

### I. Child Rights situation

1. Whilst the Lebanese legal system generally provides for the protection and promotion of children's rights as required by the Convention on the Rights of the Child (CRC) some gaps remain visible in relation to the harmonization of legislation with the CRC and other international conventions of relevance<sup>1</sup> and its enforcement.
2. The recent influx of 1.2 million refugees from Syria, as well as the on-going status quo regarding the 270,000 Palestinian refugees and 45,000 Palestinians from Syria, seriously affect overall performance of the State in their implementation of child rights in Lebanon. At least half of Syrian and Palestinian refugees are children (younger than 18). They are at higher risk of accessing unsafe water and sanitation conditions, faced with barriers to access quality education, health and social services. The Syrian refugee crisis has exacerbated problems in the already fragile public service system affecting the wellbeing of children.

### II. Priority issues

#### Equality and non-discrimination

3. Discriminatory practices are prevalent against children with disabilities, foreign and refugee and children from poor Lebanese households<sup>2</sup>. Gender-based discrimination is of considerable concern and still leaves many girls subject to child marriage in particular among Syrian refugees. Lebanon has still not established in law an obligatory minimum age for marriage.<sup>3</sup>
4. A 2014 survey of 5,779 Syrian newborns found that 72% do not have a birth certificate, raising concerns over the recognition of their nationality by the Syrian authorities. Barriers to complete the registering of births are primary related to missing proof documentation and to the legal stay status.

#### Right to life, liberty and security of the person

5. Assessments<sup>4</sup> conducted in 2014 confirm that domestic violence, sexual harassment and exploitation remain the main protection concerns for women and adolescent girls and boys, especially affecting the unaccompanied girls, single heads of households, child mothers/spouses, and women/girls living with disabilities.

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<sup>1</sup> A comprehensive survey of the Lebanese legislation and its comparison with the CRC and other international conventions (UNICEF, MOSA, Université Saint Joseph). 2008

<sup>2</sup> The last data on socioeconomic conditions comes from a 2004 study highlighting that 29% of the Lebanese population are under the poverty line (MOSA, UNDP 2008). No updated information on the poverty situation in Lebanon. Recent trends from the national poverty targeting programme suggest more than 300,000 beneficiaries which are under the severe poverty line of which 42% are children.

<sup>3</sup> The official minimum age set by religious groups ranges between 12 (the Israelite community) and 18 years (the Greek Orthodox community), with the Shiites linking it to puberty. The Sunni and Shiite communities permit girl's marriage at the age of 9 years.

<sup>4</sup> IRC regional report on the situation of women and girls affected by the Syrian conflict "Are we listening". September 2014 & Trends identified by UNICEF & partners through the monitoring of implementation of GBV/CP services. 2014

6. Protection against *violence* and exploitation of children is weak. *Corporal punishment* is lawful in the home, in day care at alternative care settings, in penal institutions and as a sentence for crime<sup>5</sup>. Lack of an information management system has led to *weak reporting by child victims and monitoring of trends and the quality of the services*<sup>6</sup>. UNICEF is supporting the Government of Lebanon (GoL) in designing strategies for case management and in developing unified Standard Operational Procedures. The challenge remains in the official endorsement and application of these SOP.
7. The deteriorating security situation in Lebanon combined with the lack of widespread livelihoods have exacerbated the reliance by refugee and host communities on negative coping mechanisms including worst forms of child labour and association of children with armed groups. Syrian refugee children have experienced extreme trauma in neighbouring Syria and in some cases have been engaged by armed parties to the conflict to fight or provide other forms of support.
8. Despite the non-ratification of the Optional Protocol to the CRC on the involvement of Children in Armed Conflict, national Decree 8987 prohibits the association of children with armed violence as one of the worst forms of child labour. A work plan signed by the Minister of Social Affairs in August 2014 on the prevention of and response can contribute, if widely adhered to by ministries of Defense, Interior and Justice, to frame the response to these children through protection and reintegration programmes rather than military/judicial prosecution.

