

I. General Background and Framework:

1. Lebanon was among the first that signed the Convention on the rights of the Child and ratified it on 14/5/1991 (without reservations) along with the Supplementary Protocol on child trafficking but did not ratify yet the Protocol on the Involvement of Children in Armed Conflict.¹ Nevertheless, in the absence of the political will to promote the human rights situation particularly that of children, children in Lebanon are indeed suffering from many challenges that have increased since the review at its first session.

2. In 2010, during the first cycle review, the Lebanese government received many recommendations concerning the protection of children's rights, particularly combating child labor and improving the effectiveness and quality of social services, mainly education and health. However, the government did not commit enough to meet the challenges in this issue and yet stays the main responsible for the failures.

3. Since the first periodic review of Lebanon and after the outbreak of war in Syria in 2011, the crisis of the Syrian refugees and the Palestinian Syrian refugees constituted one of the most significant changes and challenges facing Lebanon. Today, the number of refugees is around one million and one hundred thousand according to the UNHCR², and around one million and a half according to the government estimates. The huge flow of refugees holds humanitarian responsibilities; including providing shelter, food, water, sanitation, health care, education and other services in Lebanon; nevertheless it also creates significant challenges on political, security and economic levels.

4. Around half of the Syrian and Palestinian refugees from Syria who have fled to Lebanon are children, and they are exposed to additional factors and risks; such as child labor, sexual exploitation, neglect and recruitment by groups in the camps. In a study entitled "Children spreading and working on the Streets in Lebanon: properties and arguments" launched by the Ministry of Labor, International Labor Organization (ILO), UNICEF, and the International Save the Children, and covering 1,510 street children where 73% of them are Syrian refugees children. "Survival Sex" cases have become alarming as they aim at providing money and food for the families³. As for the situation of children, UNHCR has flagged concerns of an important challenge facing refugee children who were not receiving school, leaving them vulnerable to recruitment by armed groups and organized crime that aim to take them to fight in Syria⁴.

5. Lebanon, however, has been late in acknowledging the crisis and responding to it. It has not adopted a comprehensive plan to deal with the situation until December 2014, in addition to the absence of any preset plan or methodology to handle the distribution of refugees properly across the whole country, creating problems in the allocation of resources as well as more political and security instability that weighed on all the different aspects of people's lives. This also reflected on the problems in the education sector, on one hand, with the doubling of students

¹ Lebanon signed it on February 11, 2002.

² UNHCR, "Syria Regional refugee response", available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122>. [last accessed on March 15 2015].

³ Voice of America, "In Lebanon, Syrian refugee resort to survival sex", available at: <http://www.voanews.com/content/syrian-refugees-resort-to-survival-sex-in-lebanon/1711943.html>.

⁴ The daily Star, "Syrian refugee face recruitment as fighters, sexual abuse: UN", available at: <http://www.dailystar.com.lb/News/Middle-East/2013/Aug-06/226496-syrian-refugees-face-recruitment-as-fighters-sexual-abuse-un.ashx#ixzz2cS6RuB70>.

in public schools; whereas the latter were already inadequate in terms of quality and quantity; and on the health facilities, on the other hand, not responding to the needs of the increasing population, besides the rise of the number of street children and the denial of the most vital aspects of a normal life.

Recommendations:

6. **Ensure the access to food, shelter, health care, and education to refugee children.**
7. **Fulfill its international obligations particularly Resolution 1325 issued by the Security Council on the protection of women and girls from the effects of armed conflicts, mainly regarding sexual violence.**

II. Promotion and protection of human rights obligation

a. Cooperation with human rights treaty bodies

8. The Lebanese government does not have a clear mechanism of reporting to United Nations treaty bodies, so around twelve reports are being late for submission. According to the Convention on the Rights of the Child, the entity responsible for preparation of reports is the Supreme Council for Children (affiliated to the Ministry of Social Affairs and is considered a national reference on the problems of children and all that is related to their rights), but all the reports were submitted with a delay.

Recommendation:

9. **Ratify the additional protocols to the Convention on the Rights of the Child⁵ and ensure its effective implementation.**

b. Implementation of international human rights obligations

A. Civil and Political Rights

i. The right to protection

10. The main law that sponsors protection of children and juveniles, “Protection of Juveniles in Conflict with the Law or at Risk” (N° 422/2002), was activated on June 6, 2002. This law gives the Union for the Protection of Juveniles in Lebanon (UPEL) a fundamental role and powers enabling it to intervene in protecting them. Law n° 422 seeks to reform the juvenile justice system through the establishment of juvenile courts focusing on education, rehabilitation, and protection rather than punishment. Nevertheless, there are some major gaps in this law including the minimum age of criminal responsibility, means of equity, juvenile arrest procedures, criminal record and legal proceedings among others.

