



Child Rights Situation Analysis

for Lebanon



Save the Children
Sweden

Child Rights Situation Analysis: Lebanon

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2 May 2008*

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List of Acronyms and Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CIDA	Canadian International Development Agency
CRC	Convention of the Rights of the Child
CRTD-A	Collective for Research and Training on Development - Action
CSO	Civil Society Organisation
EC	European Commission
ECHO	European Community Humanitarian Aid Department
EIDHR	European Initiative for Democracy and Human Rights
EMHRN	Euro-Mediterranean Human Rights Network
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood Policy Instrument
EU	European Union
FCE	Free and Compulsory Education
FIDH	International Federation for Human Rights
HCC	Higher Council for Childhood
IDP	Internally Displaced Person
ILO	International Labour Organisation
IMR	Infant Mortality Rate
INGO	International Non-Governmental Organisation
IPEC	International Programme on the Elimination of Child Labour
LABA	Lebanese Breastfeeding Action
MDG	Millennium Development Goals
NGO	Non-Governmental Organisation
PHCC	Primary Health Care Centre

PHRO	Palestinian Human Rights Organisation
PLO	Palestinian Liberation Organisation
SCS	Save the Children Sweden
U5MR	Under-five Mortality Rate
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNRWA	UN Relief and Works Agency for Palestinian Refugees in the Near East
USDOL	US Department of Labour
WHO	World Health Organisation

Map of Lebanon



Source: http://www.lib.utexas.edu/maps/atlas_middle_east/lebanon.jpg

A. Executive Summary

The Convention on the Rights of the Child is the most widely ratified international convention, confirming the commitment of the international community and governments around the world to the well-being and protection of the child. Lebanon ratified the Convention on the Rights of the Child (CRC) and has exhibited commitment to improving the condition of the child and protecting its well-being. Since Lebanon's ratification of the CRC, the situation of the child has significantly improved, in law and practice. However, Lebanon is not fully in compliance with the CRC; there are some areas which need additional attention and action. Identifying areas which need continued attention will hopefully allow NGOs and INGOs to better support the Lebanese government and civil society in moving towards the full actualization of children's rights and protections in Lebanon. This report attempts to provide an overview of the situation of the child in Lebanon, including political, economic, and historical trends that affect the current and future well-being of the child. Particular attention will be paid to areas in which Lebanon can improve its implementation of the CRC regarding protection and education.

One of the legacies of 15 year civil war in Lebanon is the continued sectarian/confessional structure of the Lebanese political and social environment and the weakness of the state. This has resulted in disparities in quality and access of basic services (education, health care, etc), the vulnerability of refugee populations (notably Palestinian and Iraqi), the weakness of the judicial sector and its ability to afford protection to the child, and continued political instability and human rights violations. This most notably affects the well-being of vulnerable children, such as abused children, children from low-income families, refugee children, children of migrant workers, children in conflict with the law, children with disability, working children and other groups of children in particular need of protection services. Of particular concern, the weakness of the state limits its ability to fully monitor the situation of children in the home, in schools, in refugee camps, in low-income areas, in institutions, and in detention facilities. Finally, the continued political and economic instability in Lebanon increases the risk of children's exposure to violence, poverty, trauma (including second generation trauma passed on from the civil war), armed political groups and discrimination.

The Economic and Social Council noted that the situation of women and children has been significantly impacted by the political and economic turbulence since 2005, made worse by the war in 2006. Lebanon currently faces four critical issues: 1) a crisis in governance, 2) socio-economic disparities, worsened by unstable political dynamics and social tension, 3) continued violations of human rights norms and obligations and 4) maltreatment and isolation of non-Lebanese groups inside the country, most notably the Palestinian and Iraqi refugees.

Research suggests that the most critical cross-cutting issues affecting the situation of the child are the following: 1) the quality, quantity, and government oversight of **public services and protection measures**; 2) **Regional economic disparities** in Lebanon which affect access to health care and education, and the number of working children; 3) **Social violence**, for example physically humiliating punishment, gender based violence, corporal punishment, 'honor' killings, emergencies and conflicts, and institutionalization ; and 4) **Discrimination against non-Lebanese groups** which restricts children's access to protection and social services.

To varying degrees, the following groups of children are believed to be most vulnerable: children from low-income Lebanese families (primarily located in rural areas such as the North and the Beqaa valley), Palestinian and Iraqi refugee children and children from other refugee populations, children of migrant workers, children with disabilities, children from minority groups in Lebanon and children affected by conflict—specifically those from the south, in and around Nahr el-Bared camp and the many affected by

the rising climate of political instability in Lebanon. Particularly in regard to vulnerable children, this paper focuses on three themes: protection, education and emergencies (included in protection).

In general, the legal parameters for protection are most notably defined in Law 422/02. The following protection issues, in both law and praxis, are addressed in this paper: early marriage, physical and humiliating punishment, sexual abuse and gender-based violence, child labor, neglected and institutionalized children, children in conflict with the law, children used in armed conflict, children in emergency situations, children and HIV and AIDS, and children and disabilities. Key findings are as follows:

- Family status laws allow for early marriage (as young as 9 for certain groups) and, in some cases, allow parents to waive child consent provisions. However, in practice, early marriage is minimal in most communities in Lebanon. There are indications that it is increasing among the Palestinian community.
- Under Law 422 increased measures have been put in place to protect the child from maltreatment and abuse. In practice, children continue to be vulnerable to high levels of physical and humiliating punishment. Anecdotal evidence and preliminary research suggests that in situations of increased social tension and/or illegal status in Lebanon, children become more vulnerable to acts of violence and have less access to protection measures. Thus, Iraqi children, Palestinian children, working children, children from low-income families, children with disabilities, children of migrant workers, and children in post-conflict areas are believed to be particularly vulnerable.
- The Penal Code and Law 422 outline sanctions for perpetrators of all forms of sexual and gender based violence including rape, seduction, profligacy, incitement to adultery, offence to public morals, and child prostitution. Two of the more concerning legal provisions are the reduced sentence for perpetrators of 'honour' crimes and the absolution of rapists if they agree to marry their victims. Research suggests that the majority of sexual abuse cases are not reported, partly due to social stigma and partly to an unresponsive legal system. Continued reports of honour crimes in Lebanon are of particular concern. There is a high probability that some honour crimes are not reported or are reported as suicides. In regard to both sexual violence and honour crimes, children below the state radar (Palestinians, Iraqis, Somalis, Sudanese, etc) have less protection.
- Lebanon has taken proactive steps to improve the situation of working children, including legislation that provides free and compulsory education (not implemented). Lebanon has also ratified ILO Conventions 138 and 182, and made amendments to the Lebanese Labour Code. It appears, however, that there are continued problems in monitoring child labour and that there is a lack of government capacity to enforce legislation. The literature suggests that Iraqi refugee children, Palestinian children, migrant children, street children and children from low-income families are particularly vulnerable to exploitative labour practices.
- According to the Special Rapporteur for Trafficked Persons, a significant number of persons are trafficked into and through Lebanon, most notably domestic workers and sex workers. The extent of the problem, including the number and conditions of trafficked persons who are under 18, is currently unknown. Some sources report that Lebanese children are trafficked within Lebanon for the purposes of sexual exploitation and forced labour and that some of the persons trafficked into Lebanon to work as domestic workers and in the sex industry are below the age of 18.
- Lebanon has made significant improvement in its legal and practical treatment of children in conflict with the law. Law 422, specifically, has benefited children in conflict with the law by

reducing sentences, providing juvenile judges with increased rehabilitative options, improving detention facilities, increasing the role of social workers, and creating the Department of Minors in the Ministry of Justice. There are, however, continued challenges, including the situation of Iraqi and Palestinian children in conflict with the law, prison conditions, frequent detention sentencing, and the inadequate implementation and monitoring of law and detention facilities.

- Despite a strong social and political commitment to children, Lebanon has a significant problem with regards to the numbers and conditions of institutionalized children. Significantly, Lebanon has the highest per cent of institutionalized children in the world, the majority of which are not orphans. The conditions of institutionalized children vary significantly.
- The long history of conflict in Lebanon, the continued political tensions and the weakness of the state increase the potential for the use of children in armed conflict. During the civil war there were reports of children being used in armed conflict. Though some groups may continue to train small numbers of children, generally it appears that there are insignificant numbers of children used in armed conflict in Lebanon. If the political tensions increase, this may change.
- The Committee on the Rights of the Child expressed particular concern about the impact of past and present conflicts on the situation of the child in Lebanon. The most notable emergencies in Lebanon in the last 2 years are: the July 2006 war, the conflict in Nahr el-Bared camp, and the general insecurity in Lebanon. All of the mentioned emergencies had/have a significant impact on the conditions of the child in Lebanon and illustrate the state's lack of child-focus emergency preparedness.
- Despite currently low rates of reported HIV infection, unsafe cultural practices and social silence on issues related to sex makes Lebanon at high risk for a HIV and AIDs epidemic. In addition, youth are believed to be particularly vulnerable to infection because of poor information about sexual health (STIs in particular) and high rates of sexual activity.
- Despite legal amendments enhancing protective measures for children with disabilities, in practice discrimination continues. In particular, disabled children experience discrimination in school, accessed to public buildings, and socially.

Parents are usually fully convinced of the importance of education for children and education is seen as the only way to guarantee a good future for children. The high levels of school enrolment and literacy in Lebanon are commendable. However, disparity in access and quality of education and the discrimination against non-Lebanese students is concerning. The continued use of corporal punishment in private, public and UNRWA schools is also of concern.

Though Lebanon has high school enrollment rates compared to the rest of the Middle East and North Africa, regional and economic disparities within Lebanon continue to limit children's access to school. In general, public schools suffer from poor institutional, managerial, and financial capacity: "an irrational distribution of human and physical resources due to politically motivated decisions,"¹ and limited oversight. Private schools have a higher standard of education generally; however there is very limited governmental oversight of private schools. In addition, corporal punishment is widespread. The University Center for Family and Community Health's report noted that an estimated 40% of school students experience physical violence at the hands of their educators. The Committee on the Rights of the

¹ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

Child expressed concern “that violence used as a means of discipline in the home and at school is culturally and legally acceptable”.²

Civil society has two distinct forms in Lebanon: 1) political civic engagement and social advocacy and 2) service provision. Though distinct in their purpose, in function there is often an overlap. For example, a notable number of NGOs/CSOs are politically and financially affiliated with political or religious factions or important persons. Simultaneously, civil society movements advocate for improved delivery and services. Acknowledging this important role confusion and its implications for principles of humanitarian neutrality is important. Recently, civil society, including social welfare NGOs, was active in mobilizing demonstrations. Many organizations that had primarily focused on social welfare before were drawn into the political sphere in the post-2005 period. Generally, however, civil society’s impact on politics is limited despite its significant role in service provision.

Lebanese youth seem to be generally active in politics and humanitarian activities. However, the political crisis and the legacy of the civil war have left youth with a deep distrust of politics and social systems. As reflected in their identity struggle, youth appear to be simultaneously seeking solutions and engagement and planning their departure.

² Concluding Observations of the Committee on the Rights of the Child: Lebanon. 8/06/06. CRC/C/LBN/CO/3/. (Concluding Observation/Comments).

B. Introductions and Frameworks

The Convention on the Rights of the Child is the most widely ratified international convention, confirming the commitment of the international community and governments around the world to the wellbeing and protection of the child. Despite wide ratification, continued work and dedication is needed to ensure the realization of children's right. International NGOs and IGOs can play a key role in ensuring and enabling governments to take steps towards these ends. Lebanon ratified the Convention on the Rights of the Child (CRC) on 14 May 1991 and has exhibited commitment to improving the condition of the child and protecting its wellbeing. Since Lebanon's ratification of the CRC, the situation of the child has significantly improved, in law and practice. However, the weakness of the state and political instability (including sectarian/regional divides, recurrent emergencies and clientalism in government institutions) in Lebanon continues to limit complete compliance with the CRC. Identifying areas which need continued attention will hopefully allow NGOs and INGOs to better support the Lebanese government and civil society in moving towards the full actualization of children's rights and protections in Lebanon. This report attempts to provide an overview of the situation of the child in Lebanon, including political, economic, and historical trends that affect the current and future wellbeing of the child. Particular attention will be paid to areas in which Lebanon can improve its implementation of the CRC regarding protection and education.

This report begins with a brief analysis of the history of Lebanon and the current situation, particularly focused on dynamics that affect the wellbeing of the child and constraints on stakeholders' ability to actualize children's rights. The legacy of 15 years of civil war in Lebanon is the continued sectarian/confessional structure of Lebanese political and social environment and the weakness of the state. This has resulted in disparities in quality and access of basic services (education, health care, etc), the vulnerability of refugee populations (notably Palestinian and Iraqi), the weakness of the judicial sector and its ability to afford protection to the child, and continued political instability and human rights violations. This most notably affects the wellbeing of vulnerable children, such as abused children, children from low-income families, refugee children, children of migrant workers, children in conflict with the law, children with disability, working children and other groups of children in particular need of protection services. Of particular concern, the weakness of the state limits its ability to fully monitor the situation of children in the home, in schools, in refugee camps, in low-income areas, in institutions, and in detention facilities. Finally, the continued political and economic instability in Lebanon increases the risk of children's exposure to violence, poverty, trauma (including second generation trauma passed on from the civil war), armed political groups and discrimination.

This report goes on to focus on the legal and practical application of the CRC in Lebanon. Despite progress, Lebanon continues to struggle with full implementation of the cross-cutting principles of the CRC, identified in this report as nondiscrimination, 'best interests of the child', and children's right to age appropriate participation. In addition, cultural understandings of childhood and social hierarchies affect the application of these principles. Discrimination continues to permeate laws regarding the girl child, mothers, children of migrant workers, refugee children and children with disability. Across the board, society in Lebanon appears to limit children's ability to participate in decisions concerning them. Positive steps, however, have been taken in this regard. The principle of the 'best interests of the child' has yet to be mainstreamed in laws and practice.

This report focuses specifically on protection issues and education. In regards to protection, special attention is given to child early marriage, physical and humiliating punishment, sexual abuse and gender based violence, child labor, child prostitution and trafficking, juvenile justice, alternative care, child soldiers, emergencies, HIV and AIDS, and disability. In all of these protection issues, there are three common concerns: 1) disparities in access to protection, 2) limits to the legal insurance of the right to

protection, and 3) the government's limited monitoring of protection issues and mechanisms and weak state response.

Lebanon has a high school enrollment rate. However, there are continued issues related to access, quality, and protection in the school. Due to the limited and inconsistent access to public schools and the lack of capacity for free public education, many children go to private schools or cannot afford school at all. Particularly vulnerable groups include Palestinian children, children with disabilities, Iraqi children, and children from low-income families. In addition, disparities in the quality of education (particularly between public and UNRWA schools and private schools), poorly trained teachers, poor school facilities (including a lack of facilities/basic access for children with disabilities) and the limited availability of extracurricular activities coupled with national economic problems and political instability appears to be impacting the quality of education. Notably, school dropout rates appear to be increasing in all sectors of Lebanon (including among Palestinians). Finally, in private, public, and UNRWA schools, corporal punishment continues to be prevalent. Both the government and UNRWA have recently taken steps to eliminate corporal punishment in schools. However, their limited oversight and bureaucratic reporting systems have limited the impact of new legislation.