Administration of Justice, including impunity and the rule of law

9. There are limited mechanisms to determine the best interests of the child in court cases such as custody, guardianship and adoption, which remains subject to confessional personal status laws. The GOL should consider the development of a mechanism for determining the best interests of the children in judicial and non-judicial cases.
10. There is an indication that the age of criminal responsibility will be raised from 7 to 12 years, but it is still not prescribed by the Law.
11. Children and adult prisoners are detained together in most detention facilities in Lebanon, as only two prisons have introduced due separation. Evidence also showed children arrested over charges of participation in terrorist activities<sup>7</sup> during counteroffensives conducted by the army/security forces were in some cases held for up to a month in military detention facilities (under Military Prosecutor's file) prior to their transfer to Roumih's department hosting adult prisoners awaiting trial for terrorism, under Internal Security Forces responsibility. Joint advocacy, by the Ministry of Social Affairs and the UN, led to the release of some of these children without trial or to the transfer of others to the department of the prison for children in conflict with the law, in pre-trial detention.
12. Although detention conditions generally may best be described as poor, rehabilitation in closed institutions has been improved by enhancing conditions and by providing education and vocational activities<sup>8</sup>. There are only six juvenile judges in Lebanon maintaining multiple functions, even though their workload is around 50 child cases per month, they are mostly dealing with child offenders and rarely with children victims of violence.<sup>9</sup>

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<sup>5</sup> Global Initiative to End All Corporal punishment of children ending legalized violence against children- Global Report 2013

<sup>6</sup> UNICEF supported study "Strengthening the child protection system in Lebanon: challenges and opportunities". 2012

<sup>7</sup> *Khosusiyeh Amniyeh*, literally "issues that relate to security" as classified by the Military Prosecutor

<sup>8</sup> UNICEF supported assessment of the community service measure as non-custodial Measures for Juvenile Offenders in Lebanon 2012.

<sup>9</sup> Idem footnote 8

#### Rights to privacy, marriage and family life

- 13.** Approximately 20,000 children are placed in 144 residential-care institutions<sup>10</sup>. The majority are not orphans or abandoned, nor in need of a temporary protection. Although the Government acknowledges the need to promote family based care arrangements, most of the costs associated with the residence of children in institutions are funded by the Ministry of Social Affairs (92% of children). Despite the development of the national SOP for case management of children victims of violence, enforcement of the laws guiding the criteria for removing children from the care of their families remains weak. Foster care should be promoted. Placements must be reviewed periodically, in view of international standards.

#### Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

- 14.** Despite the amendment of the law allowing children under 18 to join associations, child participation in the legal system remains low. Children are rarely asked for their opinion, including in judicial and administrative proceedings. Still, some improvements are visible with the endorsement in 2012 of the National Youth Policy supported by the UN under the leadership of the Ministry of Youth and Sports.

#### Right to work and to just and favourable conditions of work

- 15.** Despite the effort of the Government of Lebanon in the adoption of 2012 Action Plan to eliminate the Worst Forms of Child Labour and a decree No. 8987 prohibiting employment of children below 16<sup>11</sup>, obstacles to education, the socio-economic situation of vulnerable households remains extremely worrying and dragging children including refugees working for long hours under exploitative and unsafe conditions for wages<sup>12</sup> that are substandard. Almost three-quarters of the street-based children are found to originate from Syria. Although this phenomenon existed in Lebanon prior to the Syria crisis, it has been exacerbated by the limited access to learning opportunities, social services and economic constraint of households<sup>13</sup>.

