



unrwa  
الأونروا

the un agency for  
palestine refugees

وكالة الأمم المتحدة  
للاجئين الفلسطينيين

To: Mr. Larry Bottinick  
United Nations High Commissioner for Refugees  
10 Furnival Street  
EC4A 1AB London  
United Kingdom

Cc: Court of Justice of the European Union, Registry, L - 2925 Luxembourg

21 June 2021

To whom it may concern,

This letter is provided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (“UNRWA” or “the Agency”) to the United Nations High Commissioner for Refugees (“UNHCR”) at its request in relation to *NB and AB v. SSHD* before the Court of Justice of the European Union (Case C-349/20). It will set out the Agency’s mandate with a focus on mandated support for Palestine refugee children with disabilities. It will detail the services that the Agency is able to provide to this group of children, in particular in Lebanon, and the limitations thereto. The information provided is of a general nature and does not pertain to the particular circumstances of the individual claimants in Case C-349/20.

#### UNRWA’s mandate

UNRWA was established on 8 December 1949 by resolution 302 (IV) of the United Nations General Assembly to carry out direct relief and works programmes for Palestine refugees following their displacement and dispossession as a result of the 1948 Arab-Israeli conflict.<sup>i</sup> In the absence of a just and durable solution to their plight, the General Assembly has repeatedly renewed UNRWA’s mandate, most recently by resolution 74/83 of 13 December 2019 extending it until June 2023.<sup>ii</sup> The Agency today provides assistance to some 5.7 million registered Palestine refugees located within its five fields of operations (being Jordan, Lebanon, Syria, West Bank, including East Jerusalem, and Gaza).<sup>iii</sup>

While UNRWA’s mandate focuses on Palestine refugees, it also extends to other persons of concern to UNRWA who are eligible to register with the Agency for the receipt of services as per the Agency’s regulatory framework and eligibility criteria contained in the 2009 Consolidated Eligibility and Registration Instructions, including, among others, “non-registered persons displaced as a result of the 1967 and subsequent hostilities”.<sup>iv</sup>

department of  
legal affairs  
unrwa headquarters

bayader wadi al-seer  
po box 140157  
amman 11814  
jordan

t +972 2 589 0227  
f +972 2 589 0239

[www.unrwa.org](http://www.unrwa.org)

دائرة الشؤون القانونية  
الرئاسة العامة

بيادر وادي السير  
ص.ب ١٤٠١٥٧  
عمان ١١٨١٤  
الأردن

هـ +٩٧٢ ٢ ٥٨٩ ٠٢٢٧  
ف +٩٧٢ ٢ ٥٨٩ ٠٢٣٩

UNRWA pursues its mission within its five fields of operations through the provision of humanitarian assistance and its mandated services. Those mandated services are concerned with:

- basic education,
- primary health care,
- relief and social services,
- infrastructure and camp improvement, and microcredit, and,
- emergency assistance, including in situations of armed conflict.

The Agency contributes to the protection of Palestine refugees both through its service delivery and by advocating for their rights with relevant stakeholders. UNRWA does not have a mandate to seek durable solutions for Palestine refugees.

It is important to note that UNRWA does not manage refugee camps and is not responsible for protecting the physical safety or security of Palestine refugees or maintaining law and order in UNRWA's five fields of operations. The responsibility for ensuring the physical security of Palestine refugees residing in any of UNRWA's five fields of operations falls within the sovereignty and responsibility of the respective host government.

UNRWA registers Palestine refugees for the purpose of receiving UNRWA services and assistance based on established criteria for registration, which are set out in the Agency's 2009 Consolidated Eligibility and Registration Instructions ("CERI").<sup>v</sup> Registration with UNRWA based on these criteria does not confer any legal status, nor does it operate as a form of personal identification, proof of nationality or lack thereof. The host state or authorities – not UNRWA – will control the legal status of Palestine refugees within state borders, including their right to lawfully enter or reside within the relevant area and authority to access public services and other entitlements, including the right to work and social protection schemes. UNRWA does not pronounce on whether an individual is a national of any country, nor is UNRWA mandated to do so.