Finally, this report looks at the duty bearers and stakeholders in children's rights issues in Lebanon. Duty bearers in the CRC include the government, society rite large, and parents. In regard to Palestinian and Iraqi children additional duty bearers, arguably, include international UN bodies, such as the United Nations High Commission for Refugees (UNHCR) and the UNRWA. A brief stakeholder analysis, including relevant civil society actors (IGOs, INGOs, and NGOs), is presented in the last section of this document. This section outlines activities and focus areas of stakeholders in Lebanon to better allow Save the Children Sweden to identify partners and areas that need increased attention.

This document ends with preliminary conclusions and recommendations for Save the Children Sweden. This document should provide Save the Children Sweden with the baseline data for future programming in Lebanon.

B.1 Methodology

This study was done over a ten week period. Due to time limitations, this study primarily relied on a desk review of secondary literature. Resources were identified and gathered from the Save the Children office in Lebanon, partner organizations, and from internet research. Sources range from research conducted by local NGOs to reports from International Governmental Organizations (IGOs). Secondly, key stakeholders were identified during the literature review, through conversations with the Save the Children staff and local and international partner organizations. To the extent possible, the researcher met with identified agencies, organizations, and persons to discuss key findings and gaps in the literature. Finally, focus groups of vulnerable children were identified and organized by local partner organizations in the Iraqi, Palestinian, and Lebanese communities. The researcher met with focus groups of children to corroborate findings (See Annex 1).

Due to the limitations of the researcher, the desk review relied on English resources. This may have affected the accuracy of the findings. Laws, jurisprudence, local assessments, governmental decisions and studies could only be accessed if translated into English by a third-party. Thus, legal analysis of the domestic application of the Convention on the Rights of the Child may be affected by the quality of other research reports. Findings in this report should be understood as indicators of the situation rather than authoritative legal and praxis research, in and of its self. In addition, some of the interviews and focus

groups were conducted through a translator. The quality of the translator may also have affected the accuracy of the findings.

A second limitation of the research methodology is related to the availability of reliable statistics in Lebanon. In the absence of regular governmental research and population monitoring, statistics vary significantly in all fields. IGO and NGO statistics are often based on a sample population and thus may not be representative of the whole. In other cases, there is very little or no research available (particularly related to migrant workers, Iraqi refugees, and other refugee communities). The research attempted to ensure that the range of findings were present in this study but in some cases it was not possible. Thus, statistics should be read as indicative rather than conclusive. Similarly, as time constraints did not afford the researcher with the opportunity to do primary research on such subjects, the absence of information should be understood as an indication of insufficient data rather than the absence of a problem. This can be mitigated later in the SCS strategy for 2009-2012 in which any of the 4 methods can be used to verify and further investigate issues highlighted in this assessment.

B.2 Purpose of the Study

A Child Rights Situation Analysis (CRSA) is an analysis of the situation of children and their rights. The CRSA is used to gain an understanding of the extent to which children's rights are being realized or violated within a country or region. It is also used to assess how and why this is happening, and what Save the Children can do to address the issues. This CRSA will describe the context of Lebanon (paying particular attention to political, economic, and social dynamics that affect the wellbeing of the child and impact intervention strategies), map violations of the Convention on the Rights of the Child (including gaps in service provision), examine the immediate and root causes of rights violations, and identify duty bearers and other actors. Findings and conclusions from the CRSA will provide the baseline data and framework for Save the Children Sweden's next programming period in Lebanon.

Save the Children Sweden has identified two focus areas: protection and education and three thematic issues: emergencies, HIV/AIDS, and migration/refugees. Thus, this CRSA particularly analyses the situation of children's rights within these parameters. Furthermore, Save the Children Sweden identified Palestinian and Iraqi refugee children as particularly vulnerable in Lebanon. Thus, in addition to studying the focus areas and thematic issues in the context of Lebanese citizens (paying particular attention to regional disparities), the situation of Palestinian and Iraqi refugee children is regularly considered throughout the document.

B.3 Key concepts

The following are key concepts used in this document. For the purpose of clarity, they are defined below.

'Best Interest of the Child': 'Best interest of the Child' is a legal principle which often appears in family law. In this document, this principle is defined by Article 3 of the CRC and the Committee's comments. The Committee has repeatedly stressed the importance of mainstreaming the principle of 'best interests of the child' in the application of all other Articles in the Convention. The principle requires that in all cases the individual need of a particular child in a given context should be considered uniquely. The Committee has stressed that this principle must be understood in the context of the broader convention and should not be interpreted in contradiction to the rights and freedoms espoused therein.

Child: In accordance with international law, a child is defined as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” (Article 1 of the Convention on the Rights of the Child).

Civil Society: Civil Society refers to all groups outside the government, such as community groups, non-governmental organizations, labour unions, charitable organizations, faith-based organizations, professional associations and foundations. Civil society expresses the interests of social groups and raises awareness of key issues in order to influence policy and decision-making. It can also act as a service provider.

Convention on the Rights of the Child: The Convention on the Rights of the Child (CRC) is the most comprehensive document on the rights of children. The CRC is the longest UN human rights treaty in force and covers a broad range of rights, in both peace and conflict. There are four underlying themes in the CRC: children’s participation in decisions affecting them, protection of children against discrimination and all forms of neglect and exploitation, prevention of harm to them, and provision of assistance to children for their basic needs.³ The CRC is the guiding document for all of Save the Children’s activities.

Duty Bearer: The CRC stipulates that state party governments are duty-bearers for all children within their territory; this means that the government is responsible to ensure that the rights and freedoms of children, provided for in the Convention, are protected and realized. The role of individuals (parents, teachers, ...) as duty-bearers is less clear and heavily contested.⁴ However, for the purpose of this paper it will be assumed that the primary care-taker of the child (including but not limited to parents), teachers, and society at large are duty-bearers for children’s rights.

Education is evaluated in this document in terms of access, quality, and protection. These criteria are defined by Save the Children as follows:

- 1) Access: Number of children enrolled and completing basic education (elementary and intermediate level schools),
- 2) Quality: Active and child friendly teaching-learning methods, child participation, and development and use of supplementary educational resources, providing children with the opportunity to achieve their maximum potential,
- 3) Protection: Education environments that are free from violence and discrimination, enabling children to participate actively in conflict prevention, mediation and resolution in school and community.⁵

Nondiscrimination: The principle of nondiscrimination is espoused in Article 2 of the CRC and is considered by the Committee on the Rights of the Child to be a general principle of fundamental importance to the implementation of the whole. In a relevant General Comment, the Human Rights Committee proposes that the term “discrimination” should be understood to imply “any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on

³ Van Bueren, Geraldine. *The International Law on the Rights of the Child 10-11*. Martinus Nijhoff Publishers, Dordrecht/Boston/London:1995.

⁴ Jonsson, Urban (UNICEF). “A Human Rights-based Approach to Programming.” (Revised 9 October 2004) [Available at www.fao.org/righttofood/KC/download/vl/docs/Jonsson_HRBAP_doc (Accessed on 14 April 2008)]

⁵ Save the Children Sweden (24 November 2006). “Lebanon Global Challenge, Country Plan: Quality Education for Children affected by Conflict 2007-2010.” (Draft 1). Save the Children Sweden.

an equal footing, of all rights and freedoms”.⁶ The principle of nondiscrimination does not prevent special treatment of vulnerable children. On the contrary, the Committee on the Rights of the Child has recognized that some children are in need of additional support and protective measures.

Participation: Participation is one of the guiding principles of the Convention. Article 12 of the Convention on the Rights of the Child states that children have the right to participate in decision-making processes that may be relevant to their lives and to influence decisions taken in their regard—within the family, the school or the community. A UNICEF report states that this “principle affirms that children are full-fledged persons who have the right to express their views in all matters affecting them and requires that those views be heard and given due weight in accordance with the child's age and maturity. It recognizes the potential of children to enrich decision-making processes, to share perspectives and to participate as citizens and actors of change. The practical meaning of children's right to participation must be considered in each and every matter concerning children.”⁷

Stakeholder: There are a number of groups that can be stakeholders in regarding to the protection of children. They can include: government ministries responsible for children, youth, women, education, etc; international organizations like UNICEF, UNAIDS; bilateral and multilateral organizations; international and local NGOs; and CBOs, religious organizations etc. Caretakers (including parents and teachers) and children are also considered stakeholders in children’s rights issues.

⁶ Human Rights Committee, General Comment 18, Non-discrimination (Thirty-seventh session, 1989), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 26 (1994). Article 7

⁷ UNICEF. “Fact Sheet: The Right to Participation.” [Available at <http://www.unicef.org/crc/files/Right-to-Participation.pdf> (Accessed on 14 April 2008)].

C. Context Analysis

The following section will address the history and current situation in Lebanon, paying particular attention to the affects of political, economic, and social dynamics on the wellbeing of the child. Lebanon's unique political and social dynamics coupled with its history of civil war and sectarianism are factors that continue to shape the environment. Though Lebanon has reconstructed its government, social services, and infrastructure relatively successfully, its history appears to have a continued impact and to inform the current political context, the weak state, socioeconomic disparities, the treatment of refugee communities and social violence. These factors deeply impact the situation and wellbeing of the child, not only in terms of protection and service provision, but also in terms of discrimination, violence, and safety. Understanding the history and current political trends in Lebanon is pivotal to developing and implementing effective child-centered projects.

C.1 Demographic Overview

Due to the politicization of demography—and the political impact of the sectarian ratio—accurate demographic statistics in Lebanon are scarce and existing statistics should be understood as approximations. Please note the statistics presented in this section are national and thus do not accurately affect the conditions of the most vulnerable (including Palestinians and Iraqis). The specific conditions of these groups will be dealt with in later sections.

In 2004, the National Survey of Household Living Conditions (The Multipurpose Survey) estimated that the population of Lebanon was 3,755,034 (excluding persons residing in Palestinian refugee camps). According to the same survey, the governorates of Beirut and Mount Lebanon host approximately 50.4% of the population. The remaining residents are distributed across the other four governorates accordingly: 20% in North Lebanon, 12.5% in the Beqaa, 10.7% in South Lebanon and 5.9% in Nabahieh.⁸ In 2005, the life expectancy in Lebanon was 72 years.⁹ On average, households in Lebanon are estimated to include 4.3 individuals. However, households in Beirut average 3.8 individuals and in Northern Lebanon households are the largest, averaging 4.7 individuals.¹⁰ In addition, the survey suggests that population density varies considerably across the governorates, ranging between 21,928 persons per square km in Beirut to 110 individuals per square km in the Beqaa. UNDP suggests that these disparities indicate considerable internal migration.¹¹ Refer to the below chart¹² for a graphic depiction of these statistics:

⁸ UNDP (2006). "Living Conditions of Households: The National Survey of Household Living Conditions 2004." Collaborative study done by UNDP, Central Administration for Statistics, and Lebanese Republic Ministry of Social Affairs.

⁹ UNICEF. "Statistics". [Available at http://www.unicef.org/infobycountry/lebanon_statistics.html (Accessed on 25 February 2008)].

¹⁰ UNDP (2006). "Living Conditions of Households: The National Survey of Household Living Conditions 2004." Collaborative study done by UNDP, Central Administration for Statistics, and Lebanese Republic Ministry of Social Affairs.

¹¹ UNDP (2006). "Living Conditions of Households: The National Survey of Household Living Conditions 2004." Collaborative study done by UNDP, Central Administration for Statistics, and Lebanese Republic Ministry of Social Affairs.

¹² UNDP (2006). "Living Conditions of Households: The National Survey of Household Living Conditions 2004." Collaborative study done by UNDP, Central Administration for Statistics, and Lebanese Republic Ministry of Social Affairs. P. 28

Distribution of household residents (by governorates) based on their relationship with head of household, per 1,000 household heads

Relationship with head of household	Beirut	Mount Lebanon	North Lebanon	Bekaa	South Lebanon	Nabatieh	Lebanon
Head of household	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Husband/Wife	708	775	848	844	813	818	795
Son/Daughter	1,731	2,024	2,688	2,612	2,569	2,382	2,259
Father/Mother	62	55	39	43	23	23	46
Son-in-law/Daughter-in-law	42	19	43	12	19	15	25
Grandson/Granddaughter	96	43	95	33	68	39	60
Other relative	132	118	59	71	41	26	90
No relationship	19	18	2	2	1	1	11
Servant/Maid	160	44	13	12	30	24	45

The demographic breakdown according to age and sex in 2004 was estimated as follows:¹³

Percentage distribution of population according to age, sex, male-to-female ratio and age groups

Age group	Males	Females	Total	Male-to-female ratio average
0-4	4.2	3.7	8.0	113.7
5-9	4.7	4.3	9.0	111.1
10-14	5.3	5.0	10.3	107.0
15-19	5.1	4.8	9.9	107.0
20-24	5.1	4.9	9.9	104.4
25-29	3.8	4.1	7.9	92.3
30-34	3.6	3.8	7.3	94.9
35-39	3.1	3.7	6.8	85.1
40-44	3.0	3.7	6.7	80.0
45-49	2.4	2.7	5.2	89.3
50-54	2.2	2.2	4.4	99.0
55-59	1.7	1.9	3.7	91.2
60-64	1.6	1.8	3.4	90.3
65-69	1.5	1.5	3.0	101.8
70-74	1.2	1.1	2.2	107.5
75-79	0.7	0.7	1.3	98.6
80-84	0.4	0.4	0.7	100.9
85 and above	0.1	0.1	0.2	85.1
Whole population	49.8	50.2	100.0	99.0

Decline in male-to-female ratio

* The male-to-female ratio varies usually at birth between 103% and 107% in a census. The reason behind the 113.7% figure within the age group (0-4) is the margin of error resulting from sampling, taking into consideration the size of the basic sample on the one hand, and the relatively small sample size regarding this age group, on the other.

¹³ UNDP (2006). "Living Conditions of Households: The National Survey of Household Living Conditions 2004." Collaborative study done by UNDP, Central Administration for Statistics, and Lebanese Republic Ministry of Social Affairs. P. 32

C.2 Situation of the Child

The situation of children in Lebanon (generally) has significantly improved since the 1990s.¹⁴ In 2007, an estimated 9% of the population was below 5 years of age.¹⁵ Infant mortality rates have declined from 35 per thousand in 1990, to 28 per thousand in 1996. Mortality rates for children under 5 similarly declined from 43 per thousand in 1990, to 32 per thousand in 1996.¹⁶ Since 1996, studies indicate that the overall child mortality rate has continued to decrease but at a slower pace. Regional disparities, however, should be taken into account. For example, in 2000 infant and child mortality rates in North Lebanon were significantly higher than in Mount Lebanon and Beirut.¹⁷

In 2000, 90.1% of children under 1 were immunized against DPT.¹⁸ The last reported case of polio was in 1994.¹⁹ UNDP reports that newborn tetanus was eradicated in 1995 and that by 2000, 88% of children under 2 years had been immunized against measles.²⁰ Between 1996 and 2000, cases of acute diarrhea in children fell by 28%.²¹ Though the progress is encouraging, regional disparities continue to be a concern, both in terms of immunization and infant/child mortality.

