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Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.

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Palestinians from the Syrian Arab Republic in Egypt: Endless legal hurdles

The eight-year Syrian conflict has brought about serious challenges for the Palestinian refugee community taking shelter in the war-ravaged country. Shorn of their right to psycho-physical protection, dozens of families headed for Egypt, in the lookout for a better future. But facts on the ground prove that the situation is no less alarming in the Northeastern African destination. Unofficial statistics indicate that nearly 3,000 Palestinian refugees legally landed in Egyptian airports and have sought shelter in provinces such as Cairo, Alexandria, Dumyat, the Eastern Province, and AlGiza. Another 500 refugees illegally entered the country through the Sudanese borders.

Legal status

Palestinian refugees from Syria (PRS) are treated as “tourists” by the Egyptian authorities, a label that continues to rob them of their right to protection. Palestinian refugees who fled war-torn Syria have been subjected to a fragile legal status in Egypt, where they are treated as foreigners rather than asylum-seekers fleeing war-stricken zones. PRS in Egypt have been denied the right to legal visas, refugee documents, safe accommodation, basic services, and relief assistance.

Those who illegally entered Egypt via the Sudanese borders have been denied the right to free movement, education, and labor, among other basic necessities. Unlike Syrian nationals, who are granted safe asylum in Egypt and systematically assisted by the UNHCR, Palestinian refugees are left on their own. Due to difficulties in obtaining legal visas, a number of Palestinian refugees have found no other channels than to embark on illegal cross-border journeys in an attempt to join their families and relatives. Blackmail, property-theft, starvation, and death threats have all been reported in the way through such life-threatening trips.

Those who get caught by Egyptian security forces are often pushed back to other destinations. On September 4, 2019, The Action Group for Palestinians of Syria (AGPS) documented the detention of two Palestinian families from Syria in Egyptian custody over allegations of illegal entry into the country from Sudan. According to Palestinian activists, the list of arrestees included 12 persons, among them children and an elderly woman, along with Palestinian and Syrian migrants. They were all arrested on the Egyptian-Sudanese borders.

In early November 2019, the Egyptian authorities deported a Palestinian refugee to Syria after he overstayed his visa in the country. The refugee entered Egypt illegally through Sudan to reunite with his family members, who have sought refuge in Egypt since 2014. The refugee’s family said such arbitrary refoulement decisions stand in sharp contrast to international humanitarian laws.

PRS: Caught between UNHCR and UNRWA

Palestinian refugees, including Palestinians fleeing the conflict in Syria, are prohibited from registering with the office of the UNHCR. Despite Egypt’s fragmentary domestic legislative initiatives, there is no comprehensive legal instrument to deal with refugees or asylum seekers in Egypt. Egypt does not allow any UN agency or organ to provide assistance and protection to Palestinian refugees in Egypt. The situation has resulted in serious protection gaps. The UNHCR continues to turn down the refugees’ appeals for registration with the agency, paying no heed to their situation as asylum-seekers fleeing deadly conflict. UNHCR staff keep saying that PRS are part of UNRWA’s mandate. However, no relief services or humanitarian assistance is provided by UNRWA to PRS in Egypt, a country which the UN agency says falls outside of its field of operations. As a result, PRS in Egypt have been deprived of their basic rights, particularly their right to physical and legal protection, along with their right to decent and proper housing, cash aid, relief services, healthcare, and education.

PRS in Egypt: A fragile legal status

The precarious situation of Palestinians from Syria in Egypt who are especially vulnerable to serious protection gaps has been one of serious concern. The state does not allow Palestinian refugees from Syria to register with UNHCR, referring to Article 1D of the 1951 Refugee Convention. Also known as the “exclusion clause” contained in the first paragraph of Article 1D, it stipulates that Palestinian refugees do not fall under UNHCR’s mandate in areas where UNRWA provides protection or assistance, like in Syria. But because they do not receive the UNRWA services while in Egypt, Palestinians in fact fall under the competence of UNHCR.

The Egyptian authorities continue to categorize the Palestinians of Syria as “tourists” and, thus, denying them the right to a unequivocal legal status. Refugees have been shorn of the right to legal stays in the country. Palestinian children from Syria have also been denied easy access to education facilities in Egypt. The refugees receive basic and secondary school education at government-run schools after a formal consent is issued to that end by the Ministry of Social Affairs and Labor and the Ministry of Education.

Unlike Syrian nationals, who have been exempted from paying education charges, Palestinian refugees are compelled to pay in dollars given “tourist” status. Last year, a Palestinian refugee from Syria told AGPS that he failed to get his 10-year-old daughter enrolled at a government-run school. The only option left was to have her join a private school, an alternative which he said far outlived his budget. According to the refugee, hundreds of Palestinian children from Syria have been enduring a similar fate as his daughter’s as their parents have failed to shell out education fees at private institutions. The fact that UNRWA has not opened up schools for Palestinian refugees in Egypt has worsened an already difficult situation.

Recommendations

- The Egyptian government should work to ensure that the rights of Palestinian refugees and asylum-seekers are respected. This means implementing international human rights conventions and international customary law in Egyptian national law.
- In terms of international human rights conventions, it is vital that the Egyptian government should work to ensure the human rights to freedom of movement and residence. This means easing restrictions, policies, and bureaucratic red tape in order to secure legal residency and travel for PRS.
- In line with the UN Sustainable Development Goals, the Egyptian government, together with the international community, should make serious steps to ensure that PRS have equal rights to economic resources, as well as access to basic services and social mobility.
- Egypt should be urged to comply with the principle of non-refoulement as a norm of customary international law. Egyptian authorities should immediately refrain from arbitrarily detaining and prosecuting both Palestinian and Syrian refugees and coercing them into returning to Syria.
- UNRWA should be seriously compelled to live up to its responsibilities regarding PRS in Egypt and provide them with cash and in-kind items that they quite urgently need.
- UNRWA’s Liaison Office in Egypt should cooperate with the UNHCR to ensure PRS can have unconditional access to healthcare and education services and are systematically granted refugee cards in order to enhance their legal status and access to basic amenities.
- Serious measures should be carried out so as to put into force the 1951 Refugee Convention, which is the key legal document that defines the term 'refugee' and outlines the rights of the displaced, as well as the legal obligations of States to protect them.