#### Right to social security and to an adequate standard of living

- 16.** The Government is currently developing, with UNICEF assistance, a National Nutrition Protocol to ensure that any malnutrition cases are managed under consistent guidelines that ensure monitoring clarity as well as harmonized treatment. Furthermore, a preventive programme including infant & young child feeding in emergency is underway targeting children between 6-24mo with adequate complementary/weaning food, to provide timely prevention of any deterioration of their nutrition status.
- 17.** Failing water and wastewater infrastructure, together with periodic drought conditions limits access to safe and sufficient water supply leading to inequity and directly to child health impacts. Water quantity, quality and access challenges that pre-date the Syrian crisis have been exacerbated by the large influx of refugees. It is estimated that as a result there has been a 10 percent increase in total water demand, 16 percent more solid waste generated, and 11 percent more wastewater produced.

#### Right to health

- 18.** The country was anticipated to reach the health MDG by 2015, however the Syrian refugee crisis has added challenges to reaching this target. The increased demand for public health care services, resulting from the dramatic increase in population has exacerbated the strain on an already

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<sup>10</sup> UNICEF supported study on Children Deprived of Family Care in Lebanon -Present Situation & Available Alternatives, May 2007

<sup>11</sup> "List of works and activities which are totally prohibited for minor under 18" > "Activities involving physical hazards" > "Activities requiring handling explosives, wearing weapons, engaging in combats or war, given of course the psychological hazards of these activities as well as their physical hazards"

<sup>12</sup> Boys are accepting any job and getting paid 50% less than the minimum wage (375,000 LP) while girls are reported to be earning as little as 175,000 LPB.

<sup>13</sup> 2014 Report on "Children Living and Working on the Streets in Lebanon: Profile and Magnitude" supported by UNICEF, ILO, SCI, in coordination with the Ministry of Labor

faltering system. To mitigate this weakness, UNICEF continues system-strengthening efforts in support of the Ministry of Public Health (MoPH) through mobile medical units in hardest-to-reach areas, provision of medical equipment, extra supplies and medications. UNICEF also provides all vaccines to the Ministry, ensuring the ability to vaccinate all children, regardless of nationality. Despite the polio outbreak of 2013-2014 in Syria and Iraq, Lebanon has maintained its polio-free status as a result of the combined efforts of MoPH, UNICEF, and WHO.

19. There is a lack of psychological services. Specialized medical services, such as for children who are suspected of being abused are rare, namely there is only two such hospitals with a child protection units. There is no institute of forensics in Lebanon and forensic doctors in hospitals are not appointed by the MOPH but by the Ministry of Justice (MOJ), in collaboration with the Ministry of Interior<sup>14</sup>. UNICEF has agreed with the MoPH to provide Mental Health support as well as related psychotropic medications to deal with the psychological impact of the long-duration crisis on the population.

#### Right to Education

20. The amended law 686 (August 2011) proved significant progress in the *increase in the age* of compulsory education from 12 to 15 years or to grade 9 of education. Still, this change needs to reach all children and to be free by all standards through ensuring enforcement of the law and implementation mechanisms.
21. Even though *public schools* are accessible in all areas of Lebanon, and the Ministry of Education and Higher Education (MEHE) is trying to improve the quality of teaching and learning, the majority of parents continue to choose private schools for their children. The percentage of Lebanese children enrolled in public schools continues to drop due to the perception of poorer quality of teaching in those schools<sup>15</sup>. Anecdotal statements points to a growing tensions around the presence of refugee children in some public schools. In response to the concern of the UNCRC on the limitation of free and compulsory education to Lebanese nationals a 3-year strategic plan was adopted: “Reaching All Children with Education in Lebanon” so vulnerable school aged children (3-18 years) affected by the Syrian crisis are able to access quality formal and non-formal learning opportunities in safe and protective environments.
22. Despite the best efforts of the MEHE and partners, the overall *enrolment of Syrian refugee children* remained critically low amongst registered refugees at 25%<sup>16</sup> for primary school-aged children and much less for the secondary level during the 2014-2015 academic year. The MEHE enrolled a total of 106,000 children into formal public primary education.