Similarly, increase in access to pre- and post-natal care and the presence of skilled attendants during birth has decreased maternal mortality rates. Nationally, the percentage of women accessing health care during pregnancy increased from 87.1% in 1990 to 93.9% in 2000. However, improvement, again, must be considered in light of regional disparities. For example, in the Beqaa valley only 89.1% of women access health care during pregnancy, compared to 98.4% in Mount Lebanon. North Lebanon has made the most improvement in this area, jumping from 71% in 1996 to 90.4% in 2000.²²

A survey jointly conducted by the Ministry of Social Affairs and UNDP²³ states that, if measured by living conditions indicators, 6.8 percent of the population would be considered very poor. This equates to approximately 212,000 individuals (47,000 families) out of which 35.6 percent are children aged between 0-14 years.

UNICEF is currently working with the Lebanese Government on the implementation of the “ChildInfo” programme that is meant to improve the availability of information related to children.²⁴

¹⁴ Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. p. 16

¹⁵ Arab Resource Center (2006). “Comparative, Regional Analysis of ECCE in Four Arab Countries (Lebanon, Jordan, Syria, and Sudan).” (Background paper) *Education for All Global Monitoring Report, 2007, Strong Foundations: Early Childhood Care and Developments*, UNESCO. P. 12

¹⁶ Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. p. 16

¹⁷ Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. p. 16

¹⁸ Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. p. 16

¹⁹ Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. p. 16

²⁰ Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. p. 16

²¹ Ministry of Health (MOH), Republic of Lebanon (1996). “Mother and Child Health Survey” Beirut MOH.

²² Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. p. 16

²³ Ministry of Social Affairs and UNDP (1998). “Mapping of Living Conditions in Lebanon.”

²⁴ Country-specific data by area is published on the ChildInfo website (www.childinfo.org), which also makes available the full set of technical tools for conducting Multiple Indicator Cluster Surveys (MICS).

C.3 History

The Lebanese civil war (1975-1990) was marked by societal divisions along sectarian lines with active armed militias that controlled areas of the country. Between 1978 and 2000, some sections of Lebanese territory were controlled by Israel.²⁵ Syrian troops were present in the country from 1976 to 2005. Palestinian armed groups controlled parts of the country from 1975 to 1982, and continue to control the Palestinian refugee camps. Following the Taef agreement in 1989, it was agreed that Hezbollah would not be disarmed, like other militias, due to the remaining Israeli military presence in South Lebanon.

There is no official data regarding the number of casualties of war in Lebanon. However, sources generally estimate that more than 100,000 people were killed²⁶ and another 100,000 handicapped.²⁷ Up to one-fifth of the pre-war population, about 810,000 people,²⁸ were internally displaced during the war (450,000 of which remained displaced at the end of the war)²⁹ and an estimated 600,000-900,000 fled the country— an estimated 250,000 people emigrated permanently.³⁰

The war ended in 1991, excepting the parts of southern Lebanon still occupied by Israel. The process of reconstruction started in 1991-1992, without a national reconciliation process.³¹ People were forced to adjust to a post-conflict reality without collective healing or reconciliation. In many cases, leaders of the armed militias became state officials. Despite some remarkable achievements, the on-going reconstruction process has been predominately a state-led process, focused on infrastructure (mainly roads and real estate). The reconstruction process did not provide for popular consultation about priorities and policies and has been heavily hampered by corruption and political clientelism.

One of the continuing legacies of the civil war is the displaced populations who have not been able to return to their homes. Reasons for inability to return include the destruction of property (homes inhabitable), occupation of properties by other persons, limited employment options, a lack of infrastructure, and a lack of reconciliation between the displaced and current community.³²

Another long running legacy of the civil war was Israel and Syria's presence in Lebanon and political sectarianism/armed militias. Israel long occupation of the south has deeply affected the political, economic and social development of the country as a whole. From 1990 to 2005, the Syrian military and political authorities were involved in the political arena of Lebanon. During this period the Syrian

²⁵ Some Lebanese parties consider that Israel still occupies a small Lebanese territory (the Chebaa Farms). The United Nations considers that the Chebaa Farms are Syrian territory, occupied by Israel.

²⁶ US State Department. "Background Note- Lebanon" [Available at <http://www.state.gov/r/pa/ei/bgn/35833.htm> (Accessed on 29 April 2008)].

²⁷ US State Department. "Background Note- Lebanon" [Available at <http://www.state.gov/r/pa/ei/bgn/35833.htm> (Accessed on 29 April 2008)].

²⁸ Internal Displacement Monitoring Center and the Norwegian Refugee Council (15 December 2006). "Lebanon: Displaced Return Amidst Growing Political Tension—A Profile of the Internally Displaced Situation." [Available at [http://www.internaldisplacement.org/8025708F004BE3B1/\(httpInfoFiles\)/E3B03B99C9DF92B1C12572450033378C/\\$file/Lebanon+-December+2006.pdf](http://www.internaldisplacement.org/8025708F004BE3B1/(httpInfoFiles)/E3B03B99C9DF92B1C12572450033378C/$file/Lebanon+-December+2006.pdf) (Accessed 29 April 2008)]

²⁹ Internal Displacement Monitoring Center and the Norwegian Refugee Council (15 December 2006). "Lebanon: Displaced Return Amidst Growing Political Tension—A Profile of the Internally Displaced Situation." [Available at [http://www.internaldisplacement.org/8025708F004BE3B1/\(httpInfoFiles\)/E3B03B99C9DF92B1C12572450033378C/\\$file/Lebanon+-December+2006.pdf](http://www.internaldisplacement.org/8025708F004BE3B1/(httpInfoFiles)/E3B03B99C9DF92B1C12572450033378C/$file/Lebanon+-December+2006.pdf) (Accessed 29 April 2008)]

³⁰ US State Department. "Background Note- Lebanon" [Available at <http://www.state.gov/r/pa/ei/bgn/35833.htm> (Accessed on 29 April 2008)].

³¹ Except some locally implemented reconciliation processes in Mount Lebanon between Christian and Druze.

³² Internal Displacement Monitoring Center and the Norwegian Refugee Council (15 December 2006). "Lebanon: Displaced Return Amidst Growing Political Tension—A Profile of the Internally Displaced Situation." [Available at [http://www.internaldisplacement.org/8025708F004BE3B1/\(httpInfoFiles\)/E3B03B99C9DF92B1C12572450033378C/\\$file/Lebanon+-December+2006.pdf](http://www.internaldisplacement.org/8025708F004BE3B1/(httpInfoFiles)/E3B03B99C9DF92B1C12572450033378C/$file/Lebanon+-December+2006.pdf) (Accessed 29 April 2008)] P. 8

intelligence played a significant role in security and political development. Throughout the civil war and afterwards, armed groups, aligned with political/religious parties for all confessions, controlled areas of Lebanon and had strong influence in the political arena.

Following the assassination of former Prime Minister Rafiq Hariri and the popular uprising (on 14 March 2005), the Syrians withdrew from Lebanon. The public demanded better governance, increased transparency and decreased clientalism and confessionalism.³³ Following the withdrawal of the Syrian forces in 2005, parliamentary elections were held, with the presence of EU observers. Prime Minister Fouad Siniora was appointed in July of 2005. A broad range of political and economic reforms were presented to the international community in September 2005.

In July 2006 two Israel soldiers were kidnapped by Hezbollah, triggering a 34-day conflict. Hostilities ended on the 14th of August following the UNSC Resolution 1701, which called for a complete cessation of hostilities and a sustainable ceasefire. On the 17th of August, the Lebanese Army, for the first time since the Israeli withdrawal in 2000, moved into south Lebanon.³⁴ During the war, 1 million persons were displaced³⁵ and 1,191 people were killed, one-third of which were children.³⁶ According to the Lebanese government's Higher Relief Council more than 700,000 of the displaced have returned to their homes. UNHCR estimates that around 80,000 persons are still displaced.³⁷ In contrast, UNDP believes that the number of people who are still displaced is much smaller.³⁸

The Israeli attacks destroyed tens of thousands of homes and civilian infrastructure systems, predominately in south Lebanon and the southern suburbs of Beirut.³⁹ Damaged and/or destroyed buildings and infrastructure included the Beirut airport, seaports, major roads, bridges, schools, supermarkets, petrol stations, and factories.

Following the July war, Lebanon has experienced its most serious political crisis since the end of the civil war, considered below.

³³ European Neighbourhood and Partnership Instrument. "Lebanese Republic: Country Strategy 2007-2013 and National Indicative Programme 2007-2010." P. 11

³⁴ Amnesty International (2007). "Lebanon." *Amnesty International Report 2007*. [Accessed 30 April 2008] p, 167

³⁵ Amnesty International (2007). "Lebanon." *Amnesty International Report 2007*. [Accessed 30 April 2008] p, 167

³⁶ Amnesty International (2007). "Lebanon." *Amnesty International Report 2007*. [Accessed 30 April 2008] p, 167

³⁷ US Department of State, Bureau of Democracy, Human Rights, and Labour (23 February 2001). "Lebanon: Country Reports on Human Rights Practices." [Available at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/800.htm> (Accessed on 14 April 2008)]

³⁸ UNDP Representative. Personal Interview. 27 March 2008.

³⁹ Amnesty International (2007). "Lebanon." *Amnesty International Report 2007*. [Accessed 30 April 2008] p, 167

C.4 Current Situation

The Economic and Social Council noted that the situation of women and children has been significantly impacted by the political and economic turbulence since 2005, made worse by the war in 2006. Lebanon currently faces four critical issues: 1) a crisis in governance, 2) socio-economic disparities, worsened by unstable political dynamics and social tension, 3) continued violations of human rights norms and obligations and 4) maltreatment and isolation of non-Lebanese groups inside the country, most notably the Palestinian and Iraqi refugees.⁴⁰

C.4.1 Crisis in governance

In November 2006, six Ministers resigned from parliament, including all 5 representatives of the Shi'a community. Throughout December, supporters of the opposition movement (Free Patriotic Movement, Hezbollah and Amal) held predominately peaceful protests in Beirut demanding a unity government. On 23 January protestors supporting opposition parliamentarians affected a general strike in Beirut, blocking roads with burning tires and cars. The strike resulted in riots and clashes which left 3 dead and over 100 injured.⁴¹ Two days later, the growing political polarization sparked violent clashes at the Beirut Arab University, killing 4 and injuring 150.⁴² Throughout the year, a number of pro-government ("March 14") protests have also been held.

Opposition groups, namely Amal, Hezbollah, and the Free Patriotic Movement, are calling for the government to expand the number of seats in Parliament to a one-third-plus one minority, effectively allowing opposition forces to have veto power in the Parliament. The opposition argues that the proportional representation in Parliament does not reflect the demography and that the Shi'a, in particular, are underrepresented. Another source of contention is the ongoing investigation, under the guidance of the United Nations Independent Investigation Commission (created by UNSC Resolution 1595), of the assassination of the former Prime Minister, Rafiq Haririr.

On the 23 of November 2007 President Emile Lahoud ended his term and, in accordance with the constitution, his powers were transferred to the cabinet until the election of a new President. However, after repeated attempts to reach a consensus, to date the Parliament has been unable to elect a new President.

Lebanon continues to experience assassinations and unrest. During 2007 and the beginning of 2008 the following persons were assassinated: MP Walid Eido and his son Khaled as well as 9 others (13 June 2007), MP Antoine Ghanem and 8 others (19 September 2007), LAF Chief Operations Brigadier General Francois el-Hajj (December 12 2007) and his bodyguard, ISF Captain Wissam Eid, and Hezbollah member Imad Moughneih was assassinated in Syria (February 2008). In addition, there were a number of attacks on UNIFIL personnel. On 24 June 2007 six Spanish UNIFIL soldiers were killed by an explosion in south Lebanon.⁴³

⁴⁰ Economic and Social Council (26 April 2007). Presentation by United Nations Children's Fund. Annual Session 2007 (4-8 June 2007). Item 9 (a) of the provisional agenda: "Short-duration country programme document: Lebanon". United Nations E/ICEF/2007/P/L.26

⁴¹ (23 January 2007) "Three dead in Lebanon Clashes." *Al Jazeera English*. [Available at <http://english.aljazeera.net/NR/exeres/C25E17A2-478A-40EB-851C-85C393F86FD4.htm> (Accessed on 13 April 2008)]

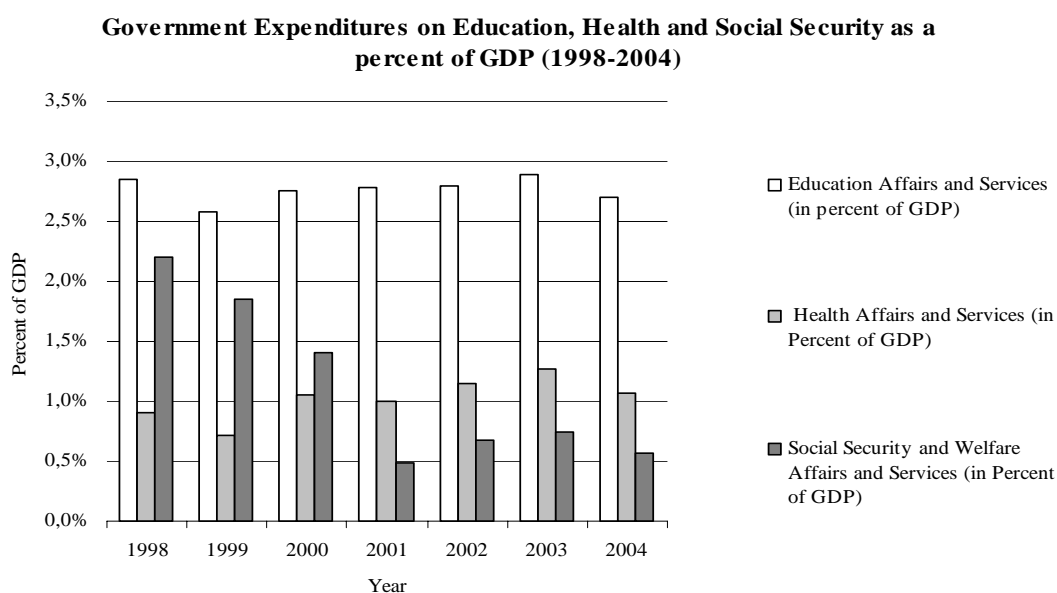
⁴² (25 January 2007) "Beirut under Curfew after Clashes." *BBC*. [Available at http://news.bbc.co.uk/2/hi/middle_east/6299037.stm (Accessed on 13 April 2008)]

⁴³ (24 June 2007). "Lebanon Blast Kills UN Soldiers." *BBC*. [Available at http://news.bbc.co.uk/2/hi/middle_east/6235224.stm (access on 13 April 2008)].

