. For over six decades UNRWA's services and assistance have provided protection to Palestine refugees and helped to reduce their vulnerabilities to exploitation and abuse through education and training, which also have contributed to enhance their employability and social integration.

In Syria, UNRWA has had to adapt to a fluid operational context to meet the various needs of Palestine refugees. Significant changes were introduced in the cash assistance programme, which enabled the Agency to reach over 470,000 Palestine refugees, including over 47,500 in hard to reach areas. UNRWA has also sustained the provision of Education, Health and Social Services throughout the crisis, despite mounting challenges.

As a result of the expansion of the humanitarian assistance, UNRWA was able to carry out a range of interventions for Palestine refugees in 2014:

- 470,590 refugees received at least one round of cash assistance in 2014, at an average distribution rate of 10,456 refugees per day.
- 447,800 refugees received at least one food parcel. More than 18,700 metric tons of food was procured and distributed.
- 147,448 refugees received winterization assistance.
- 955,190 consultations were provided and 17,084 hospitalizations were supported in 2014. 75 refugees, 40 per cent of whom suffered war-related injuries, were provided with prosthetic fittings.
- 45,802 Palestine refugee students enrolled in the 2014-2015 academic year. Access to education services was strengthened through the development and dissemination of self-learning materials.
- Family Support Office services were expanded resulting in detection of 451 cases of GBV, out of which 146 received legal advice, counseling and referrals to other UNRWA services.
- In 2015 UNRWA focuses on improving the resilience of Palestine refugees by adapting its vocational training and microfinance programmes to meet shifting market needs and shrinking business opportunities.
- More than 12,600 displaced Palestine refugees and Syrian IDPs continue to be hosted in 37 UNRWA-managed facilities;
- Regular maintenance and repair of all UNRWA facilities, garbage collection and sanitation work continue in nine camps. 40,000 hygiene kits were distributed to besieged areas and collective shelters.
- IOM supported 77 Palestine families in Dar'a through providing them with 77 SOK (Sealing Of Kit) on 17th May 2015 in Dar'a- Mahata area (out of settlement), after coordination with Dar'a governorate and UNRWA. The total number of Palestinian beneficiaries are 355 IDPs.
- As with other refugees under its mandate in Syria, UNHCR provides Palestinian refugees from Iraq with legal aid (counseling, interventions and awareness raising among refugees of their rights and duties) on various questions, such as residency, registration of new births, civil status issues, SGBV and detentions. In the first half of 2015, more than 757 Palestinian refugees from Iraq were assisted by UNHCR in terms of legal aid. 57 were provided with legal counselling, and 700 benefitted from UNHCR interventions aimed at regularizing their status.

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