#### Persons with disabilities

23. Few available assessments focus on specific needs, particularly those of persons with disabilities, including children<sup>17</sup>. Available information highlights the severe consequences of inadequate assistance levels: challenges in accessing services, collective centres and tented settlements; and isolation and stigma. Lebanon still needs to enforce the law 220/2002 for special needs.

#### Migrants, refugees and asylum seekers

24. It is estimated to have about 425,000 Palestine refugees, of which some 280,000 reside in 12 camps and 42 ‘unofficial’ gatherings all around Lebanon<sup>18</sup>. The arrival of additional 45,000 Palestine refugees from Syria (PRS) is exacerbating the resources of communities<sup>19</sup>, and stretching the services supported by the Government of Lebanon, UNICEF and UNRWA.

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<sup>14</sup> Idem footnote 6

<sup>15</sup> Presentation of The Ministry of Education and Higher Education 10<sup>th</sup> of MARCH 2015

<sup>16</sup> UNHCR report “Almost 425,000 Syrian children are in school age”. January 2015

<sup>17</sup> Inter-agency multi-sector needs assessment (MSNA) – phase one report secondary data review and analysis. May 2014

<sup>18</sup> UNICEF, ‘The Situation of Palestinian Children in the Occupied Palestinian Territory, Jordan, Syria and Lebanon- Assessment based on the CRC.’ 2010

<sup>19</sup> UNICEF, Area Programme Document (APD) presented to UNICEF Executive Board during Annual session. June 2014

25. Their access to basic rights remains severely restricted. They are regarded as foreigners and effectively excluded from the enjoyment of most civil and socio-economic rights.<sup>20</sup> 56 per cent of refugees are jobless and only 37 per cent of the working age population is employed. The great majority live under harsh living conditions with high poverty rates, inadequate infrastructure and housing conditions, and limited access to quality services and social protection, in addition to being subject to discriminatory laws and regulations.<sup>21</sup>
26. 66.4 per cent of Palestine refugees in Lebanon were poor in 2010, and 6.6 per cent were extremely poor, indicating that almost 160,000 refugees were unable to meet their basic food and non-food needs, and 16,000 refugees did not meet their essential food requirements.<sup>22</sup>
27. Palestinian refugees are also not eligible for UNHCR support services or protection since they were excluded from the provisions of the 1951 Convention relating to the Status of Refugees, amended by the 1967 Protocol.<sup>23</sup>

### III. Recommendations

28. The State should accelerate the revision of the main law 422/2002 on protection of minors in conflict with the law or at risk to ensure full compliance with CRC.
29. The state should adopt a comprehensive Children's Code, which would list the rights of children and subsequent measures to implement those rights.
30. The State should enhance efforts to ban child marriage, including discriminatory practices against children under the age of 18.
31. The state should integrate in all laws and practices relevant for children "Respect for the views of the child"
32. The State should continue and progressively implement free compulsory and quality education till the age of 15 for children.
33. The State should make every effort to enable equal and equitable access to good quality services to every child in the country.
34. The State should make further efforts to fully legislate and implement absolute ban on all forms of violence against children.
35. The state should be called upon to ratify, as a matter of priority, the OPAC.
36. The State should reform the justice for children system, so as to appoint specialized judges that deal only with children offenders and victims, and work on preventive measures promoting restorative justice as a rule.
37. The State should make sure that every child is registered at birth and has right to protection from statelessness.

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<sup>20</sup> UNCT, 'Report for the Universal Periodic Review of Lebanon – Ninth Session.' December 2010

<sup>21</sup> ILO, Committee for the Employment of Palestinian Refugees in Lebanon (CEP), EU, 'Labour Force Survey among Palestinian Refugees Living in Camps and Gatherings in Lebanon' 2011.

<sup>22</sup> Available Information at UNICEF Lebanon Office. November 2013

<sup>23</sup> Palestinian Women NGOs. 'Implementing CEDAW for Palestinian Refugee Women in Lebanon. First Supplementary Report submitted to the CEDAW Committee, 2008