The frailty of the security sector in Lebanon is a general issue of concern for the Lebanese government and the international community. An EU document suggested that reform should focus on “the development of the administrative capacity of core security actors, including law enforcement institutions, security management and oversight bodies, and justice institutions”. The document goes on to stress the importance of ensuring that the security sector is managed and operates with respect for human rights and democratic norms.⁴⁴

C.4.2 Social Economic Disparities

Social sector spending in Lebanon is high (approximately 21 percent of GDP).⁴⁵ Seventy percent of social expenditure comes from the private sector. This is a very high proportion by World Bank standards. However, social spending does not seem to be commensurate with outcomes. Very often, public social services are of poor quality and high spending is related to public sector inefficiency. Three major budget lines can be expected to particularly affect children: health, education and social security.



Source: Ministry of Finance

Socioeconomic disparities are increasingly evident as the political crisis continues to affect the economy. The Living Conditions Index states that: “Loss of employment is likely to continue to increase poverty and vulnerability, especially in the conflict-affected areas, where the incidence of extreme poverty may reach up to 14% (against the national average of 5%). Relative poverty affects an estimated 25% of the population nationwide, and up to 40% in the Beqaa Valley and South Lebanon”.⁴⁶ The ineffectuality of the state services increases economic disparities and vulnerability.

⁴⁴ European Neighbourhood and Partnership Instrument. “Lebanese Republic, Country Strategy 2007-2013 and National Indicative Programme 2007-2010.” P. 6

⁴⁵ World Bank (2005), *Lebanon Public Expenditure Priorities for Fiscal Adjustment, Growth and Poverty Alleviation*, March, Washington D.C.

⁴⁶ Economic and Social Council (26 April 2007). Presentation by United Nations Children’s Fund. Annual Session 2007 (4-8 June 2007). Item 9 (a) of the provisional agenda: “Short-duration Country Programme Document: Lebanon”. United Nations E/ICEF/2007/P/L.26

Children and women are particularly vulnerable to fluctuation in the availability of affordable services. The vast majority of basic social services in Lebanon are privatized, including 90% of primary health care, over 50% of schools, and 30% of drinking water.⁴⁷ This is of concern “given that 60-70% of people in the governorates of North Lebanon, Nabatieh and South Lebanon do not benefit from any health insurance programmes...[and] do not have guaranteed access to private services”.⁴⁸

Inability to access health care in certain regions has resulted in higher Infant Mortality Rates (IMR) and Under 5 Mortality Rates (U5MR) than are prevalent in other areas. For example, according to the Pan Arab Project for Family Health (PAPFAM, 2004), these rates in the Governorate of Beqaa are 17.5 and 35.8 per 1,000 live births, respectively. This statistic is much higher than the national averages of 9.2 and 18.3 per 1,000 live births. Of particular concern was the unexpected discovery by the PAPFAM survey of very high levels of IMR and U5MR in the Governorate of Beirut, with respective indicators reaching 23.9% and 45.6% per 1,000 live births.⁴⁹ The PAPFAM study also found that although 43-54% of children were vaccinated for diphtheria/pertussis/tetanus vaccination (DPT-3) and for measles, mumps and rubella country wide, in the Beqaa municipality, child vaccination fell as low as 30-27%.⁵⁰

Infrastructure networks have steadily deteriorated over the last 30 years. The UN Economic and Social Council reported that more than 40% of the population does not have regular access to adequate and safe drinking water and that nearly 100% of the water sources are at risk for contamination.⁵¹ Infrastructure networks were worsened in the south of Lebanon and in the southern suburbs of Beirut as a result of the war in 2006. Notably, none of the social service providers have a built-in capacity to deal with emergencies, nor have they developed emergency preparedness plans.⁵²

⁴⁷ Economic and Social Council (26 April 2007). Presentation by United Nations Children’s Fund. Annual Session 2007 (4-8 June 2007). Item 9 (a) of the provisional agenda: “Short-duration Country Programme Document: Lebanon”. United Nations E/ICEF/2007/P/L.26

⁴⁸ Economic and Social Council (26 April 2007). Presentation by United Nations Children’s Fund. Annual Session 2007 (4-8 June 2007). Item 9 (a) of the provisional agenda: “Short-duration Country Programme Document: Lebanon”. United Nations E/ICEF/2007/P/L.26

⁴⁹ PAPFAM. Pan Arab Family Health Survey (2005).“Lebanon.”

⁵⁰ PAPFAM. Pan Arab Family Health Survey (2005).“Lebanon.”

⁵¹ Economic and Social Council (26 April 2007). Presentation by United Nations Children’s Fund. Annual Session 2007 (4-8 June 2007). Item 9 (a) of the provisional agenda: “Short-duration Country Programme Document: Lebanon”. United Nations E/ICEF/2007/P/L.26

⁵² Economic and Social Council (26 April 2007). Presentation by United Nations Children’s Fund. Annual Session 2007 (4-8 June 2007). Item 9 (a) of the provisional agenda: “Short-duration Country Programme Document: Lebanon”. United Nations E/ICEF/2007/P/L.26

C.4.3 General Human Rights situation

Though the Lebanese constitution and laws generally uphold human rights norms, concerns about the human rights situation in the country remain. Notably, the Parliamentary Human Rights Commission has embarked on developing a National Action Plan to ensure human rights conditions. The Parliament intended to adopt the proposed strategy in 2007;⁵³ however, due to the political crisis, this project has been stalled⁵⁴. The following paragraphs will briefly review human rights violations which have occurred during 2007.

Though discrimination is illegal, domestic violence and maltreatment of migrant workers (particularly domestic workers) remains a widespread problem. The law does not specifically prohibit domestic violence nor does it provide protection for migrant workers (who are often illegal). Foreign domestic workers are often mistreated and abused and, in the worst cases, have experienced rape and slave-like conditions.⁵⁵ Notably, Human Rights Watch reported that over 200 migrant domestic workers in Lebanon reportedly committed suicide in the last four years; apparently, there has been little investigation into their deaths.⁵⁶ Due to social discrimination, isolation and a lack of labour laws protecting them, Asian and African female workers have little recourse available to them. In reaction to the reported abuse, the government prohibited foreigners from working in the country—if their country does not have an embassy in Lebanon; this most notably affects Palestinian refugees and Syrians.⁵⁷

In addition, eastern European women are at risk for exploitation in the form of prostitution and have a high likelihood to have been trafficked. Prostitution is legal in Lebanon, though the government requires that brothels be licensed and regularly tested for diseases (though in practice this does not happen). However, most prostitution establishments are illegal and unlicensed. In 2006, Securite General reported that 4,210 visas were issued to eastern European women for work in adult clubs. Although illegal, virtually all prostitution has the implicit consent of the government.⁵⁸

Health care and education are available and open (to varying degrees) to all Lebanese citizens.⁵⁹ However, public services tend to be of poor quality and limited. Thus, a majority of services are provided by private health care clinics and schools, resulting in *de facto* discrimination between socio-economic groups in Lebanon.

The law stipulates the right to a lawyer and a fair and timely trial. In cases in which a person is held longer than 48 hours without being formally charged, the arrest is considered arbitrary. However, many provisions in the law are not enforced and the security forces continue to practice arbitrary arrest and

⁵³ European Neighbourhood and Partnership Instrument. “Lebanese Republic: Country Strategy 2007-2013 and National Indicative Programme 2007-2010.” P. 5

⁵⁴ OHCHR Representative. Personal Interview. 17 April 2008.

⁵⁵ Human Rights Watch (30 April 2008) “HRW Labour Day Campaign Challenges Employers to ‘Put yourself in her Shoes.’” Press Release.

⁵⁶ Human Rights Watch (January 2008). “Lebanon: Country Summary”.

⁵⁷ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁵⁸ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁵⁹ Public health care was previously restricted to persons registered with NSSF through an employer and requires a monthly instalment of \$60 per person per month. Now the system is open to all (even unemployed persons) for \$90 per month. This system reportedly has significant problems.

detention.⁶⁰ In addition, the fate of hundreds of persons, both Lebanese and foreigners, who were subjected to forced disappearances during the civil war (between 1975 and 1990) remains unknown.⁶¹

The US Department of State's report on Human rights in Lebanon (2008) found that "prison conditions were poor and did not meet minimum international standards. Prisons were overcrowded, and sanitary conditions in the women's prison, in particular, were very poor. There were no serious threats to health, but indirect threats existed. For example, physical and mental stress caused by cramped conditions was especially noteworthy in the Yarze military prison in southeast Beirut".⁶² The number of inmates in 2007 was estimated to be 5,870, including pretrial detainees and remand prisoners, of which an estimated 3,669 have not been convicted of a crime. Notably, Lebanese law does not specifically prohibit torture.. Human Rights Watch reported, "As the security situation deteriorated in 2007, reports of torture and ill-treatment of security detainees increase. While the exact scope of torture remains unknown, credible reports indicate that the Military Intelligence unit of the Ministry of Defense, the Information Branch of the Internal Security Forces, and the police—notably in their anti-drug trafficking operations—engage in torture of certain detainees."⁶³ Human Rights Watch also noted that in 2007 at least 5 persons died while in custody "without independent investigations to credibly determine their exact cause of death."⁶⁴ One of the positive developments in 2007 was that ICRC and Lebanese judicial and security authorities signed a protocol enabling ICRC to visit all the prisons in Lebanon, as stipulated in decree 8800.⁶⁵

The Constitution allows for the death penalty for crimes including assassinations and terrorism. A *de facto* moratorium was put in place in 1998, effectively banning the death penalty. No persons received the death penalty in 2007. However, 3 detainees were executed in January 2004, amidst intense international pressure.⁶⁶

The right to freedom of assembly, though protected by law, has been restricted on some occasions. Specifically, during the past year, groups opposing the government were not always granted permission to hold rallies. Opposition groups, however, have held a peaceful sit in the centre of Beirut for more than a year and have not been expelled.⁶⁷

In general, the legal provision of free speech is respected by the government. There are hundreds of newspapers, radio stations, and television stations broadcast through the country, generally reflecting the political views of one of the political players (local, confessional or foreign).⁶⁸ However, as the political situation becomes increasingly tense, journalists appear to be exercising self-censorship.⁶⁹ Though there have been fewer threats to journalist since 2005, the affects of the assassinations of prominent journalists

⁶⁰ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). "Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices." [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁶¹ Amnesty International (2007). "Lebanon." *Amnesty International Report 2007*. [Accessed 30 April 2008] P. 168

⁶² US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). "Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices." [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁶³ Human Rights Watch (January 2008). "Lebanon: Country Summary". P. 2

⁶⁴ Human Rights Watch (January 2008). "Lebanon: Country Summary". P.2

⁶⁵ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). "Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices." [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁶⁶ Euro-Mediterranean Partnership. "Country Report: Lebanon." 2004

⁶⁸ Amnesty International Representative. Personal Interview. 22 April 2008.

⁶⁹ International Press Institute. "World Press Freedom Review: 2006, Lebanon" [Available at http://www.freemedia.at/cms/ipi/freedom_detail.html?country=KW0001/KW0004/KW0097/ (Accessed on 26 February 2008)]

Samir Kassir and Gibran Tuani in 2005 are believed to have a continued impact on journalists.⁷⁰ Some journalists report the receipt of threatening letters.⁷¹ Notably, journalists were restricted from entering Nahr el-Bared camp for a number of months following the cessation of hostilities.⁷²

The impact of the Palestinian refugees on Lebanon as well as their unique vulnerability warrants special attention. In the last few years, a growing number of Iraqi refugees have sought refuge in Lebanon. Though the general political and human rights situation impacts the situation of Palestinian and Iraqi refugees, there are specific political, legal, and social dynamics that shape their context. The following sections will, respectively, assess the historic and current condition of the Palestinian and Iraqi refugee communities in Lebanon.

C.4.4 Palestinian Refugees

The creation of the state of Israel in 1948 caused the biggest refugee crisis in the Middle East in recent history; millions of Palestinians fled from their homeland to neighboring countries—including Lebanon. The United Nations Relief and Works Agency (UNRWA) was created in 1949 by United Nations general Assembly Resolution 302 specifically to address the needs of these refugees. UNRWA remains the main service provider to the Palestinian refugee community. In Lebanon, it provides education, health, relief and social services, and shelter and infrastructure services.

Following the *Black September* conflict in Jordan, the Palestinian Liberation Organization (PLO) moved its political, educational, and military institutions to Lebanon. The PLO provided employment opportunities for many skilled and educated Palestinians. The Lebanese civil war (1975-1990) and the Israeli invasion in 1982 greatly reduced the role of the PLO in Lebanon. The PLO's position in Lebanon was further weakened by regional and inter-Palestinian tensions. The decreased importance of Lebanon in Palestinian politics and peace efforts in 1993, further diverted attention and resources away from the Palestinian community in Lebanon.⁷³ Many skilled Palestinians left Lebanon in search of jobs elsewhere.⁷⁴

Currently, an estimated 18 factions operate in the camps.⁷⁵ These factions are generally organized around prominent individuals. Generally, the Popular Committees, the *de facto* governing structure in the camps, are not elected.⁷⁶ However, they are often comprised of several factions and act as a mediating body in the camp. Each camp has at least one popular committee. Several camps have 2 or 3 which vie for power and legitimacy within the camp.

Figures regarding Palestinian refugees in Lebanon are often conflicting. According to UNRWA, the official number of registered Palestinian refugees in Lebanon is 404,170. Thirty-four percent of these were estimated to be under the age of 18 as of December 2005.⁷⁷ The official Lebanese number of

⁷⁰ Amnesty International Representative. Personal Interview. 22 April 2008.

⁷¹ International Press Institute. "World Press Freedom Review: 2006, Lebanon" [Available at http://www.freemedia.at/cms/ipi/freedom_detail.html?country=KW0001/KW0004/KW0097/ (Accessed on 26 February 2008)]

⁷² UNRWA Representative. Personal Interview. 13 April 2008

⁷³ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft).P.2

⁷⁴ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft).p. 1-2

⁷⁵ UNRWA Representative. Personal Interview. 13 April 2008

⁷⁶ There is only 1 elected Popular Committee. It is located in Shatila. There are, however, three Popular Committees in Shatila.

⁷⁷ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft).p. 2-3

registered refugees is about 35,000 higher.⁷⁸ As of 2007, it was reported that UNRWA estimates that 29% of registered Palestinian women using UNRWA services were under 18.⁷⁹ This figure is based on voluntary reporting and is not conclusive.⁸⁰

There are 12 Palestinian refugee camps, all of which receive regular services from UNRWA. These are generally referred to as “official camps”. UNRWA estimated in 2005 that approximately 50% of registered Palestinian refugees live in the 12 official UNRWA camps and roughly 5% live in what are generally referred to as “informal gatherings”.⁸¹ Most of the non-registered/non-ID refugees live in Palestinian gatherings, in which living conditions are poor and access to basic services provided by UNRWA (education, health, relief and social services) is limited.⁸² Simultaneously, Lebanese politics prevent gatherings from receiving services through the local municipality (such as water and sanitation infrastructure). Unemployment in gatherings is roughly 40%.⁸³ The camps and gatherings also house non-Palestinian refugees and low-income Lebanese nationals.

