



النهضة العربية للديمقراطية والتنمية
Arab Renaissance for Democracy & Development

Justice



Unmet Legal and Protection Needs of Palestinian Refugee Youth



June
2021



ARDD

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Executive Summary

ARDD is committed to elevating the voices of Palestinian youth in the region and empowering them to achieve positive change in their communities. This study, which is part of that commitment, was an exploratory investigation into the unmet legal aid needs of Palestinian refugee youth living in camps in Jordan, Lebanon and Palestine (the Occupied Territories of the West Bank and Gaza). This report builds on a series of reports and briefs by ARDD on Palestinian Refugee Youth which highlighted the overall situation, needs and aspirations of Palestinian refugee youth in camps in Jordan and the region (ARDD, 2020a, 2020b, 2020c).

As part of ARDD's commitment to engaging with and empowering young Palestinians, this report built on a one-month pilot aimed at training three young researchers from Palestinian communities on social action research. The three researchers were located throughout the region: one in Gaza, one in Lebanon and one in Jordan. They were involved in all aspects of the research including questionnaire design, sampling selection, and validation of findings.

The questionnaire at the base of this study was developed in collaboration with the three young researchers. It sought to understand perceptions of demand and supply of legal aid services from the point of view of Palestinian youth in the region. The target respondents included youth aged between 15 to 29 as well as adults over the age of 33 years in order to obtain insight into the lifecycle of legal needs experienced by Palestinian youth. The questionnaire asked respondents about what they perceived were the most pressing legal needs of Palestinian youth and to what extent legal services were available to meet these needs. The questionnaire also asked respondents if they themselves had faced challenges in accessing legal aid services and, if so, what those challenges were. Demographic questions allowed for a gender disaggregated and age-disaggregated analysis of these issues.

The questionnaire built on ARDD's understanding of access to justice, which encompasses all the elements needed to enable citizens and residents to seek redress for their grievances and to demand that their rights are upheld. In its work, ARDD adopts and adapts the six elements proposed by the Committee on the Elimination of Discrimination Against Women ('CEDAW Committee') in its General Comment 33 on Women's Access to Justice, namely: justiciability, availability, accessibility, good quality, provision of remedies for victims and accountability of justice systems (CEDAW Committee, 2015). Adapting these elements to understand youth's perceptions of the access to justice, the questionnaire explored issues of availability, affordability, and quality of services. If a respondent had personally experienced barriers to accessing services, they were also asked about this.

Summary of Findings

Availability, in the context of this report, refers to the presence of services within the camps. Respondents overwhelmingly reported lack of knowledge regarding the availability of services in their areas, regardless of age, gender or geographical location. Furthermore, the findings highlighted that Palestinian youth living in camps in the region experience legal needs which are not addressed, or insufficiently so, by the current level of service provision. These unmet needs were particularly poignant in relation to the right to work, the right to education, the right to health and the right to freedom of movement. The latter applied predominately in Lebanon and the occupied Palestinian territories and only to a lesser extent to Jordan. No respondents expressed satisfaction with regard to the level of availability of legal services for municipal and criminal law related matters. Amongst the most poignant gender differences, family-related needs were more pressing among young women, which demonstrates that any barriers to access to justice in family-related matters will disproportionately impact women.

Affordability refers to the cost of services. This study found that perceptions of the cost of legal services evolved with age, possibly reflecting the increasing financial responsibility and independence of the youth as they age. With regard to costs, direct costs were reported as frequently as indirect costs. Respondents aged 15-24 perceived that services related to the following areas were more likely to be expensive: financial claims, general and refugee documentation, state security crimes, political representation, freedom of movement, municipal services, inheritance, rents and property, work and employment.

Quality of Services relates to whether youth felt the available services sufficiently helped them address their legal needs. The areas that respondents commonly cited as not being effective were services related to housing, work and employment, health, education, inheritance, and political representation.

Recommendations

Recommendation 1: Legal aid services

An essential part of improving the accessibility is through the provision of legal aid services. Civil society should continue to and, where possible, expand the provision of essential legal aid services in the region. The provision of services must be gender-sensitive, ensuring that issues which predominately impact women, such as family-related legal issues, are not neglected as this will have a significantly disproportionate impact on women.

Recommendation 2: Legal education and empowerment

For youth to access legal aid services, they must first be aware that such services exist. This in turn relies on community members being able to identify and classify their needs as “legal”. Education efforts are therefore required to improve legal awareness amongst youth. ARDD recommends that youth are equipped with specialized skills in order to facilitate referrals from their own communities to service providers, which would include training youth in critical thinking, organizational and communication skills as well as engaging them in dialogue about the legal issues the youth face in their communities. As legal needs do not exist in isolation but are part of a larger network of intersecting needs, these youth would be engaged to think holistically about how legal needs are situated in larger socioeconomic contexts. As part of this, the youth would be trained to identify risks and vulnerabilities within the community in order to identify legal, psychosocial or social protection issues and to refer community members to ARDD or other services providers as appropriate.

Recommendation 3: Continued inclusion of Palestinian youth

The youth that ARDD have interviewed, surveyed and worked collaboratively with are a source of great talent, energy and potential, however they often face barriers to inclusion in legal, social and political processes (ARDD, 2020a). ARDD advocates for greater inclusion and representation of Palestinian youth in all processes that impact them. This includes having a youth-oriented approach to research and data collection (ARDD, 2020c). Service providers must continue to engage youth in the research, design and implementation of projects, such as took place in this study. By conducting research into the legal needs of Palestinian youth, and by including young Palestinians directly in the development and implementation of this study, ARDD has sought to uphold our commitment to elevating Palestinian youth voices in the region. It is through a holistic and participatory approach that real change can be achieved.

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1. Introduction

The youth in Jordan experience a vast array of unmet legal needs. In the last two years, the number of theft cases coming to ARDD's Legal Aid team has doubled. Each year the number of juveniles with drug-related legal matters increases. The team has received a large number of requests for assistance from families whose children have been the victim of cybercrimes. Due to the economic deterioration related to the COVID-19 pandemic, child labour and begging have also increased. The number of cases for which legal services have been provided by ARDD in relation to children's labor rights during 2020 and up until the end of March 2021 included 76 legal consultations related to the employment rights of children (unpaid wages and compensation for work injuries) and 49 cases of legal mediation to resolve differences between the employer and the parents of the child to recover the rights of the child. These are just some of the many legal issues that ARDD has assisted with in recent years which demonstrate the need for increased legal aid services as well innovative efforts to meet increasing legal needs, particular amongst youth. This report provides insights into the legal needs of youth from the perspective of Palestinian youth themselves, however further qualitative and quantitative research is required to verify the results.