11. While, the international conventions and practices assigned the minimum age for criminal responsibility between 12 and 14 years, Lebanon fixed it at 7 years⁶ which raises several

⁵ The protocols to the CRC not ratified by Lebanon are: the “Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict” and the “Optional Protocol to the Convention on the Rights of the Child on a communications procedure”.

reservations about the extent of the child's ability at this age to bear the psychological and social consequences of the criminal responsibility.⁷

12. The right of appeal in article 44 of Law 422 is problematic. In misdemeanor cases of the right of the State to seek justice, decisions of the juvenile judge are final. However, the sentence can be reviewed (not following usual course of appeal) by an application for retrial. In felony cases, an appeal of the decisions of the Juvenile Court is only available at the Court of Cassation. Judgments from the Juvenile Court should be appealed to the Courts of Appeal

13. Article 34 of Law n° 422 imposes on the authorities to contact the social worker, often from the UPEL to attend the first six hours of the arrest and the police questioning. The authorities, judicial police or the public prosecutor should also notify the child's parents or the legal custodians or any other custodians. The case of the failure of the social worker to attend does not lead to the cancellation of the interrogation session. However, if the authorities did not contact a social worker even once when the children have been arrested leads to disciplinary action against the authorities. Around 60 % of the juvenile questioning is conducted in the presence of a social worker. This reality is a result of the lack of the social workers and/or the failure of the authorities to contact them.

14. The inclusion of a criminal sanction issued by a judge (such as prison instead of community service, etc.) in the criminal record⁸ of the juvenile raises much criticism.

15. When a juvenile is arrested for a crime committed in partnership with adults, he will be referred to ordinary courts (Article 33). Then, the jurisprudence of the judge shall be for the purposes of the investigation, for determining the child's participation in the crime and its nature, as for knowing whether the juvenile is guilty. Despite all what has been mentioned, the juvenile judge is the one that hands down the sentences. Handling the case in ordinary courts that are already suffering from the accumulation leads to delays in the trial that aggravate the detention conditions of the child.

16. In Lebanon, the male juvenile are being arrested in the juvenile detention center in Roumieh prison (Block C) and the UPEL Fanar. With the lack of funding, concerns related to the ability of the Union to fulfill its duties are raised. The reports received from the Juvenile Delinquency Courtrooms confirm that the Union social workers have suspended their work.

17. There are cases of child exploitation in the police stations until transfer to an investigation judge. Around 30% of the juvenile informed the investigative judge that they were abused on the hands of the authorities, and they were usually between the age of fifteen and eighteen. Many children were exposed to arbitrary arrest as a result of their trial awaiting the criminal justice system and that is due to a number of reasons such as the lack of judges and the slow pace of the legal proceedings, etc.

ii. Prevention/Elimination of Violence

18. Violence against children is a phenomenon present in Lebanon in its different forms; problems with parents' communication with their children, discrimination, corporal punishment in schools and ambiguous Lebanese laws related to this issue (such as Article 168 of the Penal Code that allows sanctioning the child in case he deserved it as permitted by the general custom).

⁶ Article 3, Law N°. 422 on the "Protection of Juveniles in conflict with the law or at risk".

⁷ Permanent Peace Movement, "raise the criminal minimum age from 7 to 12", available at: <http://www.ppm-lebanon.org/ar/content/111>.

⁸ Article 50, Law n° 422 on the "Protection of Juveniles in conflict with the law or at risk".

19. A study⁹ conducted in 2006 indicated the presence of 16.1% of children between the ages of 8 and 11 exposed to one of the several forms of sexual violence, 54.1% of children exposed to physical violence, 40.8% of children witnessing domestic violence incidents, and 64.9% of children exposed to psychological violence. This is mainly due to failure in providing protection and care for children exposed to violence (scarcity of the competent support foundations in Lebanon); insufficiency in the Penal Code concerning the aggressor's sanctions; the social mentality that still refuses to acknowledge the problem fearing the scandals; inefficiency of the Hotline of the Ministry of Social Affairs (1714); the absence of a unified national referral system specialized to protect children; the lack of children awareness on their rights especially their right in reporting on violence; the absence of child protection policy in some organizations working to protect children as well as the governmental institutions and schools and the diversity of Personal Status Laws and the multiplicity of the minimum age for marriage.

20. In addition, Lebanese Law still provides impunity for some crimes specially the article 522 of the Lebanese Penal Code that provides impunity for the crime committer for a sexual crime in case he married the victim.