The Danish Refugee Council (DRC) stated that there are an estimated 10,000 to 40,000 non-registered Palestinian refugees⁸⁴ and 3,000 to 5,000 non-ID Palestinian refugees.⁸⁵ Other estimates suggest that there are an estimated 45,000 non-UNRWA registered Palestinian and 3,000 Palestinians with no identification documents.⁸⁶ A DRC report (2005) estimated that the majority of the non-ID Palestinian refugees live in the south of Lebanon (63%). Thirty-two percent of non-ID Palestinians are believed to live in the North and Beqaa. Five percent live in the Beirut area.⁸⁷

There are two bodies in charge of registering Palestinian refugees in Lebanon: UNRWA and the Lebanese authorities. The UNRWA registration system is based on the working definition of a Palestinian refugee (see below).⁸⁸ The Lebanese authorities do not appear to follow a standard regarding the registration of Palestinian refugees. Additionally, in 1962, Lebanon undertook a comprehensive regulation campaign and many Palestinian refugees in Lebanon at this date were registered with the Lebanese authorities. Since then, the Lebanese authorities appear to register only the children of registered fathers.⁸⁹ Some Palestinian refugees are not registered with UNRWA though they are registered with the Lebanese authorities (they are referred to as Non-registered Palestinian refugees). Other Palestinian refugees are not registered with either UNRWA or the Lebanese authorities. They are referred to as Non-ID Palestinian refugees.⁹⁰

⁷⁸ Hillenkamp, Bernhard (2008). “Briefing Note on Education for LPDC by SCS.” SCS (Draft). p. 2-3

⁷⁹ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” October 2007. P. 7

⁸⁰ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” October 2007. P. 7

⁸¹ Coordination Forum of the NGO’s Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon’s third period report (01/10/2005) “Rights of the Palestinian Child in Lebanon, Third Supplementary Report.” [Accessed on 25 Feb. 2008- Summary by CRIN]

⁸² European Neighbourhood and Partnership Instrument. “Lebanese Republic: Country Strategy 2007-2013 and National Indicative Programme 2007-2010.” P. 6

⁸³ European Neighbourhood and Partnership Instrument. “Lebanese Republic: Country Strategy 2007-2013 and National Indicative Programme 2007-2010.” P. 6

⁸⁴ According to the Palestinian Human Rights Organisation (PHRO), there are about 10,000 non-registered Palestinian refugees in Lebanon (in FIDH (2003, p.5)).

⁸⁵ Danish Refugee Council and Palestine Human Rights Organization (2005) “Survey Report on the Situation of Non-ID Palestinian Refugees in Lebanon compared to Registered and Non-registered Refugees Residing in Camps and Gatherings.”

⁸⁶ European Neighbourhood and Partnership Instrument. “Lebanese Republic: Country Strategy 2007-2013 and National Indicative Programme 2007-2010.” P. 6

⁸⁷ Danish Refugee Council and Palestine Human Rights Organization (2005) “Survey Report on the Situation of Non-ID Palestinian Refugees in Lebanon compared to Registered and Non-registered Refugees Residing in Camps and Gatherings.”

⁸⁸ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁸⁹ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁹⁰ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

Palestinian refugees who are not registered by UNRWA usually fall into the following categories:

- **Secondary migration:** most non-registered Palestinian refugees in Lebanon came to Lebanon after a first migration to a third country.⁹¹ Even Palestinian refugees who were registered with UNRWA in the first country they immigrated to (mainly Jordan) find difficulties in transferring their registration to UNRWA in Lebanon due to the resistance of the Lebanese authorities.⁹²
- **Gender discrimination:** UNRWA registers women who marry registered refugee men. However, it does not register unregistered men who marry registered refugee women. UNRWA freezes the status of registered refugee women who marry non-registered men.⁹³ Moreover, children can only be registered if their fathers are registered.
- **Strict working definition of UNRWA:** the working definition of UNRWA excludes some Palestinian refugees, mainly those who fled Palestine between 1949 and 1967.⁹⁴
- **Inability to initially register with UNRWA:** for various personal reasons, some Palestinian refugees were unable to register with UNRWA.⁹⁵

Non-ID Palestinian refugees in Lebanon are mainly families of Palestinian refugees who arrived in Lebanon in the late 1960s and 1970s when the PLO headquarters were in Lebanon. They are usually unable to prove that they fall under the UNRWA working definition.⁹⁶

Article 7 of the CRC stipulates that every child has the right to be registered after birth, the right to a name, and to nationality. In Lebanon, “children born to non-ID Palestinian father (who do not themselves possess recognized identity documents) are not registered with UNRWA and do not receive recognized identity documents from the Lebanese state nor have the ability to acquire a nationality even if they have Lebanese mother as, under current Lebanese law, nationality can only be passed on by the father (paternalistic application of the principle of *jus sanguinis*)”.⁹⁷ This affects children's access to basic human rights, including the right to education.⁹⁸

Palestinians: Human Rights Situation

At present, Palestinian refugees throughout the Arab world, but particularly in Lebanon, have a particular legal status. Some of the international legal instruments that enshrine the rights and obligations of refugees do not apply to Palestinian refugees. The main international instrument regarding refugees is the 1951 Convention relating to the Status of Refugees. However, this Convention does not apply to Palestinian refugees since they fall under the exclusive mandate of a specialised UN agency, namely UNRWA.⁹⁹ In 1965 the Arab League adopted the Casablanca Protocol in an attempt to ensure basic rights

⁹¹ Mainly, Jordan, Egypt, Iraq and the Gulf states.

⁹² *De facto*, UNRWA cannot register Palestinian refugees in Lebanon without the approval of the Lebanese authorities.

⁹³ They are categorised under a ‘Married to Non-Registered (MNR)’ status. They regain their registered status in the case of the death of the husband or divorce.

⁹⁴ It should be noted that there is a strong resistance from donors to expand UNRWA’s working definition.

⁹⁵ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁹⁶ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁹⁷ Amnesty International Submission to the Committee on Rights of the Child on the occasion of the Lebanon’s third periodic report (June 2006) “Briefing to the Committee on the Rights of the Child 42nd session of the Committee on the Rights of the Child”.

⁹⁸ Amnesty International Submission to the Committee on Rights of the Child on the occasion of the Lebanon’s third periodic report (June 2006) “Briefing to the Committee on the Rights of the Child 42nd session of the Committee on the Rights of the Child”.

⁹⁹ There is an exclusion clause in the 1951 Convention (Article 1D) that stipulates that the Convention does not apply to person already benefiting from the protection or assistance of a UN body or institution other than the UNHCR.

for Palestinian refugees, including the right to housing, to employment, etc. Lebanon has ratified the Casablanca Protocol with reservations and amendments but “has never fully implemented it”.¹⁰⁰

In their Third Periodic Report to the CRC, the Lebanese government affirms that the government is the main duty bearer for the protection of Palestinian refugees’ civil rights in Lebanon.¹⁰¹ However, the state goes on to say that despite the provision of Article 2, concerning non-discrimination in the CRC, Lebanon’s obligations to the Palestinian community are limited by United Nations Decision number 302 (4-D), which “conferred the responsibility of providing humanitarian assistance to refugee and ensuring their rights to UNRWA”.¹⁰² They further specify that “the responsibility for basic rights including health, education, and relief is UNRWA’s.”¹⁰³ Thus, it appears that due to the unique situation of the Palestinian refugees in Lebanon, duty bearers for Palestinian refugee children include the Lebanese government, UNRWA, the international community, the “Palestinian designated national agency”, Palestinian/Lebanese civil society and partners.¹⁰⁴

The relationship between Palestinian refugees and Lebanon has been complicated since the 1960s. Palestinian groups (including the PLO) were involved in the build-up to the war in Lebanon and in the war itself. The Palestinian military presence inside and outside Palestinian refugee camps and the strong concerns of some Lebanese regarding a possible permanent settlement of Palestinian refugees makes the issue of Palestinians in Lebanon politically polarising. This hampers any consensual rights-based approach to the issue.¹⁰⁵

In 2006, the Lebanese government expressed willingness to improve the humanitarian situation of Palestinian refugees in Lebanon. In an unprecedented step, a ministerial fact-finding delegation visited some Palestinian refugee camps. Some laws and regulations are currently being reviewed and small improvements are reported. In addition, the establishment of the Lebanese Palestinian Dialogue Committee, which sits in the Prime Minister’s office, has facilitated coordination and communication between Lebanese and Palestinian leaders in Lebanon.¹⁰⁶ However, the tense political background and the multiplication of Palestinian factions (often in open conflict with each other) reduce the chances for any rapid improvements.¹⁰⁷

International bodies guarding and monitoring human rights have uniformly expressed concern about the conditions of the Palestinians in Lebanon, particularly as regards to the situation of the Palestinian child. For example, the Committee on the Rights of the Child, in its concluding observations (2002), noted that “the Committee is concerned about the high rate of Palestinian children living below the poverty lines, as well as the lack of adequate access by Palestinian children to many basic rights, including health, education and an adequate standard of living, and about the quality of services provided”.¹⁰⁸ Amnesty International found that the living conditions in Palestinian camps “fall short of fulfilling the substantive

¹⁰⁰ State Party Report- third (Convention on the Rights of the Child): Lebanon, CRC/C/129/Add.7, 25 October 2005.

¹⁰¹ State Party Report- third (Convention on the Rights of the Child): Lebanon, CRC/C/129/Add.7, 25 October 2005.

¹⁰² State Party Report- third (Convention on the Rights of the Child): Lebanon, CRC/C/129/Add.7, 25 October 2005.

¹⁰³ State Party Report- third (Convention on the Rights of the Child): Lebanon, CRC/C/129/Add.7, 25 October 2005.

¹⁰⁴ Coordination Forum of the NGO’s Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon’s third period report (01/10/2005) “Rights of the Palestinian Child in Lebanon, Third Supplementary Report.” [Accessed on 25 Feb. 2008- Summary by CRIN]

¹⁰⁵ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

¹⁰⁶ UNRWA Representative. Personal Interview. 13 April 2008

¹⁰⁷ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

¹⁰⁸ Concluding Observations of the Committee on the Rights of the Child: Lebanon 21/03/02. UN Doc. CRC/C/15Add.169. paragraphs. 46 and 54.

requirements of the right to adequate housing,” particularly with regards to those living in gatherings.¹⁰⁹ Amnesty quoted the Committee on Economic, Social and Cultural Rights (CESCR) as saying that many of the shelters in camps and gatherings did not provide “adequate space and protect[ion] from cold, damp, heat, rain, wide or other threats to health, [and] structural hazards.”¹¹⁰

The conditions in the camps have been steadily declining over the last 50 years. Basic services such as water, electricity and sanitation have serious deficiencies, shelters are overcrowded and, sometimes, hazardous. An 80% of Palestinians live under the poverty line.¹¹¹ In some camps strict construction regulations restrict the entrance of materials to improve housing and living conditions, even for UNRWA.¹¹² In particular, international agencies have drawn attention to restrictions on housing/tenure, employment rights, and access to basic health care and education (including social security).

The Coordination Forum of the NGO’s Working among the Palestinian Community cited a report that found that the houses of most families lack adequate ventilation and access to sunlight and are subject to pollution and noise.¹¹³ Shelters are often overcrowded (estimated 3 persons per bedroom) and damp. Most of the shelters were constructed with hollow cement blocks. However, some of them still have temporary zinc roofing.¹¹⁴ Although most of the shelters are connected to infrastructure networks (sewage, water, and electricity), there are significant problems in terms of quantity and quality. Open sewers run through the streets of some of the camps.¹¹⁵

Non-Lebanese do not have the right to work in about 50 jobs, trades and independent professions.¹¹⁶ A work permit is required for engagement in other jobs, predominately unskilled and manual labour. Palestinians have limited access to work permits (estimated at 1% only) and are deeply affected by the restricted job opportunities. Even with a work permit, Palestinian workers are unable to benefit from Lebanese social security. In Lebanon, the right to social security “depends on ‘reciprocity of treatment’¹¹⁷ – namely reciprocal agreements between Lebanon and other states whereby nationals of both countries are allowed to benefit from social security assistance in the other countries.”¹¹⁸ Palestinians cannot benefit

¹⁰⁹ Amnesty International Submission to the Committee on Rights of the Child on the occasion of the Lebanon’s third periodic report (June 2006) “Briefing to the Committee on the Rights of the Child 42nd session of the Committee on the Rights of the Child”.

¹¹⁰ General Comment 4 “the right to adequate housing” (article 11(1)), Committee on Economic, Social, and Cultural Rights, sixth session, 1991, para 8(d) quoted in Amnesty International Submission to the Committee on Rights of the Child on the occasion of the Lebanon’s third periodic report (June 2006) “Briefing to the Committee on the Rights of the Child 42nd session of the Committee on the Rights of the Child”.

¹¹¹ Coordination Forum of the NGO’s Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon’s second period report (05/2001) “Rights of the Palestinian Child in Lebanon, Second Supplementary Report.”

¹¹² Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on Corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 9

¹¹³ Coordination Forum of the NGO’s Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon’s third period report (01/10/2005) “Rights of the Palestinian Child in Lebanon, Third Supplementary Report.” [Accessed on 25 Feb. 2008- Summary by CRIN]

¹¹⁴ Coordination Forum of the NGO’s Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon’s third period report (01/10/2005) “Rights of the Palestinian Child in Lebanon, Third Supplementary Report.” [Accessed on 25 Feb. 2008- Summary by CRIN]

¹¹⁵ Coordination Forum of the NGO’s Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon’s third period report (01/10/2005) “Rights of the Palestinian Child in Lebanon, Third Supplementary Report.” [Accessed on 25 Feb. 2008- Summary by CRIN]

¹¹⁶ Ministry of Labour, Ministerial Decision No. 621/1, 15 December 1995.

¹¹⁷ Social Security Law, Art. 9, para. 4. quoted in Said, Wadie. “Obligation of Host Countries to Refugees under International Law: the Case of Lebanon” in Aruri, Nasseer (ed). *Palestinian Refugees: the Right of Return*, Pluto Press, London: 2001. p.134.