Access to justice

Access to justice is a basic pillar of the rule of law and it is vital to achieving strong democratic societies. As a working definition, access to justice "encompasses all the elements needed to enable citizens to seek redress for their grievances and to demand that their rights are upheld" (UN Women and Council of Europe, 2015). In its work, ARDD adopts and adapts the six elements proposed by the Committee on the Elimination of Discrimination Against Women ('CEDAW Committee') in General Comment 33 on Women's Access to Justice, namely: justiciability, availability, accessibility, good quality, provision of remedies for victims and accountability of justice systems (CEDAW Committee, 2015). Adapting these elements to understand youth's perceptions of the access to justice, the questionnaire explored issues of availability, affordability, and quality of services. If a respondent had personally experienced barriers to accessing services, they were also asked about this. This report explores the legal needs and challenges to accessing legal services through the perceptions of Palestinian youth living in camps. This focus on the demand side means that this report does not provide an assessment of the supply side, nor it is a study on the enabling environment, some of which has already been explored elsewhere. (ARDD, 2020a)

A note on data-gathering

ARDD followed a participatory approach to the design and implementation of this study. To this end, ARDD researchers worked collaboratively with three young field researchers located in Lebanon, Jordan and Gaza who were engaged in the design of the survey from its inception. Upon finalization of the questionnaire, the three field researchers distributed it through the platform KoBo among their own networks of refugee youth. The field researchers also provided additional support through valuable insights and clarifications throughout the implementation of the study.

The final survey included 226 respondents as follows: 123 in Jordan, 65 in Palestine, and 38 in Lebanon (Figure 1). The age distribution covered a range of ages, with some skewing at the higher and lower age brackets, where 26% of respondents were 33 and over and only 8% were aged 15-18 (Figure 2). As for the gender distribution, the sample included 147 males and 79 females, meaning 35% of respondents were women (Figure 3).