Recommendations:

21. **Amendment of Law n° 422 and making it compatible with the international commitments and principles related to the protection of juvenile.**

22. **Empowering the Ministry of Social Affairs to perform its role in regulating, developing, supervising, and observing the activity of social welfare centers.**

23. **Exhort all forces to unify the minimum age of marriage.**

24. **Promote protection mechanism accessible to children protection from abuse, exploitation and corporal punishment.**

25. **Abolish article 522 of the Lebanese Penal Code.**

iii. Right to Identity

26. Lebanon does not have a comprehensive birth registration system to cover all children born on its territory. This is contrary to Lebanon's international obligation that stipulates that every child's birth, for no reason and without discrimination, must be registered. There is not a civil status records for stateless persons. Thus, the birth of children born to stateless parents cannot be registered; it affects also the children of unregistered Palestinian refugees in Lebanon.

27. There is in Lebanon thousands of unregistered children who consequently are denied the right to hold any nationality. In fact, the number of stateless children is increasing because of the huge influx of Syrian refugees.

28. Given that the Lebanese law does not allow women¹⁰ to grant their nationality to their children when married to a foreign husband there is a huge risk of statelessness and related violations on the rights of the children.¹¹⁻¹²

⁹ The study was carried out by the organization "Enough Violence and Exploitation" along with the Association of Save the Children and the Supreme Council for Children.

¹⁰ Lebanese law only allows the transfer of nationality from the father to the children. Women can confer their citizenship only if the child is born out of marriage and recognized while a minor by the Lebanese mother.

¹¹ Manara Network, 2011, A Review of the Implementation of the UN Convention on the Rights of the Child Country Profile of Lebanon, Save the Children Sweden Regional Office for MENA Region, p.46.

¹² Frontiers-Ruwad Association field survey conducted in 2012 found that 90% of stateless children have Lebanese mothers.

29. Birth registration procedures rely solely on the parents. The State does not have a system to ensure that all births are registered. Thus, many children born to Lebanese parents are not registered as a result of the parents' neglect, the complex and heavy birth registration procedures, among other reasons.

30. The birth of children of migrant workers if they are in irregular situation in Lebanon cannot be registered; they usually do not have their identification papers or sometimes even a birth registration because they are the children of unrecognized refugees or migrant workers whose residency permit has expired. This hinders the possibility to register them in their respective embassies and they end up stateless.

31. Births of Syrian Children born in Lebanon are at risk of statelessness. They also face difficulties being registered as their parents who fled Syria do not possess all the required documentations to register the birth, or are not in a legal situation in Lebanon. ¹³

32. Furthermore, Palestinian children who do not have identity documents are not registered with UNRWA and are denied their basic human rights and services. Stateless children/people cannot access public health, education, social services, and the labor market. They are also unable to move freely and face risks of detention and arrest. ¹⁴

33. Exception is for birth of children born to stateless persons who hold the status of Qaid addars (Under Study) as they have records with the General Security. However, the Under Study residency permit of the parents must be valid to register the birth the children and their civil status updated. Many Under Study do not keep their status valid due to the high cost of the yearly renewal of the Under Study residency and the children end up stateless.

34. Even though Ministerial Decision No 47 (2003) exempts all public education students from registration fees in pre-school and second grade, foreign students cannot register if they do not have their identification papers. Lebanon, after negotiations with the PLO in 2008, decided to issue identifications cards for undocumented Palestinians; however, they can be arbitrary overturned. Moreover, the conditions to obtain this card are not made public which makes it difficult to know who is eligible to obtain it. ¹⁵

35. The 2001 amendment of the 1969 legislative decree regarding the ownership of real estate property by non-Lebanese deliberately left out all stateless persons. This affects refugees and foreigners without a nationality of a recognized state. ¹⁶

Recommendations:

36. **Ratify the convention on the Status of Stateless Persons.**

37. **Amend the citizenship law to allow women to give their nationality to their children, providing access to civil registration, and protection of stateless persons.**

38. **Grant identification documents to undocumented Palestinian refugees in a sustainable process that would ensure the dignity of this population, their legal right, and equality with documented Palestinian refugees; in addition to accepting new requests for registration.** ¹⁷

¹³ UNHCR, 2014, Lebanon Syria Situation Statelessness Monthly Update, UNHCR The UN Refugee Agency

¹⁴ Manara Network, 2011, A Review of the Implementation of the UN Convention on the Rights of the Child Country Profile of Lebanon, Save the Children Sweden Regional Office for MENA Region, p.48.