#### UNRWA's mandate and policies in place as regards children with disabilities

The United Nations General Assembly regularly encourages the Agency to pay particular attention to the situation of women, children, and persons with disabilities. In its latest resolution 75/94 of 10 December 2020 on Operations of [UNRWA], the General Assembly:

“Encourage[d] the Agency, in close cooperation with other relevant United Nations entities, to continue to make progress in addressing the needs, rights and protection of children, women and persons with disabilities in its operations, including

through the provision of necessary psychosocial and humanitarian support, in accordance with the *Convention on the Rights of the Child*, (footnote omitted) the *Convention on the Elimination of All Forms of Discrimination against Women* (footnote omitted) and the *Convention on the Rights of Persons with Disabilities*; (footnote omitted).”<sup>vi</sup>

Consistent with UNRWA’s mandate and position as a United Nations entity, the Agency seeks to deliver its core services in an impartial, inclusive, and non-discriminatory manner, including preventing discrimination in service delivery on the basis of disability, age, and gender. To implement an inclusive and non-discriminatory approach to service delivery, including psychosocial and humanitarian support as encouraged by the General Assembly, UNRWA has introduced a range of policy and planning measures such as the UNRWA Disability Policy (2010),<sup>vii</sup> the UNRWA Disability Inclusion Guidelines (2017),<sup>viii</sup> and the UNRWA Inclusive Education Policy (2013).<sup>ix</sup> The Agency is also committed to the implementation of the United Nations Disability Inclusion Strategy,<sup>x</sup> as well as the Inter-Agency Standing Committee Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action.<sup>xi</sup> UNRWA is further a signatory to the Charter on Inclusion of Persons with Disabilities in Humanitarian Action.<sup>xii</sup>

UNRWA is committed to child-sensitive service delivery and programming and to advocating for their rights to be respected.<sup>xiii</sup> As a direct provider of primary health, education and selected other humanitarian services to Palestine refugees within UNRWA fields of operation, UNRWA services make a meaningful contribution to the enjoyment of the rights of children.<sup>xiv</sup>

However, UNRWA provides primary health care only and is not a specialist disability services provider. Neither does the Agency act in the place of public authorities in relation to specialist health or education services. The Agency collaborates with disability service providers, according to availability, in all its fields of operation.<sup>xv</sup> Again, the extent to which UNWRA provides such services is a direct product of the financial and other resources available to it at any given time.

### UNRWA services for children with disabilities in Lebanon

In its latest resolution 75/94 of 10 December 2020, the United Nations General Assembly:

“Underlin[ed] that, at a time of heightened conflict and instability in the Middle East, the Agency continues to play a vital role in ameliorating the plight of the Palestine refugees through the provision of, inter alia, essential education, health, relief and social services programmes and emergency assistance to a registered

population of more than 5.6 million refugees whose situation has become extremely precarious, in mitigating the consequences of alarming trends, including increasing violence, marginalization and poverty, in the areas of operation, and in providing a crucial measure of stability in the region”.<sup>xvi</sup>

At the same time, the General Assembly also expressed its deep concern about:

“the extremely critical financial situation of the Agency, caused by the structural underfunding of the Agency, as well as by rising needs and expenditures resulting from the deterioration of the socioeconomic and humanitarian conditions and the conflicts and rising instability in the region *and their significant negative impact on the ability of the Agency to deliver essential services to the Palestine refugees* [emphasis added], including its emergency, recovery, reconstruction and development programmes in all fields of operation, [...] noting that contributions have not been predictable enough or sufficient to meet growing needs and remedy the persistent shortfalls”.<sup>xvii</sup>

As such, the scope and availability of specialized services for Palestine refugee children with significant disabilities in Lebanon is affected both by the prevailing conditions in the country and the particular situation of Palestine refugees, and the constraints on UNRWA’s funding, which is almost entirely based on voluntary contributions.