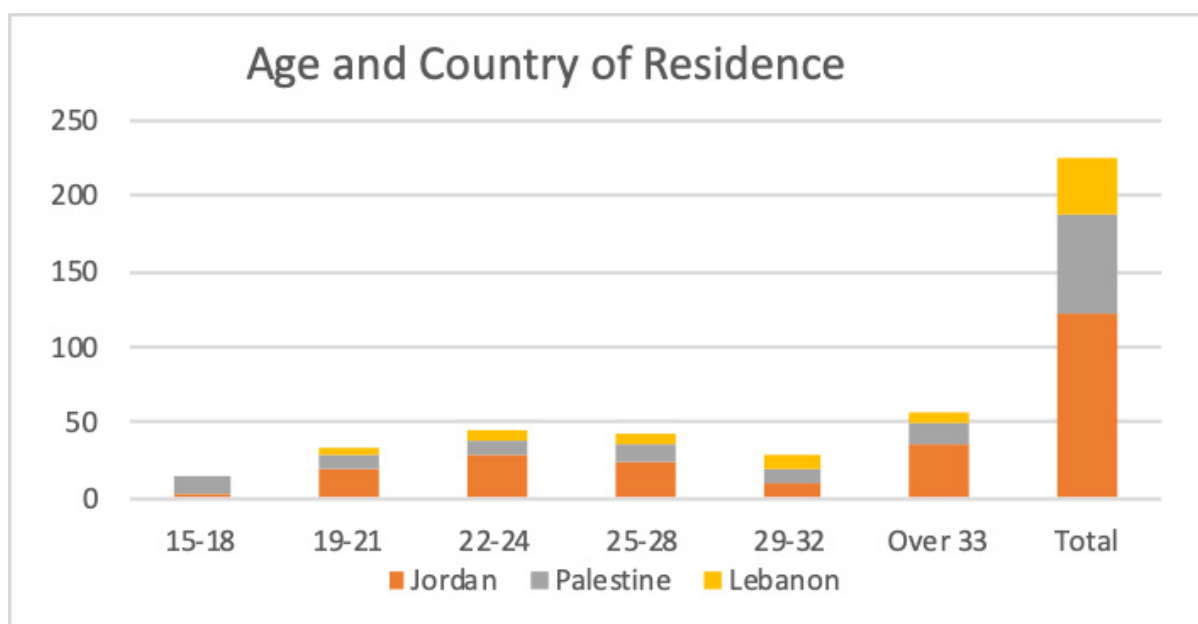


Figure 1 Age and country of residence

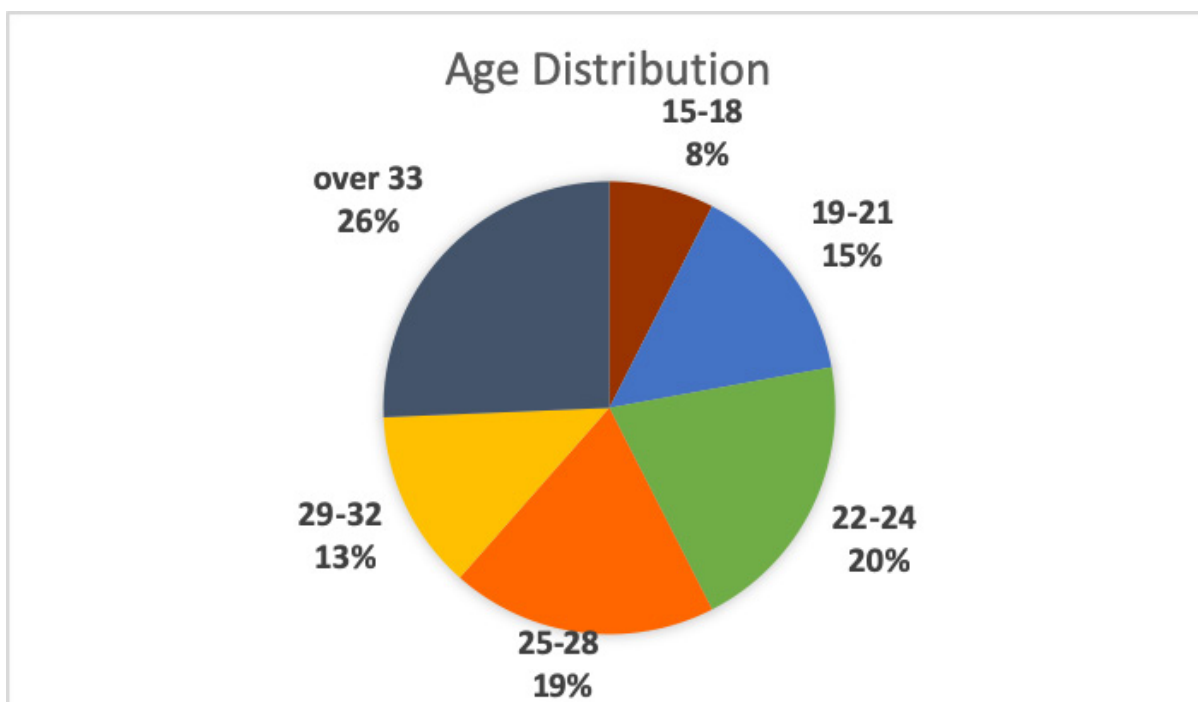


Figure 2 Age distribution

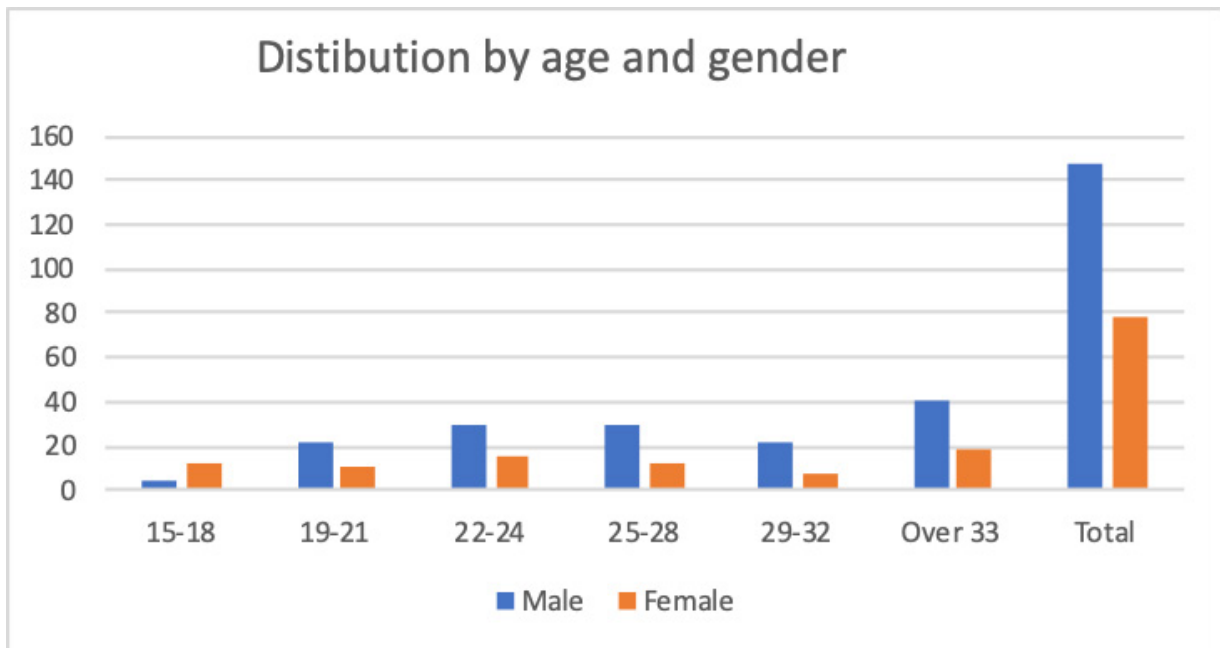


Figure 3 Distribution by age and gender

Limitations

This was an exploratory study with a relatively small sample size. Only 35% of the sample were women, meaning there is a noticeable gender imbalance in the sample (Figure 3). In total, more than half (54%) of the sample are youth aged below 29. Furthermore, youth aged between 15 and 24 years constitute 42% of the sample, higher from the estimated 30% demographic distribution attributed to this age group (Figure 2). As shown in Figure 1, the sample was also skewed towards Jordan, as a higher response rate was obtained in Jordan. There was also only a very small sample from the age group 15-18 (with no respondents in that age group from Lebanon). Lastly, the response rate in Lebanon was the lowest with only 38 participants, meaning that further data collection would be required in order to validate the findings in relation to Lebanon specifically. Bearing these limitations in mind, the sample still provides some interesting indications on how different groups perceive and prioritize different legal needs.

2. Legal Needs: As reported by Palestinian Refugee Youth

In brief:

- *Housing and employment become increasing priorities for youth as they transition to adulthood and, conversely, education becomes less of a priority*
- *Freedom of movement was a key concern for youth, especially youth living in the occupied Palestinian territories and Lebanon, and to a lesser extent youth in Jordan*
- *Where employment related issues were experienced, youth were particularly likely to have experienced issues related to payment of salaries*
- *The most significant challenge to accessing services identified by respondents was a lack of knowledge of legal service providers.*
- *A number of other challenges were also identified, although at lower rates, demonstrating the various factors which impact access to justice*

Definition of Youth

For statistical purposes, the UN defines youth as ranging from 15 to 24 years of age. However, some UN Agencies consider youth to continue until age 32 (UN Habitat). The meaning of “youth” is not static, but rather subject to cultural, socioeconomic and demographic realities of different contexts. For example, the Jordanian National Youth Strategy (2019-2025) defines youth as the period between 12-30 years of age (Ministry of Youth, 2019). For this reason, and to assist in building a life cycle view of the legal needs of youth, a broad range of age groups were included in this study.

Legal Needs by Age

The transition to adulthood is marked by evolving legal needs, where the prioritization of education begins to give way to concerns about employment and housing. This section demonstrates this. For example, while youth in the age 15-18 were not concerned about housing issues, those in the age group 19-21 expressed an interest in housing legal needs. This need was not prioritized among the highest five legal needs for youth aged between 22 and 28 years old, but was ranked fifth for participants 33 and above.

The most significant legal aid needs identified by youth were in relation to (in order): work, education, health, freedom of movement, camp and municipal services, housing, political representation, refugee documentation and landlord/property issues. As illustrated in Figure 5, these priorities are relatively consistent across different age groups: most lines do not cross but follow parallel movements. The main exception is the age groups 15-19 and 18-21, for whom education, not work, was their main priority.

Among youth between 22 and 28 years, freedom of movement is their second priority after work. These two highest priorities might indicate the urgent needs for finding decent work inside or outside their territories. Notably, freedom of movement was a particular concern for respondents in Lebanon and the occupied Palestinian territories, more so than in Jordan. For example, 80% of respondents aged 19-21 in Lebanon indicated that the freedom of movement was a priority, whereas only 40% of respondents in the same age bracket in Jordan indicated this.

There was a somewhat inverse relationship between work as a priority and education as a priority across the age groups. When the youth entered adulthood, in the 19-21 age bracket, there was a roughly similar priority given to both work and education. However, in higher age groups the relative priority given to education fell as the priority of work increased. Priority for education started to increase again for the 33 and over age bracket. This demonstrates the need for youth to be empowered to manage work-related matters as these become increasingly significant in their lives.