¹⁵ UPR Coalition ALEF, 2010, Executive Summary of UPR Report, UPR Coalition.

¹⁶ UPR Coalition ALEF, 2010, Executive Summary of UPR Report, UPR Coalition

¹⁷ UPR Coalition ALEF, 2010, Executive Summary of UPR Report, UPR Coalition.

39. **Follow extraordinary measures in registering the newborn of Palestinian refugees from Syria as a result of the harsh conditions they are living in, based on the child's right to a legal status as mentioned in the Convention on Child Rights.**

iv. Child trafficking:

40. In August 2011, the Lebanese parliament adopted an anti- human trafficking law enhancing the legal protection of victims of trafficking. So far, the reform has many gaps and some reforms need to be undertaken.

Recommendations:

41. **Issue special laws and decrees to ensure appropriate protection and support of victims especially children, including the adoption of severe tools to protect the victim's identity and activate a trust fund for the compensation and rehabilitation of victims of traffic preventing confusion and contradiction with previous legal texts.**

42. **Ensure that the victim of trafficking is not treated as a criminal; the burden of proof falls on the authorities and not on the victim.**

43. **Ensure the right of the victim to participate in the legal process that may require the issuance of a residence permit.**

B. Economic, Social, and Cultural Rights

i. Right to Education

44. The public spending on education is in constant decrease in Lebanon, from 2% in 2008 to 1.6% in 2011¹⁸; which is less than half of what the other Arab countries spend on education. This adds to the disparity of the quality of public and private education and creates more inequality in the right of education knowing that private spending on education is high and exceeds public spending by far.¹⁹ In this regard, as the National Plan for Education aims to rectify the deficiencies in the quality of the education system, the decline of the quality of education in public schools lead to passing the burden of the cost of primary education onto the Lebanese families whom many of them put their children in private schools because of the lack of their confidence in the public education, mainly in the elementary and kindergarten classes. More than 54.4% of the teachers in the public schools do not hold a university degree, and only 4.2% hold a specialized degree in the field of education, whereas more than 30% of the elementary and intermediate school principals do not hold a university degree.²⁰

45. In the field of working on preparing the implementation of Law n° 150 on 17/8/2011 on the compulsory education until the last stages of the elementary education, the Educational Center for Research and Development conducted a study entitled "Towards the compulsory application on the children who are not enrolled in education in Lebanon, from the age of 6 to 15 years" in 2012. The mechanism for its compulsory implementation is yet unannounced.

¹⁸ BankMed, "Analysis of Lebanon's education sector", p.4, available at: <http://www.bankmed.com.lb/LinkClick.aspx?fileticket= VZgkH-7-s%3D&portalid=0>.

¹⁹ Ibid.

²⁰ UNDP in the Parliament, "Fighting against corruption in education, health and water sectors", 2013, p.11 [available in Arabic].

46. As for dropping out the school, repetition, and child labor, there isn't a big change in the size of the problem or the treatment. The educational statistics data in 2012-2013 shows that there are 297,299 registered students, the non-enrolled comprise 3.3%, and the drop outers 7.9% in the first cycle, 10.3% in the second cycle, and 11.8% in the third cycle. The approximate number of those that are obligatory to deal with in order to implement the compulsory law is around 32,588 children between the ages of 6 and 15.

47. There are around 420000 Syrians aged 6-14 who are in need of education services, and many of these children had been out of school for 2 or more years²¹. The overall enrolment rate was around 31 % for primary school education and less than 2% for secondary education²². Despite the enrolment campaign, 80% of refugee children aged 6 to 17 are now estimated to be out of school and in need of support²³.

48. The integration of children with special needs in public schools still lacks the progress in the absence of a national strategy to integrate children with disabilities in education. Thus, and despite the guarantee of the right of the persons with disabilities in education in Law 220/2000 in its seventh section, many obstacles still exist in the path of ensuring access to education, including: the absence of statistics, data, and studies related to persons with disabilities; the lack of public and private schools appropriate with the infrastructure and environmental structure compatible with persons with disabilities; lack of modifications in the curriculum in accordance with the needs of the learners with visual, hearing, and mental disability, or connected to it of resources; scarcity of staff in the education sector and the public sector, and the scarcity of providing the appropriate training for them to be able to deal with the needs of persons with disabilities.