UNRWA is aware of the particular disadvantages faced by disabled Palestinian refugees in Lebanon. Palestine refugees with disabilities report facing regular exclusion and discrimination from the community, including when seeking employment even when qualified (for adults), and difficulty in accessing adapted living environments, medical aids and specialist medical treatment (for adults and children).<sup>xviii</sup> Disability, especially when it intersects with other vulnerability factors such as gender, age, and/or legal status and lack of civil documentation, leaves this group of Palestine refugees even more vulnerable, more marginalized and requiring additional support which is not readily available within the community setting.

Living conditions in the Southern refugee camps in Lebanon also place disabled persons at a disadvantage. Entry to the camps is restricted by Lebanese Armed Forces. This often causes delays in movement. The entry of building materials is also heavily restricted by the Lebanese authorities. Conditions inside the camps are often poor, with over-crowding and overall poor housing. As a result, camps are often not physically accessible for persons with physical impairments with uneven narrow roads, no pavements and often loose electricity cables. This means that persons with physical impairments are usually unable to move independently outside the home, and often physically unsafe.

UNRWA funding does not extend to assisting with significant adaptations to private shelters to the needs of persons with disabilities. As mentioned above, the Agency does not administer or manage the Palestine refugee camps in Lebanon, this is the responsibility of the host authority.

Palestine refugees have limited access to public services in Lebanon.<sup>xix</sup> As such most Palestine refugees rely entirely on UNRWA for health care unless they can afford private health insurance. For Palestine refugees registered with UNRWA in Lebanon, UNRWA health services comprise primary health care that includes preventive interventions and general medical consultations, in addition to the coverage of 90 per cent of the costs of secondary hospital admissions and 60 per cent for tertiary admissions in selected hospitals. However, due to the significant costs of hospitalization in Lebanon for Palestine refugees without private health insurance, the sum not covered by UNRWA is still considered high, particularly for those with complex and/or chronic needs. Currently, for example, with limited exceptions<sup>xx</sup> UNRWA is also not able to provide medications for chronic conditions. As a consequence, UNRWA is not able to provide comprehensive medical support to persons with disabilities with chronic medical needs. The additional costs will be prohibitive for many Palestine refugee families.

While in principle Palestine refugees have equal access to public education in Lebanon, in practice they only do so where there is space in the relevant public school, with priority given to Lebanese citizens.<sup>xxi</sup> UNRWA aims to support the inclusion and accessibility of education for all Palestine refugee children in UNRWA primary and secondary schools<sup>xxii</sup> as part of its Inclusive Education Policy. That policy extends to children with disabilities. However, the practical constraints on funding – described above – mean that this is not always possible. For example, UNRWA is not in a position to host multidisciplinary teams at schools, so therapists are not available for daily rehabilitation sessions (such as physiotherapy, speech, and language therapy) that children with some severe disabilities such as movement disorders, or severe health needs, require. UNRWA is also unable to cover the costs of a shadow teacher to support the movement of children who need it. The result is that UNRWA provides educational support, to the extent that it is able, but it is not able to provide educational support to all disabled children in its fields of operation.

UNRWA seeks funding in appeals and project proposals to support Palestine refugee children's access to specialized educational institutions tailored to children with severe disabilities. However, as the costs for enrolment in these external institutions are high and this effort is dependent on short-term project funding, which is unstable, the availability of funding and places is not guaranteed. In addition, even if these institutions could accommodate children with severe disabilities, the scope of such external institutions in

Lebanon is limited with significant waiting lists. UNRWA is further not responsible for quality or management by these organizations as they are external to the Agency.<sup>xxiii</sup> Due to funding constraints, support from UNRWA for the cost of enrollment to these schools is linked to whether a family is assessed as vulnerable and is currently on UNRWA's Social Safety Net Programme, as well as the availability of funds. The Social Safety Net Programme has been full since 2015. Referrals to external partners for such services entail long waiting lists as demand exceeds supply. Access to such schemes may also depend on the geographical area that the child resides in.