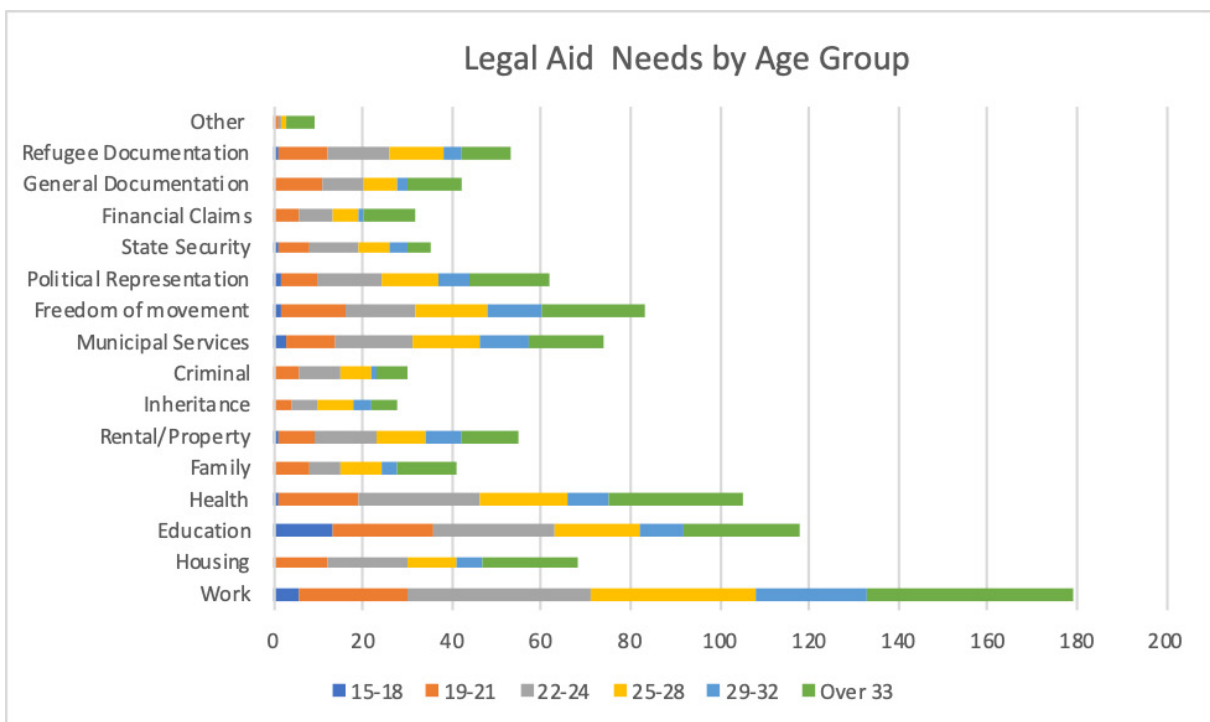


Figure 4 Legal needs by age group

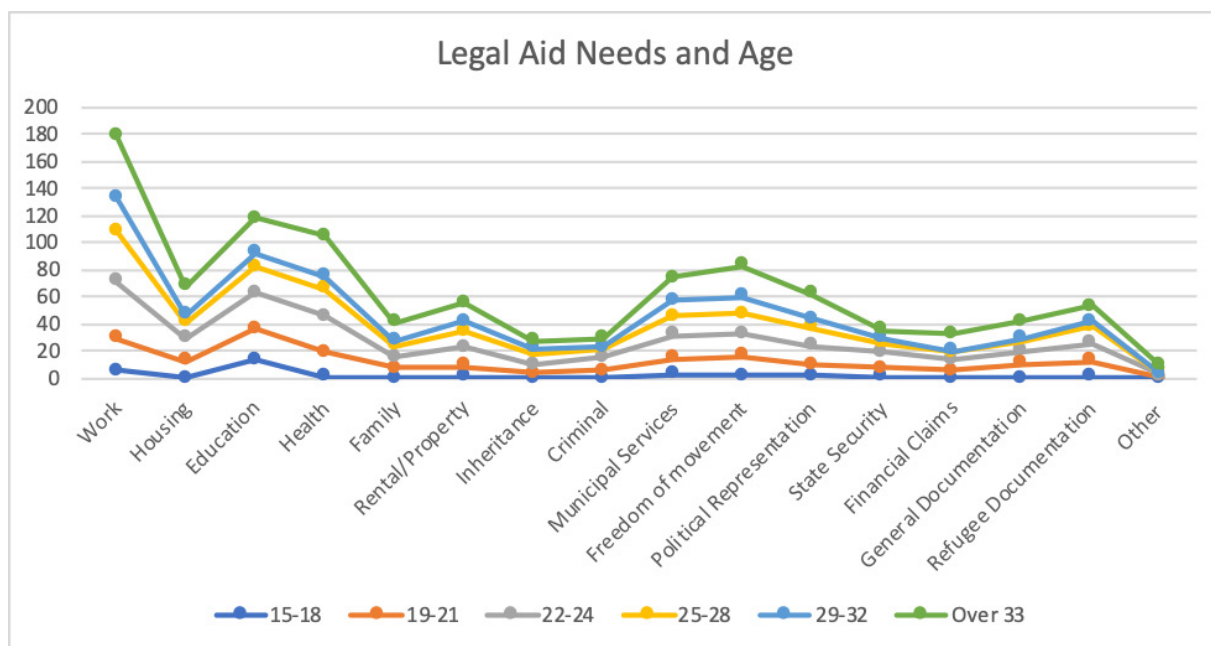


Figure 5 Legal needs and age

Work, Education and Crime

When asked about details regarding legal needs issues experienced in the fields of work, education, and criminal law, some age-specific patterns emerged, as outlined below.