49. According to the "Background paper prepared for the Education for All" issued by the UNESCO in 2010²⁴, in Lebanon "the majority of children with disabilities are in special care institutions, and private schools have a policy of automatically eliminating students with disabilities".²⁵

Recommendations:

50. **Ensure the right to compulsory and free education for all, and increasing the age for the compulsory and free education to the age of 15 as per the international standards.**

51. **Adopt an oriented strategy towards improving the quality of public education especially in the rural areas on the basis of a program that reduces dropping out and adapts the school environment with the basic needs of the children and persons with disabilities, and works on prohibiting the double-shift schools**

52. **Approve of a draft law on the establishment of the Council for Quality Assurance in the public Higher Education (Lebanese University).**

53. **Ensure the allocation of efficient resources to education in state budget raising the expenditure rate of the state budget on education just as the developed countries, particularly in the field of scientific research**

²¹ UNHCR, "Barriers to education for Syrian children in Lebanon", November 2014, p.2, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/reach_lbn_report_syriacrisis_outofschoolchildrenprofiling_nov2014.pdf.

²² United Nations, "Syria regional response plan", p.110, available at: <http://www.unhcr.org/51b0a56d6.pdf>.

²³ Ibid.

²⁴ UNESCO, "review of marginalization of people with disabilities in Lebanon, Syria and Jordan", 2009, available at: <http://unesdoc.unesco.org/images/0018/001866/186600e.pdf>.

²⁵ *Arab Resource Collective* (2007: 14).

54. **Guarantee the enrolment and education for Syrian refugee children.**
55. **Adopt a comprehensive education strategy and the integration of students with disabilities in the general education system.**

ii. Child Labor

56. Child labor is still one of the most crucial risks that impede the growth, and the physical and psychological health of children in Lebanon. The Lebanese government has pledged in 2010 during the Global Conference on Child Labor in The Hague to set a roadmap to eliminate the worst forms of child labor before 2016. As a result, the Lebanese government adopted through the Ministry of Labor a national action plan to eliminate the worst forms of child labor before 2016.

57. Nevertheless, the reality reflects a different image in the shadow of the constant increase in the number of working children and the street children, in addition to the augmentation of the risks they are facing especially within the refugees crisis that elevated these numbers to unprecedented levels. It is indispensable to note that the last survey in 2003 pointed to the presence of 100,000 working children while the recent estimates reveal around 180,000 which reflects the absence of the follow-up and planning²⁶.

58. There are fundamental factors driving children to the streets such as marginalization or societal exclusion, vulnerable familial conditions, Syrian refugees flow, organized crimes, and the exploitation of children²⁷.

59. A study conducted by International Labor Organization and the University of St. Joseph showed that 29.5% of working children in the North and 36.5% in Bekaa are under the age of 14, i.e. the minimum legal age for labor²⁸. The first entry to the labor market with most of the children in the streets is between the age of 7 and 14. The highest percentages were among the children between the ages of 12 and 14 (39%), followed by a close percentage of the children between the age of 7 and 11 (36%)²⁹.

60. Children are exposed to various risks during their work on the streets, including lifting heavy loads (39%), and many forms of traffic accidents (30%). Around 29% of the children in the streets reported being kicked out or arrested by the security and police officers; whereas around 3% of the children said that they are not paid the full wage they agreed upon.

61. Prostitution is among the activities practiced by children but only by a percentage of 0.2, but 17% of female children have been raped or sexually abused, and 46% of children have been exposed to physical aggression by the passers-by.

²⁶ Interview with Dr. Hayat Osseiran, national consultant of ILO, available at: <https://now.mmedia.me/lb/en/reportsfeatures/the-180000-children-who-dont-get-to-play>.

²⁷ ILO, UNICEF, Save the children and Ministry of Labor (Lebanon), "Children working and living on the Streets in Lebanon", February 2015, available at: https://lebanon.savethechildren.net/sites/lebanon.savethechildren.net/files/library/FINAL%20ILO%20BOOK.indd_.pdf.

²⁸ In the north, where the percentage of people under the poverty line exceeds by nine times what it is in the rest of the country, the percentage of working children rises to six times more than what it is in the rest of the country. 22% of working children in the north and 40% in Bekaa are illiterate.

²⁹ ILO, UNICEF, Save the children and Ministry of Labor (Lebanon), "Children working and living on the Streets in Lebanon", February 2015.

62. The majority of children in the streets either do not know how to write and read, and/or have never been enrolled in school. The percentage of children who are completely illiterate is 42% which is almost the same as those who have never been enrolled in school (40%)³⁰.

Recommendations:

63. **Consider the child labor phenomenon as a social problem linked to poverty, dropout percentages, lack of education, and weakness of the legislative measures that allow the adoption of a comprehensive strategy to combat child labor and avoid it.**

64. **Adopting a strategy to confront the phenomenon of street child labor within the framework of the national strategy to combat child labor.**

³⁰ Ibid.