The cost of assistive devices, specialized education institutions, and therapeutic services is also extremely high in Lebanon. This creates significant barriers for children with severe disabilities in terms of participation in society, access to services and maintaining independence in daily life.<sup>xxiv</sup> In general, Palestine refugees have extremely limited access to such assistive devices due to this high cost, and many are entirely dependent on UNRWA and partners to fill the gaps in those needs. While UNRWA aims at the inclusion of persons with disabilities in all its core services, many persons with disabilities still face considerable obstacles given the limited specialized services available, their high cost, and limited funding made available to UNRWA.

UNRWA's disability programme secures a small number of assistive devices each year, such as corrective devices or wheelchairs. This is largely dependent on funding, the continuity of which is essential to ensure the follow up and close support to individuals. However, the budget is very limited and the need for ensuring long term support to individuals means that only a small number of people are able to benefit from this. Rehabilitation services are not provided by UNRWA. While some organizations that UNRWA collaborates with are able to provide these in some areas, this is largely dependent on the funding streams for these organizations, which are not long term either, as well as on the geographical area that the person resides in.

In conclusion, UNRWA is authorized to provide services within the scope of its mandate as set out by United Nations General Assembly resolutions in its five fields of operations. UNRWA has an obligation to act in good faith to consider, as part of its planning process, how to make progress in addressing the needs, rights, and protection of persons with disabilities, including children. It is not, however, obliged to fulfil any element of its mandate to any particular level or standard. As set out above, the extent to which UNRWA is able to provide those services is largely determined by the amount of funding that it receives.

In closing, the Agency takes this opportunity to note that nothing in or related to this letter shall be deemed a waiver, express or implied, of any of the privileges and immunities accorded to UNRWA under international law.

Sincerely,

*A Peyró*

Ana Peyró Llopis  
Acting Director, Department of Legal Affairs  
UNRWA

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<sup>i</sup> United Nations General Assembly resolution 302 (IV), “Assistance to Palestine refugees”, 8 December 1949, paragraph 7.

<sup>ii</sup> United Nations General Assembly resolution 74/83, “Assistance to Palestine refugees”, 13 December 2019, paragraph 7 (UN Doc. A/RES/74/83).

<sup>iii</sup> UNRWA, Registered Population Dashboard, available at: <https://www.unrwa.org/what-we-do/relief-and-social-services/unrwa-registered-population-dashboard>

<sup>iv</sup> UNRWA, Consolidated Eligibility and Registration Instructions, 2009, available at: <https://www.unrwa.org/resources/strategy-policy/consolidated-eligibility-and-registration-instructions>; see also United Nations General Assembly resolutions on Operations of [UNRWA], for instance the most recent resolution 75/94, paragraph 5, which reads: “*Endorses [...] the efforts of the Commissioner-General of the Agency to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities, while reaffirming the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967.*”.

<sup>v</sup> UNRWA, Consolidated Eligibility and Registration Instructions, 2009, available at:

<https://www.unrwa.org/resources/strategy-policy/consolidated-eligibility-and-registration-instructions>

<sup>vi</sup> United Nations General Assembly resolution 75/94, “Operations of [UNRWA]”, 10 December 2020, paragraph 31, (UN doc. A/RES/75/94).

<sup>vii</sup> UNRWA Disability Policy, September 2010, available at:

[https://www.unrwa.org/sites/default/files/disability\\_policy.pdf](https://www.unrwa.org/sites/default/files/disability_policy.pdf)

<sup>viii</sup> UNRWA Disability Inclusion Guidelines, 2017, available at:

[https://www.unrwa.org/sites/default/files/content/resources/disability\\_inclusion\\_guidelines.pdf](https://www.unrwa.org/sites/default/files/content/resources/disability_inclusion_guidelines.pdf)

<sup>ix</sup> UNRWA Inclusive Education Policy, 2013, available at:

[https://www.unrwa.org/sites/default/files/unrwa\\_inclusive\\_education\\_policy\\_2013.pdf](https://www.unrwa.org/sites/default/files/unrwa_inclusive_education_policy_2013.pdf)

<sup>x</sup> United Nations Disability Inclusion Strategy, available at:

[https://www.un.org/en/content/disabilitystrategy/assets/documentation/UN\\_Disability\\_Inclusion\\_Strategy\\_english.pdf](https://www.un.org/en/content/disabilitystrategy/assets/documentation/UN_Disability_Inclusion_Strategy_english.pdf)

<sup>xi</sup> Inter-Agency Standing Committee, Guidelines Inclusion of Person with Disabilities in Humanitarian Action, available at: <https://interagencystandingcommittee.org/iasc-task-team-inclusion-persons-disabilities-humanitarian-action/documents/iasc-guidelines>

<sup>xii</sup> Charter on the Inclusion of Persons with Disabilities in Humanitarian Action, available at:

<https://humanitariananddisabilitycharter.org>

<sup>xiii</sup> UNRWA, Child Protection Framework, 2016, page 19, available at:

[https://www.unrwa.org/sites/default/files/content/resources/child\\_protection\\_framework.pdf](https://www.unrwa.org/sites/default/files/content/resources/child_protection_framework.pdf)

<sup>xiv</sup> For more information, please see UNRWA, Annual Operational Report 2019, for the period 1 January-31 December 2019, available at: [https://www.unrwa.org/sites/default/files/content/resources/aor\\_2019\\_eng.pdf](https://www.unrwa.org/sites/default/files/content/resources/aor_2019_eng.pdf)

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<sup>xv</sup> In some fields the Agency provides partial financing to community-based organizations, subject to UNRWA's financial resources. However, in Lebanon the Agency only engages in referrals to independent external disability service providers, without provision of any financial support or otherwise.

<sup>xvi</sup> Ibid endnote v, page 1.

<sup>xvii</sup> Ibid endnote v, page 2.

<sup>xviii</sup> UNRWA, Lebanon, protection focus groups, late 2020 (internal).

<sup>xix</sup> UNHCR, The Situation of Palestinian Refugees in Lebanon, February 2016, available at: <https://www.refworld.org/docid/56cc95484.html>.

<sup>xx</sup> 50 per cent of the cost for selected medication for cancer cases, 80 per cent for multiple sclerosis, and 95 per cent for thalassemia cases.

<sup>xxi</sup> UNRWA is aware that there has been additional pressure on public schools in Lebanon in 2020 due to students not being able to pay the fees for private schools. On 28 July 2020, the Minister of Education issued a circular (no. 339/M/2020) opening school enrolment for Lebanese students only, with a follow up circular on 23 October 2020 (no. 490/M/2020) for the enrolment of students of other nationalities. According to information available to the Agency, in practice, most schools are making efforts to keep all students already enrolled, so the impact is mostly felt by new students.

<sup>xxii</sup> Provision of secondary education by UNRWA is limited to the Lebanon field only.

<sup>xxiii</sup> UNRWA is aware of relevant publications by Human Rights Watch, see <https://www.hrw.org/report/2018/03/22/i-would-go-school/barriers-education-children-disabilities-lebanon> and <https://www.hrw.org/news/2020/05/11/lebanon-people-disabilities-overlooked-covid-19>.

<sup>xxiv</sup> Ibid; Committee on the Rights of the Child, Concluding Observations on the Combined Fourth and Fifth Periodic Report of Lebanon, 22 June 2017, in particular section G (UN Doc. CRC/C/LBN/CO/4-5; Lebanon has signed but not yet ratified the Convention on the Rights of Persons with Disabilities, hence no reference by to this Treaty Body is available; Universal Periodic Review of Lebanon, submission by the United Nations Country Team, 'Main', 26 March 2020, in particular paragraph 78, available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRLBUNContributionsS37.aspx>.