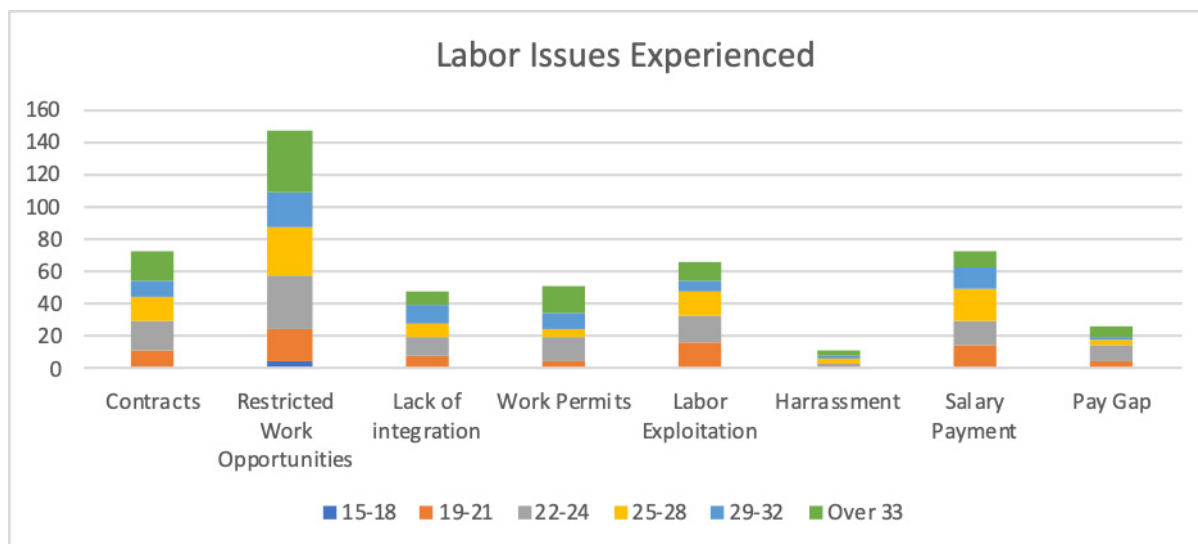


Figure 6 Labor issues experienced

Restriction of work opportunities, payment of salaries and labor exploitation are the most often cited legal problems experienced. Harassment was not identified by respondents as a major problem: only 5 female respondents and 7 male respondents referred to it. A previous study by ARDD found that sexual harassment was one of the main challenges facing women in the

workplace (ARDD, 2018b). Given the sensitive nature of harassment, and barriers to reporting related to shame, there is a chance that there has been underreporting.

With regards to education, **university fees and a lack of scholarships** are the main problems reported. This is most relevant among age groups of 19 to 24 years-old and then among older adults (33 and over), which correlates to the same age groups which indicated access to education was a priority.

Administrative detention, theft and cybercrime are the highest problems experienced by Palestinian youth residing in the camps in general, although respondents aged 15-18 did not report any criminal problems. This is likely a result of the small sample size.

Age-related challenges to accessing services

A lack of knowledge of legal service providers and the cost of accessing services were by far the highest rated challenges to accessing legal services. Interestingly, the age group 22-24 years was the only group that indicated knowledge of available legal services was only a moderate priority; all other groups recognized their lack of knowledge in this regard.

The perception of the cost of legal services appeared to evolve with age. Youth aged 19-21 ranked this challenge among the least important, and the youth between 22 and 24 years gave it a moderate level of importance, while youth aged 25-28 ranked it as a second priority, moreover, the participants aged 33 and over considered it the most difficult challenge along with the lack of awareness of services. This perhaps reflects the transition from childhood to adulthood where individuals are becoming increasingly financially independent and fiscally responsible.

Other key challenges to accessing legal services were a failure of civil society and a lack of community support. While the failure of the civil society was mentioned by a few respondents aged 19-21, older and younger youth considered it one of the pressing urgent challenges. However, it is arguable that a lack of knowledge and a lack of community support are the result of a failure of civil society, since civil society is often responsible for addressing these issues.

Legal Needs by Country of Residence

In brief:

- *Across the region the most urgent legal needs were consistently related to: work, education, health, freedom of movement, municipal services, housing, political representation, and documentation.*
- *Work was the most pressing of these needs, across all locations*
- *There were notable regional variations in the types of barriers to the right to work*
- *In Lebanon, a key issue relating to employment were barriers to social, geographic and economic integration into Lebanese society*
- *In Jordan, some respondents identified being barred from certain sectors and experiencing discrimination in the workplace which led to poorer work conditions*
- *In Palestine, most barriers to the right to work were related to the deterioration of the economic situation, increase of the level of unemployment and a lack of job opportunities*

There were regional variations as to the most urgent legal needs, however across the region the most urgent legal needs overlapped, which included rights in relation to: work, education, health, freedom of movement, municipal services, housing, political representation, and documentation. Work was the most pressing of these needs, across all locations (Figure 7). When asked to elaborate further on legal issues experienced, respondents provided further qualitative observations:

In Lebanon, youth's legal needs were directly linked to work and social integration as many young people mentioned social and economic exclusion as a main challenge. Their main demands included the right to property ownership, inclusion in the social security system, and work in professions currently closed to Palestinians such as medicine, engineering, law, and others. They demanded increased efforts to allow them to work in many professions in which Lebanese unions prohibit them from working. This multifaceted marginalization is strongly connected with the geographical marginalization experienced by refugees, where camps are away from cities and where refugees feel, in the words of one respondent, "like an alien" despite having lived on Lebanese land for decades.

In Jordan, exclusion from particular labor sectors – rather than geographical areas – was experienced among refugees, with the main reported challenges being those concerning job opportunities and ensuring a fair work environment. Many talked about the lack of job opportunities for refugees and unequal access to the few opportunities that did exist, especially in the governmental sector. Some refugees expressed the feeling of exclusion from large institutions in Jordan such as the military, airports and governmental institutions in general. Some stressed the presence of racism in the workplace and discrimination between Jordanians and Palestinian refugees whose need to work is exploited by employers who force them to work longer hours with lower pay. Others noted that work contracts are short in order to maximize opportunities for Jordanian citizens, while some respondents face challenges obtaining work permits. A few suggested issuing a law to create job opportunities for youth in camps.

In Palestine, most challenges were related to the deterioration of the economic situation, the increase in unemployment and a lack of job opportunities. Respondents suggested that legislation and policy reforms were required to create work opportunities, prohibit worker exploitation and ensure that a fair minimum wage is guaranteed. Many refugees also stressed that Israeli siege and Palestinian division are the main factors hindering the improvement of the economic situation and creating employment opportunities.