¹¹⁸ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” P. 8

from this provision because the Palestinian Authority in Palestine is not recognized as a state.¹¹⁹ Amnesty International found this provision in violation of Article 26 of the CRC. Notably, in June 2005, a Ministerial Memorandum was issued allowing Palestinian refugees born in Lebanon and officially registered with the Lebanese state to legally work in manual and clerical jobs. However, the Palestinians are still barred from seeking professional employment.¹²⁰

These and other restrictions, including restrictions on the right to association, political participation, and arbitrary detention, coupled with internal social conflicts have negatively impacted the conditions of the Palestinian youth generally. For example, a study carried out in six Palestinian refugee camps in 2006 found that youth were engaged in high-risk behaviors and had inadequate knowledge on basic health issues. The study also found that though actual levels of violence in the camp were not as high as expected,¹²¹ conflict and physical/verbal aggressive behavior among and towards youth remain widespread. Of the sample interviewed, more than one-fourth approved of violence in specific conditions, including domestic violence. The study noted that “such a high level of tolerance is surely one of the main determinants of the high and increasing prevalence of violent behaviors, and notably of violence against women and children.”¹²²

Youth identified the following high-risk behaviours as widespread among Palestinian youth: illicit sexual relations, unprotected sex, tobacco smoking, drug use, stealing and robbing (including armed robbery), alcohol consumption (mainly beer), carrying white weapons (knives), joining gangs/militias (fighting, threatening to kill and killing), tattooing, practicing homosexuality, watching pornographic movies, watching violent movies, paid sex, incest, and sexual harassment and rape.¹²³ The following substances appear to be easily accessible and cheap (though youth reportedly steal to have money to afford them): hallucinogens, consumed as such or smoked in the argyle, hashish smoked in argyle, cough syrup, powder, cocaine, heroin and/or crack, hashish, alcohol, gasoline or glue, pure alcohol with juice, and perfume.¹²⁴

Palestinians: Conflict in Nahr El-Bared Camp

The situation of some Palestinians became more critical following the conflict in Nahr el-Bared camp. The conflict increased the vulnerability of children directly affected as well as the general condition of Palestinians. In an attempt to prevent similar conflicts in other camps, there is evidence to suggest that stricter restrictions have been put on some camps.¹²⁵ Children and their families who were affected by the conflict in Nahr el-Bared continued to struggle to reestablish their life, livelihood, to find shelter, to continue studying, and to resurrect society and social structures. The international community, led by

¹¹⁹ Ministry of Labour Memorandum (No. 67/1), June 2005.

¹²⁰ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” P. 8

¹²¹ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. P. 75

¹²² Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission.

¹²³ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. . P. 55

¹²⁴ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. P. 58

¹²⁵ 8 Palestinian children (age 16-18) Nahr el-Bared camp. 16 April 2008 and 6 Palestinian children (age 6-11). Nahr el Bared Camp. 15 April 2008.

UNRWA, has been providing humanitarian assistance to displaced communities since the outbreak of the conflict.

On the 20th of May 2007 a violent conflict erupted between Fatah al Islam, a militant group based in Narh el-Bared camp (a Palestinian refugee camp located outside Tripoli in northern Lebanon), and the Lebanese Armed Forces (LAF). An estimated 42 civilians and 168 members of the LAF were killed.¹²⁶ The number of Fatah al-Islam fighters killed is not readily available. Over 30,000¹²⁷ Palestinians and some Lebanese families housed in the camp and its adjacent areas were displaced during the fighting, predominately to the neighboring camp Bedawi.

Reportedly, during the first period of the conflict in Nahr el-Bared civilians living in the camp were not able to access water, sewage, electricity, and health care. Persons displaced from Nahr el-Bared were treated for dehydration, diarrhea and stomach illnesses.¹²⁸ Some Palestinians, including children, fleeing the violence during the conflict were reportedly detained and abused by the LAF for alleged connection to Fatah al-Islam.¹²⁹

Many of the displaced were housed in Bedawi and in Lebanese schools in Tripoli. In October, refugees began to return to the areas adjacent to the camp. Return to the formal boundaries of the camp, at this point, remains restricted due to the high level of destruction (an estimated 90% of the camp) and to military presence. Some of the displaced have returned to their homes (6,000 in December 2007), some are living with neighbors/friends, some reside in UNRWA established collective centers and temporary accommodation and some remain in Bedawi and other camps.

On 29 June 2007, Reuters reported that the LAF had fired on unarmed Palestinian civilians, many of them women and children, killing three. The Palestinians involved were protesting for their right to return to their homes in Nahr el-Bared camp.¹³⁰

There are number of serious concerns for the displaced refugees, particularly regarding the safety and protection of returning children: 1) homes damaged and destroyed in the adjacent area are currently being lived in and may pose a serious threat to the safety of inhabitants generally and children particularly; 2) though access to the formal areas of the camp have been restricted, persons are returning haphazardly to collect belongings; proper physical, environmental, and safety assessments have not been conducted in this area and returnees may faces serious dangers, particularly children. The military is supposed to accompany person returning to the 'old camp' to collect their belongings; however, there are numerous reports of people entering unaccompanied;¹³¹ 3) though improving, access to electricity and water have been difficult for some returnees; 4) the UNRWA collective centres and temporary shelter (both hollow block constructions and prefabricated buildings) do not have provisions for persons with disability or children. Displaced persons have expressed frustration with the cramped living conditions and poor construction; and 5) the relationship between the military and the Palestinian returnees is reportedly

¹²⁶ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). "Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices." [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

¹²⁷ UNRWA Representative. Personal Interview. 13 April 2008.

¹²⁸ UNRWA Representative. Personal Interview. 13 April 2008.

¹²⁹ Human Rights Watch (January 2008). "Lebanon: Country Summary". P. 2

¹³⁰ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). "Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices." [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

¹³¹ 6 Palestinian children (age 6-11). Narh el Bared Camp. 15 April 2008 and 8 Palestinian children (age 16-18) Narh el-Bared camp. 16 April 2008; UNRWA Representative. Personal Interview. 13 April 2008.

tension and could prove volatile. Similarly, the relationship between the Palestinian returnees and the neighboring Lebanese municipalities is strained and could erupt in violence.¹³²

There are reports that violence against children, in different forms, has increased in the displaced community and children are considered to be especially vulnerable at this time. All children who are displaced from Nahr el-Bared camp have suffered from violent conflict and may be in need of therapy services; many have displayed symptoms of trauma. UNRWA and NGO service providers, however, have resumed health care services for all displaced communities. Children also missed school exams and part of the 2007 school year. Current living conditions may be further disrupting children's learning.

C.4.5 Iraqi Refugees

The most significant displacement of Iraqis occurred following 2003 as a result of military operations, the rise of crime, and general insecurity. Between 2003 and 2005 many displaced Iraqis moved temporarily to escape areas of armed conflict. However, since 2006 and the dramatic increase in sectarian violence sparked by the bombing of the Samarra Al-Askari Mosque persons have fled threats and violence directed specifically against themselves and their ethnic/religious group. Notably, by 2006 almost 1,270,000 persons were displaced. Though numbers of persons fleeing Iraqi decreased in 2007, the continuing conflict and the worsening humanitarian situation for internally displaced people (IDPs) (exacerbated by the deterioration of Iraqi infrastructure, national shortages of fuel and electricity and widespread lack of basic services) continue to result in Iraqi refugees seeking safety in neighboring Arab countries.¹³³ Significantly, a DRC study indicated that most of the Iraqi refugees that have come to Lebanon arrived during the past couple of years; almost half (43%) of their respondents arrived in 2006 and the first half of 2007.¹³⁴ Notably, Iraqis who are currently fleeing violence in Iraq are likely to have previously experienced displacement under Saddam Hussein's regime.¹³⁵

Syria and Jordan have, respectively, received 1.4 million and 450,000-750,000 Iraqi refugees. Lebanon is estimated to have approximately 50,000 Iraqi refugees.¹³⁶ Though minor compared to other countries, Lebanon's small population and the already existing Palestinian refugee population (estimated at 10% of the population) makes the arrival of the Iraqi refugees concerning for many in Lebanon.¹³⁷ Human Rights Watch noted that, "[the] ongoing political crisis and instability means many Lebanese are wary of hosting another refugee population whose prospects of returning home in the short term are remote. The situation is further complicated by the perception of many Lebanese that the sectarian tensions that plague Iraqi society might feed into, and amplify, the sectarian tensions that are never far below the surface in Lebanon itself."¹³⁸

¹³² 6 Palestinian children (age 6-11). Nahr el Bared Camp. 15 April 2008 and 8 Palestinian children (age 16-18) Nahr el-Bared camp. 16 April 2008.

¹³³ International Organization for Migration (February 2008). "Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report." Amman and Beirut, International Organization for Migration. P. 46

¹³⁴ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 28

¹³⁵ International Organization for Migration (February 2008). "Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report." Amman and Beirut, International Organization for Migration. P. 45

¹³⁶ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)]

¹³⁷ International Organization for Migration (February 2008). "Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report." Amman and Beirut, International Organization for Migration. P. 46

¹³⁸ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). p. 13

Though none of the mentioned host countries have ratified the 1951 Refugee Convention, until recently they generally tolerated Iraqi refugees. However, in 2006, all three countries tightened visa requirements in an attempt to limit the numbers of persons who enter. Lebanese law does not provide protection for refugees or asylum seekers. In some cases the government does grant temporary asylum to certain groups for a period of six months but does not offer permanent asylum.¹³⁹ In September 2003, Lebanon's General Security (SG) and UNHCR signed a Memorandum of Understanding (MOU) which provides for SG issuing "circulation permits" to asylum seekers and refugees, valid for the duration of 12 months during which times UNHCR should identify a third country for resettlement.¹⁴⁰ However, because UNHCR cannot find third country resettlement solutions for all Iraqi refugees, it does not register most Iraqis under the MOU. Instead it issues certifications for some refugees. However, these are not recognized by the Lebanese government as granting exemption from penalties for illegal entry.¹⁴¹ Many Iraqis continue to hope for resettlement to a third country. However, in 2007 one study noted that "few Iraqis can hope to be resettled. The US has announced plans to resettle only 7,000 of the approximately two million Iraqi refugees in the region and the European Union has declared opposition to resettlement of refugee in the EU..."¹⁴²

At the year's end there were approximately 11,000 Iraqi refugees officially registered with UNHCR.¹⁴³ DRC estimated that the numbers of Iraqi refugees living in Lebanon had a range of 20,000 and 100,000.¹⁴⁴ Both UNHCR¹⁴⁵ and DRC¹⁴⁶ estimated that there are approximately 50,000 Iraqi refugees in Lebanon. As the number of Iraqis entering Lebanon appears to be directly correlated to the situation in Iraq and Syria, the DRC report hypothesized that "a potential increase is not considered an unrealistic possibility."¹⁴⁷ At the beginning of 2008, the International Organization for Migration (IOM) estimated that 51% of Iraqi refugees in Lebanon are Shi'a, 19% are Chaldean Catholics, and 12% are Sunni Muslims.¹⁴⁸ DRC¹⁴⁹ and UNHCR¹⁵⁰ estimate that approximately 50% of Iraqi refugees in Lebanon are Shi'a, 25% are Christian, and 25% are Sunni.

Uniquely, Iraqi refugees have not been grouped into refugee camps in rural areas, as is often the case, but have integrated into urban centers; IOM estimates that 80% of Iraqi refugees are living in rented houses, with one or two rooms.¹⁵¹ IOM and the DRC studies both found that almost 80% of Iraqis are living in the

¹³⁹ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). "Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices." [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

¹⁴⁰ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E), p. 4

¹⁴¹ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E), p. 4

¹⁴² Trad, Samira and Ghida Frangieh (June 2007). "Iraqi refugees in Lebanon: Continuous Lack of Protection." *Forced Migration Review*. Special Issue: Iraq's Displacement Crisis: the Search for Solution.

¹⁴³ UNHCR Representative. Personal Interview. 18 April 2008.

¹⁴⁴ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)]

¹⁴⁵ UNHCR Representative. Personal Interview. 18 April 2008.

¹⁴⁶ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)]

¹⁴⁷ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 23

¹⁴⁸ International Organization for Migration (February 2008). "Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report." Amman and Beirut, International Organization for Migration. P. 11

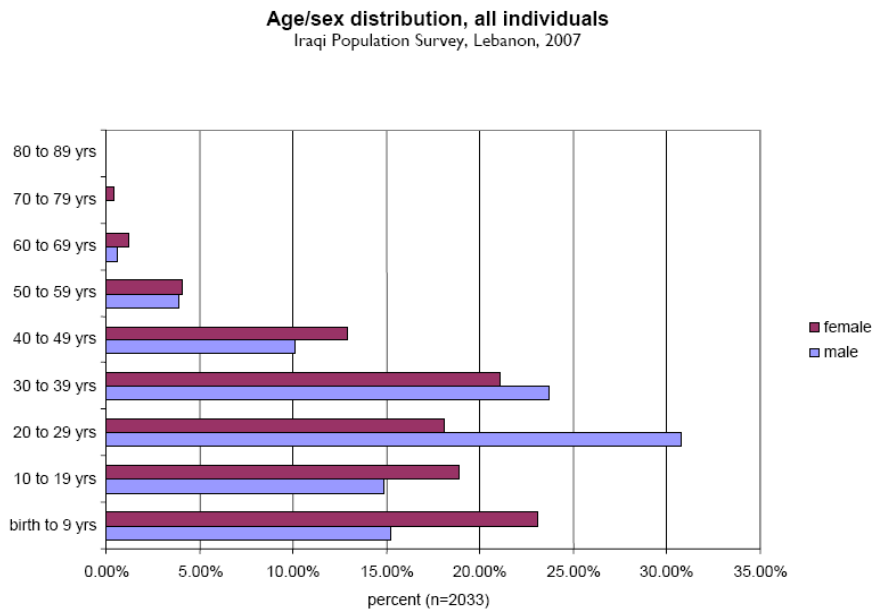
¹⁴⁹ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)]

¹⁵⁰ UNHCR Representative. Personal Interview. 18 April 2008.

¹⁵¹ International Organization for Migration (February 2008). "Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report." Amman and Beirut, International Organization for Migration. P. 11

governorate of Mount Lebanon.¹⁵² Others are scattered across Lebanon; pockets were found in the Beqaa governorate, Nabatiyeh, district of Baabda (including the southern suburbs of Beirut), Aley and Keserwan.¹⁵³ One of the concerns of the international community is the lack of information regarding the location/pattern of residence of the Sunni Iraqi population; whereas the Shia and Christian Iraqi population are congregating in particular regions, there is no clear pattern of residency for the Sunni population.¹⁵⁴

Most Iraqi households are estimated to range from between two and five individuals.¹⁵⁵ DRC found that 44% of the adult population is allegedly single and 52% report being married (though not all have their spouse with them in Lebanon). A significantly higher percentage of women are married than men.¹⁵⁶ Around 88% of the Iraqi families who participated in the DRC study are living with their nuclear family, 8% are reportedly living with roommates, and 5% report that they are living with multiple families or extended families. Interestingly, DRC found that single heads of households were predominately male.¹⁵⁷ The DRC study estimated that 60% of the population were under 30 years old. For a breakdown of age and gender in the Iraqi refugee community, refer to the chart¹⁵⁸ below:



¹⁵² International Organization for Migration (February 2008). “Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report.” Amman and Beirut, International Organization for Migration. P. 11

¹⁵³ Danish Refugee Council (November 2007). “Iraqi Population Survey in Lebanon: A Report” [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 27

¹⁵⁴ UNHCR Representative. Personal Interview. 18 April 2008.