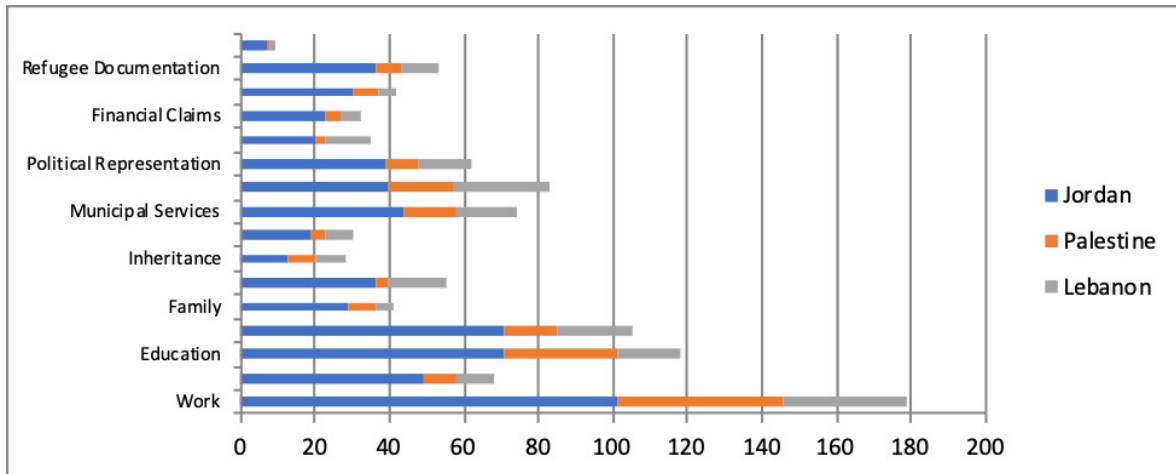


Figure 7 Legal needs by country of residence

When disaggregating **by age and location**, there was an inverse relationship between work as a priority and education as a priority across the age groups (Figure 8). When the youth entered adulthood, in the 19-21 age bracket, there was a similar priority given to both work and education. However, in higher age groups, the relative priority given to education fell as the priority of work increased, as demonstrated by the distance between the two lines in Figure 8. For respondents in each location, the difference between work and education priorities peaked at different ages: in Lebanon, the 25-28 age bracket had the largest gap in priority between work and education, in Jordan the largest gap was in the 29-32 age bracket and in the occupied Palestinian territories the largest gap was for the age bracket 22-24 years. Priority for education started to increase again for the 33 and over age bracket. This demonstrates the need for youth to be empowered to manage work-related matters as these become increasingly significant in their lives.

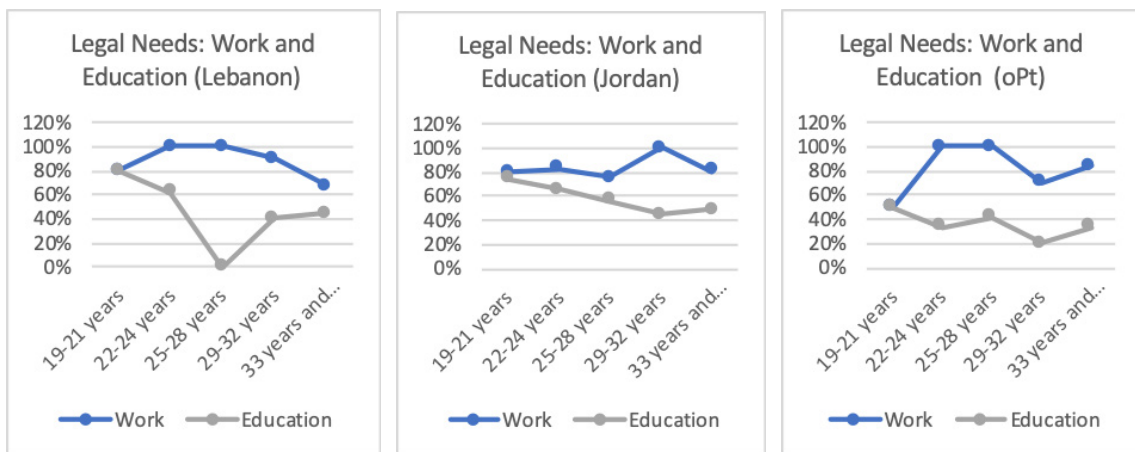


Figure 8 Legal needs: Work and education, by age group and location

Legal Needs by Gender

In brief:

- *Women generally prioritized similar issues as those prioritized by men*
- *The most significant difference was that women prioritized education at a noticeably higher rate than men, and men prioritized housing at a noticeably higher rate than women*
- *Smaller differences were seen in regards to criminal issues, municipal services and freedom of movement which men seemed to prioritize at a somewhat higher rate than women*
- *Women were disproportionately impacted by family-related legal matters*

Although women are misrepresented in the sample (lower percentage than the demographic reality), a quick analysis of the data underlines the legal needs priorities mentioned earlier, with no significant disparity between men and women. This is shown below (Figure 9) where the priorities of men and women follow a similar path, with the most notable differences between men and women being that women prioritized education at a higher rate than men did and prioritized housing at a lower rate than men. Smaller differences were seen in other areas, with men prioritizing criminal issues, municipal services and freedom of movement at higher rates than women.

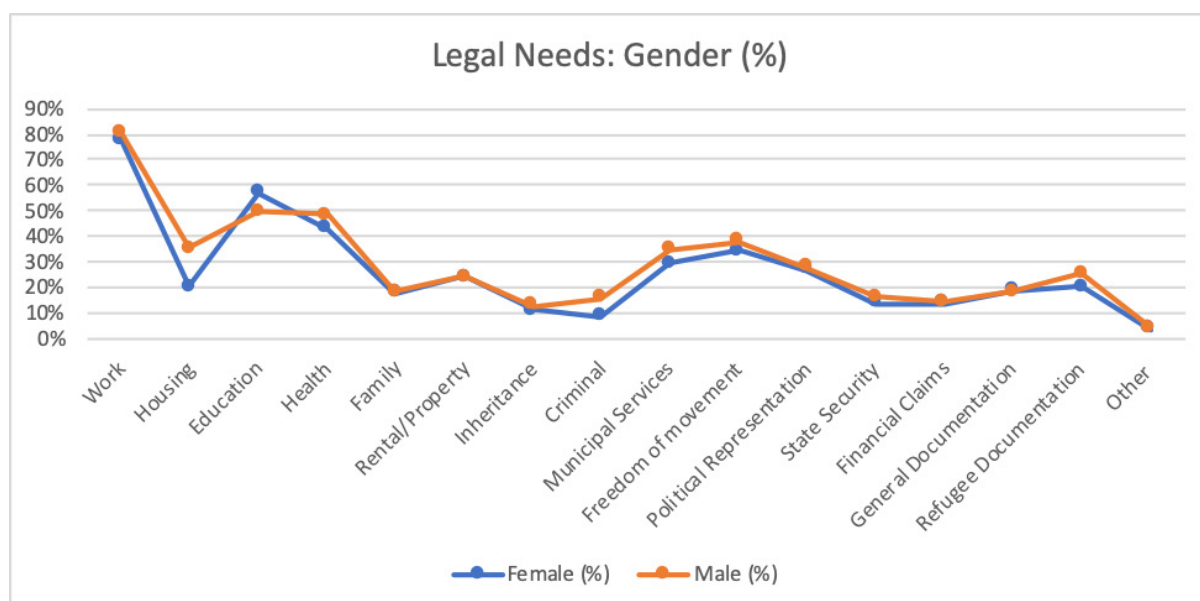


Figure 9 Legal needs by gender

Notably, as shown in Figure 9, no gender differences were identified with regard to family-related issues. However, a gender-disaggregated view of legal needs experienced shows that women were disproportionately impacted by family-related issues. Women indicated experiencing the following issues at higher rates (often double the rate) than their male counterparts: divorce, reproductive issues, domestic violence, child marriage, child custody and alimony (Figure 10). Out of all the types of family-related legal issues experienced, the only category where male respondents outnumbered female was in regard to accessing information about marriage. This reflects the fact that women are disproportionately impacted by issues such as domestic violence and child custody. This conclusion is supported by recent statistics by the Palestinian Central Bureau of Statistics which noted that more than a third (37%) of married or previously married young women in the 18-29 age group have experienced violence by the husband (PCBS, 2020). This finding is an important indication of how women’s access to justice is often experienced in the ‘private’ realm, that is, at home and in relation to marriage. As a result, any barriers to access to justice in these matters will disproportionately impact women.

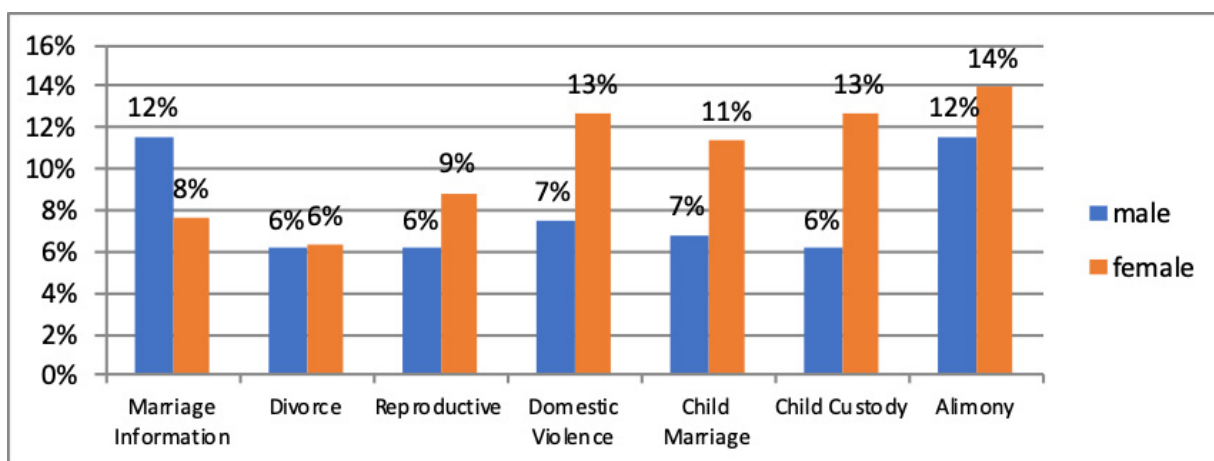


Figure 10 Family issues experienced by gender

3. Legal Aid Services: A view from the Demand Side

In brief:

- Responses indicate mixed perceptions of the availability and quality of services
- In general, youth perceived a greater need for services than availability of services. This applies across all types of legal assistance, except to family-related matters
- In family-related matters, there was the view that there was slightly more availability of services than there was need, however this result may be impacted by the fact that women, who are disproportionately impacted by family matters, were under-represented in the sample

Availability: Unmet Needs

Respondents overwhelmingly reported lack of knowledge regarding the **availability** of services in their areas, regardless of age, gender or geographical location. Furthermore, the findings highlighted that Palestinian youth living in camps in the region experience legal needs which are not addressed, or insufficiently so, by the current level of service provision. These unmet needs were particularly poignant in relation to the right to work, the right to education, the right to health, and the right to freedom of movement. The latter applied predominately in Lebanon and the occupied Palestinian territories and only to a lesser extent to Jordan.

An analysis contrasting identified legal needs with perceived availability of services provides the following critical insight: needs were always higher than the perceived availability of services (Figure 11). This is apparent in all areas with the exception of family issues, where there was a slightly higher perception of the availability of services than there were identified needs. Given the low percentage of women in this sample, and that women are disproportionately impacted by family issues, it is possible that this has impacted this result.



Figure 11 Legal needs vs perceived availability of services

Quality and Affordability

Quality of Services relates to whether youth felt the available services sufficiently helped them address their legal needs. The areas that respondents commonly cited as not being effective were services related to housing, work and employment, health, education, inheritance, and political representation.

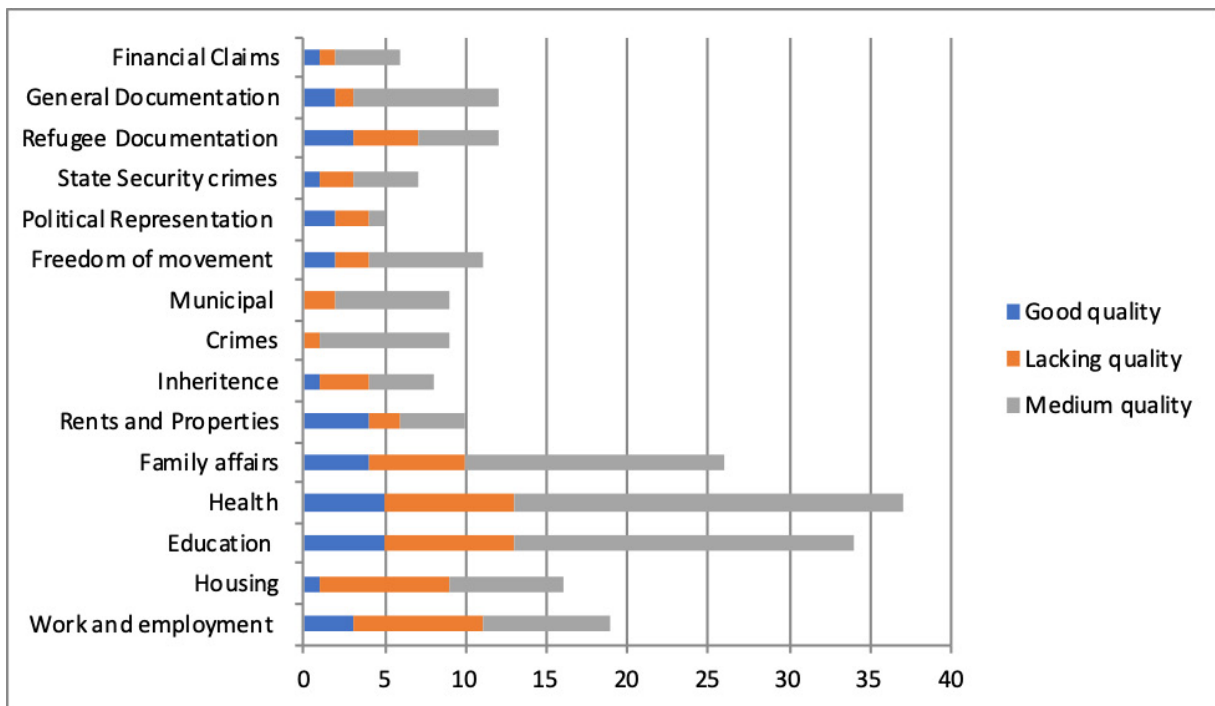


Figure 12 Level of satisfaction regarding the quality legal aid services per category