¹⁵⁵ Danish Refugee Council (November 2007). “Iraqi Population Survey in Lebanon: A Report” [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 29

¹⁵⁶ Danish Refugee Council (November 2007). “Iraqi Population Survey in Lebanon: A Report” [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 30

¹⁵⁷ Danish Refugee Council (November 2007). “Iraqi Population Survey in Lebanon: A Report” [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 30

¹⁵⁸ Danish Refugee Council (November 2007). “Iraqi Population Survey in Lebanon: A Report” [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 31

The DRC study found that the majority of the Iraqi refugee population entered Lebanon illegally. It appears that families are more likely to enter legally than individuals. Furthermore, there are a higher proportion of females who have entered legally than males.¹⁵⁹ Refer to char below:¹⁶⁰

Entry Status	Frequency	Percent
legal entry	228	22.5
illegal entry	787	77.5
Total	1015	100.0

Furthermore, the DRC study¹⁶¹ found the following were reasons for the high rate of persons without legal status:

Reasons for the Illegal Status (multiple responses)
Iraqi Population Survey, Lebanon, 2007

Category label	Count	% of Response	% of Cases
Visa expired, could not afford to renew	43	5.9	6.0
Visa expired, not allowed to renew	39	5.4	5.4
Entered illegally, could not afford settlement expenses	633	87.0	87.7
Other	13	1.8	1.8
Total Responses	728	100	100.8

Human Rights Watch found that Iraqis in Lebanon have predominately come through Syria. Until 1 October 2005, Syria's borders were open to Iraqis. Following 2005 Syria began to restrict entry to persons with commercial, transport, scientific, and education visas. According to Human Rights Watch research, most Iraqis are smuggled into Lebanon by human smugglers, as few visas are available. Iraqi refugees reportedly left Syria largely for economic reasons and for community security. Though they recognized the danger in coming to Lebanon (where they are illegal and can be detained), the lack of job opportunities drives them to come. Christians Iraqis cited the strong community presence as one of their reasons for coming to Lebanon.¹⁶²

To enter Lebanon legally, Iraqis need to obtain a visa. This can be obtained either from the Lebanese embassy in Iraq or at the Beirut airport. To acquire a 15-day tourist visa, Iraqis must show that they have a non-refundable return ticket, \$2,000 dollars in cash, and a hotel reservation in Lebanon. Many cannot meet these requirements.¹⁶³ Iraqis are not eligible to apply for a tourist visa at Lebanon's land crossing with Syria. Tourist visas can only be renewed once, for a maximum period of three months. Persons who enter on a tourist visa and overstay their visa are excluded from procedures to regularize their status.¹⁶⁴

¹⁵⁹ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 24

¹⁶⁰ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 24

¹⁶¹ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 26

¹⁶² Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). p. 15

¹⁶³ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). p. 20-21

¹⁶⁴ Letter from Brigadier-General Siham Harake, Head of the Nationality, Passports, and Foreigners Bureau, on behalf of General Wafiq Jazini, General Director of Public Security, to Human Rights Watch, June 30, 2007.

Since 2007, UNHCR grants refugee status on a *prima facie* basis to Iraqi refugees from central and southern Iraq.¹⁶⁵ However, because Lebanon has not signed the 1951 Refugee Convention, it does not give legal affect to UNHCR's recognition of Iraqi refugees.¹⁶⁶ In the past, Lebanon has treated all persons illegally entering Lebanon or overstaying their visa as illegal immigrants, regardless of their reason of leaving their country of origin. Illegal immigrants are subject to arrest, imprisonment, fines and deportation.¹⁶⁷ Though the ISF does not systematically arrest Iraqis who do not have proper documentation, continuing arrest and detention of Iraqis has deeply instilled fear into the community. Human Rights Watch found that "the number of Iraqi refugees arrested increases in direct proportion to the number of checkpoints in Lebanon".¹⁶⁸ Iraqi refugees have cited being afraid to leave the house, even to seek assistance at UNHCR, for fear of being arrested.¹⁶⁹

Article 32 of the Lebanese Law of Entry and Exit (1962) stipulates that foreigners who illegally entry the territory can be imprisoned for one month to 3 years, fined, and deported. Human Rights Watch found that "Iraqi refugees who are arrested and subsequently convicted of illegal entry are usually sentenced to the minimum prison sentence of one month, plus a fine and deportation".¹⁷⁰ Human Rights Watch reported that detained Iraqis who had finished their sentence were often given a choice: continued detention or deportation.¹⁷¹ Thus, Human Rights Watch concluded that, "while Lebanon formally does not return any Iraqi refugees to Iraq against their will, it coerces many Iraqi refugees to "choose" to return to Iraq".¹⁷² The International Organization for Migration (IOM) facilitated the deportation of Iraqi refugees until August 2007.¹⁷³

Each year persons residing on Lebanese territory illegally are provided with an opportunity for regularization.¹⁷⁴ In February 2008 in addition to the annual opportunity for regularization, the Lebanese government agreed to a general amnesty for detained Iraqi refugees.¹⁷⁵ UNHCR has agreed to pay the necessary fees (fines for illegal stay in Lebanon) for detained persons. In principal, the amnesty is only relevant for persons who entered the country prior to the date of regularization. The amnesty is only

¹⁶⁵ UNHCR Representative. Personal Interview. 18 April 2008.

¹⁶⁶ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). p. 1

¹⁶⁷ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). p. 1

¹⁶⁸ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). p. 2

¹⁶⁹ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). p. 2

¹⁷⁰ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). p. 2

¹⁷¹ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). p. 2

¹⁷² Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). p. 3

¹⁷³ IOM Representative. Personal Interview. 17 April 2008.

¹⁷⁴ UNHCR Representative. Personal Interview. 18 April 2008.

¹⁷⁵ Refugees International (27 February 2008). "Iraqi Refugees find Legal Footing in Lebanon: Refugees International Applauds new Lebanese Policies towards Iraqi Refugees." ReliefWeb. [Available at: [//www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lb](http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lb) (Accessed 28 February 2008)].

granted to Iraqis who have been recognized by UNHCR as a refugee.¹⁷⁶ To date, approximately 150 Iraqi refugees have been released from detention.¹⁷⁷

As all illegal persons, beginning in February 2008 Iraqis have a three-month grace period to find an employer to sponsor the regularization of their status through a work permit.¹⁷⁸ There are three forms of regularization. The vast majority of Iraqi refugees are regularized under the procedure related to ‘blue collar’ employment (UNHCR has only assisted a few persons seeking professional employment). The procedure for regularization for ‘blue collar’ employment is as follows: 1) persons must approach SG with their passports and pay a \$633 US dollar fine for overstaying their visa; 2) persons must have a commitment from a sponsor who is willing to pay a deposit of \$1,000 dollars; 3) persons are then give three months to complete the necessary paper work (each stage of which requires some payment); and 4) persons approach the Ministry of Labour with completed paper work to be issued a work permit. The work permit is valid for 1 year.¹⁷⁹

UNHCR estimates that this grace period will benefit roughly two-thirds of the adult Iraqi population in Lebanon.¹⁸⁰ IOM noted that “while the decision of the Lebanese government has to be praised, it does not recognize the majority of Iraqis in Lebanon, who never registered with UNHCR. It is still not clear how many Iraqis will actually regularize their status in the given period”.¹⁸¹ Furthermore Human Rights Watch noted in 2007 that, “due to Lebanon’s difficult economic situation and the availability of other foreign workers, few Iraqis are able to find a Lebanese employer who is willing to sponsor their application to regularize their status in Lebanon, and even fewer can satisfy all the necessary requirements and pay the fees: between March 1 and June 25, 2007, only 167 Iraqi nationals applied to regularize their status”.¹⁸²

In addition to fears of detention and arrest, Iraqi refugees are struggling to provide their children with basic services. Education and protection issues will be addressed later in the document in more detail. However, the following paragraphs will outline the general context of service provision and will address health needs. In general, like Lebanese and Palestinians, Iraqis continue to struggle to access services that they can afford. In the case of Iraqi refugees, however, these concerns are intensified by their illegality in Lebanon and the uncertainty of their future.

¹⁷⁶ Refugees International (27 February 2008). “Iraqi Refugees find Legal Footing in Lebanon: Refugees International Applauds new Lebanese Policies towards Iraqi Refugees.” ReliefWeb. [Available at: [//www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lbn](http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lbn) (Accessed 28 February 2008)].

¹⁷⁷ Refugees International (27 February 2008). “Iraqi Refugees find Legal Footing in Lebanon: Refugees International Applauds new Lebanese Policies towards Iraqi Refugees.” ReliefWeb. [Available at: [//www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lbn](http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lbn) (Accessed 28 February 2008)].

¹⁷⁸ Refugees International (27 February 2008). “Iraqi Refugees find Legal Footing in Lebanon: Refugees International Applauds new Lebanese Policies towards Iraqi Refugees.” ReliefWeb. [Available at: [//www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lbn](http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lbn) (Accessed 28 February 2008)].

¹⁷⁹ Refugees International (27 February 2008). “Iraqi Refugees find Legal Footing in Lebanon: Refugees International Applauds new Lebanese Policies towards Iraqi Refugees.” ReliefWeb. [Available at: [//www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lbn](http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lbn) (Accessed 28 February 2008)].

¹⁸⁰ Refugees International (27 February 2008). “Iraqi Refugees find Legal Footing in Lebanon: Refugees International Applauds new Lebanese Policies towards Iraqi Refugees.” ReliefWeb. [Available at: [//www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lbn](http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lbn) (Accessed 28 February 2008)].

¹⁸¹ International Organization for Migration (February 2008). “Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report.” Amman and Beirut, International Organization for Migration. P. 49

¹⁸² Human Rights Watch (November 2007). “Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon.” Vol. 19, No. 8 (E). p. 22

Due to the dispersion of the Iraqi refugee population, service provision has been slow to reach the displaced communities and information regarding the wellbeing slow in forthcoming.¹⁸³ The IOM study found that many Iraqis did not have access to NGO services because of:

- a) *Complicated and undignified administrative procedures.*
- b) *Centralization of most of the NGOs in the capital, while the movement of Iraqis is limited due to financial constraints and security issues.*
- c) *Provision of assistance on confessional basis.*
- d) *Lack of awareness of all available services and the referral system.*
- e) *Lack of outreach.*
- f) *Lack of case management.*
- g) *Many stakeholders believe that all above mentioned issues, and the lack of outreach, do not make it possible for humanitarian assistance to reach the most in need. Instead, assistance is reaching those who are well equipped to claim for it.*¹⁸⁴

Though the situation is gradually improving, for many Iraqis the inability to access NGO and government services means that they are more vulnerable to violence and exploitation. It also has implications for the physical health of many.

Chronic health problems among the Iraqi refugee population were reported by 10% of the surveyed population. The most significantly reported health problems are diabetes, hypertension, asthma, digestive system problems and heart problems.¹⁸⁵ An estimated 2.2% of the Iraqi population reported having a disability.¹⁸⁶

Most Iraqi refugees are not directly discriminated against when accessing health services in Lebanon because the majority of health care providers are private. However, they need to prove that they will be able to pay for the treatment they receive. Due to their critical financial situation, many cannot even afford basic medications or health services. Caritas and the Middle East Council of Churches (MECC), among others, provide financial assistance to Iraqi refugees to receive health services. However, both organizations require that the Iraqi refugee have a certificate from a designated doctor prior to receipt of financial assistance. Thus, Iraqi refugees need to be able to pay for the first doctor's appointment, which represents a serious obstacle for many.¹⁸⁷ Of the 14% of respondents to the DRC study who stated that they used health care services in the last three months, more than half reportedly paid for services 'out-of-pocket'. One-fourth of respondents received support from an NGO/religious/philanthropic organization. A small portion reported receiving support from relatives in Lebanon or in Iraq.¹⁸⁸

¹⁸³ International Organization for Migration (February 2008). "Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report." Amman and Beirut, International Organization for Migration P. 46

¹⁸⁴ International Organization for Migration (February 2008). "Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report." Amman and Beirut, International Organization for Migration P. 15

¹⁸⁵ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 33

¹⁸⁶ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 34

¹⁸⁷ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). p. 57

¹⁸⁸ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 35

C.4.6 Other Refugee Children and Children of Migrant Workers

Though information is less available, it is important to note that another vulnerable population in Lebanon are the refugees that are neither Iraqi or Palestinian. During the period of 1998-2000, the Lebanese government estimated that there were approximately 1,000-12,000 non-Palestinian refugees.¹⁸⁹ At the end of 2007, UNHCR had registered 266 non-Iraqi refugees (94 Sudanese, 29 Syrian, 23 Somalis, and others), 31 of which were under the age of 18, and were processing 256 non-Iraqi asylum seekers residing in Lebanon, 14 of which were under the age of 18.¹⁹⁰ Like Iraqi refugees, these refugees and asylum seekers are subject to arrest, detention and deportation. IOM estimates that at one point during the last year approximately 250 Sudanese were being held in detention.¹⁹¹ In line with international law, UNHCR attempts to prevent the forced return of refugees to countries in which their lives maybe a risk.¹⁹² Preliminary interviews with NGOs working with this population and children in this group suggest that they are receiving less humanitarian assistance and have less access to protection (particularly those that do not have recognized refugee status).¹⁹³ Further research is urgently needed to confirm reports. Notably, the situation in Sudan has continued to deteriorate and thus it is likely that the number of Sudanese refugees/migrants has/will increased.

In addition, the situation of the children of migrant workers may be the most critical. Research suggests that the bulk of the migrant population has been present in Lebanon for approximately 10 years. The first generation of the children of these migrant workers is just becoming visible. Due to the transient nature of the community and to social, political, and economic marginalization, many of the children are subject to high levels of social/domestic violence, are not in school, spend significant time without supervision because they are being raised by single, working parents, and are undocumented.¹⁹⁴ INSAN estimated that there could be as many as 2-3,000 such children.¹⁹⁵ Due in part to the recent emergence of this group and to their relative invisibility, they appear to be receiving very little attention from the humanitarian community and are thus more vulnerable. This issue could become more critical over time as the migrant population continues to grow. Further research is urgently needed to understand the breadth and dynamics of this issue.

The situation of children, generally, is not only impacted by the political forces at play in Lebanon. The governing structures and legal systems have a significant effect on the well-being of Lebanese and non-Lebanese children alike.

¹⁸⁹ State Party Report- Third (Convention on the Rights of the Child): Lebanon, CRC/C/129/Add.7, 25 October 2005.

Chapter VIII, article 454

¹⁹⁰ UNHCR Representative. Personal Interview. 18 April 2008.

¹⁹¹ IOM Representative. Personal Interview. 17 April 2008.

¹⁹² UNHCR Representative. Personal Interview. 18 April 2008.

¹⁹³ 12 Sudanese children and children of migrant workers (age 8-15). Nabaa. 23 April 2008 and INSAN Representative. Personal Interview. 18 April 2008.

¹⁹⁴ 12 Sudanese children and children of migrant workers (age 8-15). Nabaa. 23 April 2008 and Focus group and INSAN Representative. Personal Interview. 18 April 2008.

¹⁹⁵ INSAN Representative. Personal Interview. 18 April 2008.