When asked about the **affordability** of legal services, youth aged between 15 and 24 years confirmed that the fees were more likely to be expensive for the services in the following areas: financial claims, general and refugee documentation, state security crimes, political representation, freedom of movement, municipal services, inheritance, rents and properties, and work and employment, while mixed views were expressed on the cost of the other services. A few participants reported some free legal services in seven areas: state security crimes, inheritance, rent and property, family affairs, health, work and employment, and education, the latter was the most mentioned free service. The respondents from the same age group reported having indirect additional costs like transportation, which mostly considered simple but sometimes tend to be expensive. In many cases, the indirect expensive costs were reported as frequent as the simple direct costs. In general, the indirect costs were reported as frequent as direct costs.

The perception of the cost of legal services appeared to evolve with age. Youth in the age group 19-21 years ranked this challenge among the least important, and the youth between 22 and 24 years gave it a moderate level of importance, while youth aged 25-28 years ranked it as a second priority, moreover, the participants 33 and over consider it the most difficult challenge along with the lack of awareness on the services. This perhaps reflects the transition from childhood to adulthood where individuals are becoming increasingly financially independent and fiscally responsible.

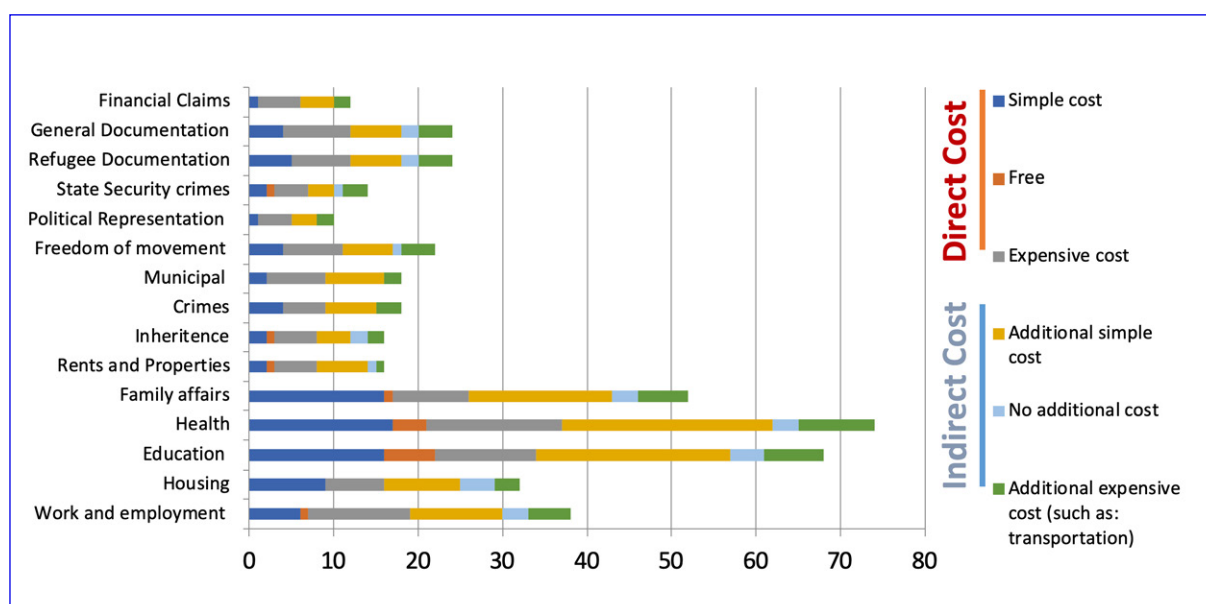


Figure 13 Level of satisfaction regarding affordability of legal aid services per category

Way Forward

Recommendation 1: Provision of legal aid services

An essential part of improving the accessibility is through the provision of legal aid services. For this reason, in order to improve accessibility, the CEDAW Committee recommends the provision of legal aid, the development of targeted outreach programs and individualized assistance for illiterate women and women who face linguistic barriers (CEDAW Committee, 2015). Thus, civil society should continue to and, where possible, expand the provision of essential legal aid services in the region. The provision of services must be gender-sensitive, ensuring that issues which predominately impact women, such as family-related legal issues, are not neglected as this will have a significantly disproportionate impact on women.

Recommendation 2: Legal education and empowerment

For youth to access legal aid services, they must first be aware that such services exist. This in turn relies on community members being able to identify and classify their needs as “legal”. Education efforts are therefore required to improve legal awareness amongst youth. ARDD recommends that youth are equipped with specialized skills in order to facilitate referrals from their own communities to service providers, which would include training youth in critical thinking, organizational and communication skills as well as engaging them in dialogue about the legal issues the youth face in their communities. As legal needs do not exist in isolation but are part of a larger network of intersecting needs, these youth would be engaged to think holistically about how legal needs are situated in larger socioeconomic contexts. As part of this, the youth would be trained to identify risks and vulnerabilities within the community in order to identify legal, psychosocial or social protection issues and to refer community members to ARDD or other services providers as appropriate.

Recommendation 3: Inclusion of Palestinian youth

The youth that ARDD have interviewed, surveyed and worked collaboratively with are a source of great talent, energy and potential, however they often face barriers to inclusion in legal, social and political processes (ARDD, 2020a). ARDD advocates for greater inclusion and representation of Palestinian youth in all processes that impact them. This includes having a youth-oriented approach to research and data collection (ARDD, 2020c). Service providers must continue to engage youth in the research, design and implementation of projects, such as took place in this study. By conducting research into the legal needs of Palestinian youth, and by including young Palestinians directly in the development and implementation of this study, ARDD has sought to uphold our commitment to elevating Palestinian youth voices in the region. It is through a holistic and participatory approach that real change can be achieved.

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