C.5 Systems and challenges

Lebanon is a parliamentary republic. The unwritten “National Pact” (1943) establishes the confessional power-sharing structure that exists today, as such: president- Maronite Christian, Prime Minister- Sunni Muslim, and the Speaker of Parliament- Shi’a Muslim. The Taef Accord (1989), which ended the civil war, reaffirmed this agreement. However, it limited the power of the Maronite President and increased Muslim representation in parliament. The parliament, composed of 128 members proportionally representing confessions/regions, holds the legislative power. The current speaker of the parliament is Nabih Berry (first elected in 2000),¹⁹⁶ who is also the head of the Shi’a party, Amal. The executive power lies with the Council of Ministers.

Regionally, Lebanon consists of eight districts (Mouhafaz)—Beirut, Southern Lebanon, Nabatiye, Mount Lebanon, Northern Lebanon, Akkar, Bekaa, and Hermel. The districts are headed by a person appointed by the government and who represents all Ministries (excluding the Ministries of Justice and Defense). At a local level, the country is broken into cazas, “a local government with moral personality and with a degree of administrative and financial autonomy.”¹⁹⁷ Municipalities are headed by the caimacam, responsible for the enforcement of laws and regulations, and the control of the proper functioning of public services. The caimacam is under the direct supervision of the mouhafez who solely communicates with the central Government. Each caza is further composed of several districts, with financial and administrative autonomy. They are governed by the Municipal Council, which is directly elected and a President designated by the Municipal Council. Local elections are held every four years; the last ones took place in May 2004. There is no required confessional balance at the local level.¹⁹⁸

According to the Lebanese Constitution, decentralization should be a high priority. The central government, however, has yet to take steps to significantly enhance the autonomy of the municipalities.¹⁹⁹ The first municipal elections, held in 1998, showed a dynamic willingness to push for change at the local level. However, the central legal and fiscal system has yet to provide the necessary flexibility.²⁰⁰ For example, municipal taxes are collected by the central government and only partially redistributed to the municipalities.

International and national organizations have been encouraging decentralisation. In particular, the European Commission’s (EC) delegation in Lebanon is currently working with the municipalities to develop their governance capabilities and strengthen their delivery potential. The Higher Council for Childhood (HCC) is also in the process of increasing its cooperation with the municipalities.²⁰¹

Public institutions in Lebanon are generally weak. They suffer from an irrational distribution of resources (related to sectarian political tensions), poor training, lack of motivation, heavy bureaucracy, inadequate IT, underpaid staff, and corruption.²⁰² Of critical importance, civil servants are often recruited on political alliances as opposed to merit.²⁰³ Social services provisions, including public education and health care, are irregular and insufficient. The Lebanese public generally views public institutions with scepticism.

¹⁹⁶ Euro-Mediterranean Partnership. “Country Report: Lebanon.” 2004

¹⁹⁷ Euro-Mediterranean Partnership. “Country Report: Lebanon.” 2004

¹⁹⁸ Euro-Mediterranean Partnership. “Country Report: Lebanon.” 2004

¹⁹⁹ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

²⁰⁰ Despite the 1997 Law number 118 that was supposed to increase municipal financial autonomy. No data is available to demonstrate its effectiveness.

²⁰¹ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

²⁰² Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

²⁰³ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

This not only reflects the current state of the institutions (including the political stalemate) but also the sectarian history of Lebanon.²⁰⁴ As a result, the majority of services are provided by religious/political communities and NGOs, both of which offer a wide range of services. International organizations, most notably UN agencies and the EU, have initiated a number of projects to improve transparency, professionalism, and to minimize the effects of confessionalism and clientalism.

The largest obstacle to reform is in the very structure and nature of the political system’s functioning. The political and social arena in Lebanon is dominated by clientalism and confessionalism. Leaders continue to set political and economic agendas based on the needs/desires of their confessional (and sometimes familial) constituencies. Likewise, the public rite large supports political leaders and social agendas, even to the point of violent conflict, largely based on confessional alliances.²⁰⁵ In addition, to the confessional dynamics, power is attained (even within civil society) through a system of clientalism.²⁰⁶ All activities in Lebanon are touched by the larger social and political structure. It should be noted that the Constitution states that the confessional system should be temporary and abolished in the future.²⁰⁷

In addition, corruption remains widespread in the government.²⁰⁸ Notably, an anti-corruption law was drafted in 2002 but has not yet been adopted.²⁰⁹

The current political crisis has deeply affected reform efforts. Though lower level ministries continue to meet, the crisis in parliament makes it difficult to pass legislative change and to address structural issues.

C.5.1 International Legal Obligations

<u>International Convention</u>	<u>Subject</u>	<u>Date of Ratification</u>	<u>Reservations</u>	<u>Reports Submitted/Due</u>
UN Conventions and Declarations				
International Covenant on Economic Social and Cultural Rights (ICESCR)	Economic, Social, Cultural Rights	Ratified- 3 November 1972	No reservations	1/3
International Covenant on Civil and Political Rights (ICCPR)	Civil and Political Rights	Ratified- 3 November 1972	No reservations	2/3
First Optional Protocol to the ICCPR	ICCPR Individual Complaint procedure	Not Ratified or Signed	N/A	N/A
Second Optional Protocol to the ICCPR	Abolition of the death penalty	Not Ratified or Signed	N/A	N/A

²⁰⁴ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

²⁰⁵ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

²⁰⁶ Picard, Elizabeth. *Lebanon, a Shattered Country: Myths and Realities of the Wars in Lebanon*, [translated by Franklin Philip]. Holmes and Meier, New York: 2002

²⁰⁷ Article 95 of the Lebanese Constitution.

²⁰⁸ European Neighbourhood and Partnership Instrument. “Lebanese Republic: Country Strategy 2007-2013 and National Indicative Programme 2007-2010.” P. 6

²⁰⁹ European Neighbourhood and Partnership Instrument. “Lebanese Republic: Country Strategy 2007-2013 and National Indicative Programme 2007-2010.” P. 6

International Convention on the Elimination of all Forms of Racial Discrimination (CERD)	Minority rights	Ratified- 12 November 1971	Reservation: Article 22 (regarding the ICJ's role in interstate disputes)	17/18
Convention on the Elimination of Discrimination against Women (CEDAW)	Women's Rights	Ratified- 16 April 1997	Article 9(2) (nationality of children), 16 (1) (right to chose a family name), 29(1) (ICJ)	3/3
Optional Protocol to CEDAW	Individual complaint procedure	Not Ratified or Signed	N/A	N/A
Convention against Torture (CAT)	Prohibition of Torture	Ratified- 5 October 2000	No Reservations	
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Migrant worker's rights	Not Ratified or Signed	N/A	N/A
Convention on the Rights of Persons with Disabilities (CRPD)	Persons with disabilities	Signed- 14 June 2007	N/A	N/A
Optional Protocol to the Convention on the Rights of Persons with Disabilities	Persons with disabilities	Signed- 14 June 2007 (not yet in force)	N/A	N/A
UN Child Specific Conventions, Declarations, and Resolutions				
Convention on the Rights of the Child (CRC)	Children's rights	Ratified- 14 May 1991	No Reservations	3/3
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Sale of children, child prostitution, child pornography	Ratified- 8 November 2004	No Reservations	
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts	Children in Armed Conflict	Signed- 11 February 2002	No Reservations	N/A
Declaration on Social and Legal Principles relating to the Protection and Welfare of Children	Children's rights (foster children)	Adopted by General Assembly resolution 41/85 of 3 December 1986	N/A	N/A
United Nations Rules for the Protection of Juveniles Deprived of the Liberty	Children in conflict with the law	Adopted by General Assembly resolution 45/113 of 14 December 1990	N/A	N/A
Resolution 2005/20 on Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime	Endangered children	Adopted by the UN Economic and Social Council at its 36th plenary meeting, 22 July 2005	N/A	N/A
United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)	Children in conflict with the law	Adopted and proclaimed by General Assembly resolution	N/A	N/A

		45/112 of 14 December, 1990		
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	Rights related to marriage	Not Ratified or Signed	N/A	N/A
Resolution 1612 (2005) on Children and Armed Conflict	Children in Armed Conflict	Adopted by the UN Security Council at its 5235th meeting S/RES/1612 (2005), 26 July 2005	N/A	N/A
United Nations Rules for the Protection of Juveniles Deprived of Their Liberty	Children in Conflict with the law	Adopted by the UN General Assembly, A/RES/45/113, 14 December 1990	N/A	N/A
International Labour Organization				
ILO 87 Freedom of Association and Protection of the Right to Organise Convention (1948)	Worker's rights	Not Ratified or Signed	N/A	N/A
ILO 29 Forced Labour Convention (1930)	Worker's Rights	Signed- 1 June 1977	N/A	N/A
ILO 105 Abolition of Forced Labour Convention (1957)	Worker's Rights	Signed- 1 June 1977	N/A	N/A
ILO 100 Equal Remuneration Convention (1951)	Worker's Rights	Signed- 1 June 1977	N/A	N/A
ILO 98 Right to Organize and Collective Bargaining Convention (1949)	Union rights	Ratified- 1 June 1977	N/A	N/A
ILO 111 Convention concerning Discrimination in Respect of Employment and Occupation (1958)	Worker's rights	Ratified- 1 June 1977	N/A	N/A
ILO 182 Worst Forms of Child Labour Convention (1999)	Working children's rights	Ratified- 11 September 2001	N/A	N/A
ILO 138 Minimum Age Convention (1973)	Children's rights	Ratified 10 June 2003	N/A	N/A
International Refugee Law				
Convention relating to the Status of Refugees (1951)	Refugee rights	Not Ratified or Signed	N/A	N/A
Protocol to the Convention on the Status of Refugees (1967)	Refugee rights	Not Ratified or Signed	N/A	N/A
Convention relating to the Status of Stateless Persons	Stateless Persons	Not Ratified or Signed	N/A	N/A
Geneva Conventions				
Geneva Conventions (1949)	Law in conflict	Ratified all 4 Conventions -10 April 1951	N/A	N/A
Regional Documents				
Arab Charter on Human Rights	Human Rights	Not Ratified	N/A	N/A
Arab Charter of Human Rights/Amended- Arab Submit (2004)	Human Rights	Acceded to (not ratified)		

Cairo Declaration on Human Rights in Islam (guiding document- ratification not possible) (1990)	Human Right	Acceded to	N/A	N/A
Rabat Declaration on the issues of childhood in the Islamic world- First Islamic Conference of Ministers in Charge of Child Affairs	Children's Rights			
Casablanca Protocol	Palestine refugee's rights	Signed- 3 August 1966	N/A	N/A
Covenant on the Rights of the Child in Islam (organization of the Islamic conference)	Children's rights	Not signed	N/A	N/A

C.5.2 Legal structure in Lebanon

Lebanon's judicial system is based on the Napoleonic Code.²¹⁰ The legal system consists of:

- A constitutional council, enacted at the request of 10 Parliamentary members, determines the legality of newly adopted legislation;
- Civilian courts have an independent judiciary. However, these courts have rarely been used to address government sponsored human rights violation;
- The Military Court which rules over military personnel and civilians in 'security-related' issues. There are two tribunals, one permanent and the other cassation tribunal, which hears appeals from the former. The latter court is chaired by a civilian judge. Civilians tried under this court have the right to the same procedures governing other courts;
- The Judicial Council is a permanent council who deals with case of national security and high profile cases. There are five senior judges which sit on this Council. The Cabinet decides whether to refer a case to this court, on the recommendation of the Minister of Justice. There is no appeal procedure under this court but otherwise all procedural rights apply;²¹¹ and
- Confessional courts, for each of the major religious groups in Lebanon, which deal with matters related to personal status (marriage, divorce, inheritance, and child custody). In both the Shi'a and Sunni courts Shari'a law is often used to resolve familial matters. Christian sects and the Druze community also have courts under this provision.

The Minister of Justice appoints all judges, bearing in mind confessional affiliations. A shortage of qualified judges prevents the justice sector from dealing with the backlog in cases which developed during the years of conflict.²¹²

Despite the legal protection of an independent judiciary, judges are employees of the Ministry of Justice and are thus under considerable control. The Ministry of Justice and Finance have power over the appointment, salaries, raises, and benefits of judges. Notably, there is no specified code of conduct for judges. Despite intentions, all judicial reform proposals have been rejected by the Parliament.²¹³ A European Union (EU) report specifically highlighted the disproportional involvement of the Military Court; "The wide remit of the Military Court means that in practice military justice is active in all sectors

²¹⁰ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

²¹¹ Amnesty International expressed explicit concern about the inability to appeal in the Judicial Council (Interview Amnesty International)

²¹² Euro-Mediterranean Partnership (2004). "Country Report: Lebanon."

²¹³ Euro-Mediterranean Partnership (2004). "Country Report: Lebanon."

of law, including property rights, and that people are arrested and tried on grounds that are unclear and may appear arbitrary”.²¹⁴

In 2001 the Parliament adopted a revised Code of Criminal procedures that improves protection during detention, ensures the right to a lawyer, medical treatment and information for relatives.²¹⁵ However, there is no provision for trial by jury. Though trials are usually public, at the judge’s discretion the court can be closed. Defendant’s have the right to be present at trial, the right to a timely trial and consultation with a legal attorney, the right to confront/examine witnesses (via a control panel which allows/disallows the defendants question), and the defendant has the right to government held evidence and to appeal. Incidentally, the defendant does not have the right to presumed innocence until proven otherwise. The state does not have a public defendants’ office. Currently, persons who cannot afford a lawyer are provided a lawyer from the bar association.²¹⁶

The justice system in Palestinian camps is largely informal and autonomous. Though technically subject to the Penal Code, the justice system in the camps operates almost solely outside of the state system. There are a number of conflict dispute mechanisms, including the popular committees, UNRWA, community elders and faction structures.²¹⁷ In the case of homicide and other serious crimes, Palestinian communities occasionally hand the perpetrator over to the state for trial.²¹⁸

C.5.3 Institutions Related to the Child

The Parliamentary Committee for Children’s Rights has significantly pursued the implementation of the Convention on the Rights of the Child, ratified by Lebanon in 1991.²¹⁹ In 1994 Lebanon formed the Higher Council for Childhood (HCC) whose purpose is to monitor the implementation of the CRC and other child related international instruments. The Council, among other activities, conducted a legal analysis of Lebanon’s legislative implementation of the CRC. This document resulted in the proposal of legislative reforms. In addition, they are mandated to review and suggest policy relating to children’s issues and to organize trainings for persons working on children’s issues.²²⁰ The HCC consists of a national cooperation framework between NGOs and international organizations to ensure and facilitate the implementation of the CRC.²²¹

Law No. 422 was passed in July 2002 with the assistance of international experts and was intended to respond to the imminent need for judicial reform. The civil war had deteriorated the economic, social and family structures in Lebanon and thus there was increased concern about developing a judicial system to appropriately deal with justice issues related to juveniles. Although earlier legislation provided

²¹⁴ Euro-Mediterranean Partnership (2004). “Country Report: Lebanon.”

²¹⁵ Euro-Mediterranean Partnership. “Country Report: Lebanon.” 2004

²¹⁶ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

²¹⁷ Nabaa Representative. Personal Interview. 17 April 2008; UNRWA Representative. Personal Interview. 13 April 2008.

²¹⁸ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

²¹⁹ Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. p. 16

²²⁰ Arab Resource Centre (2006). “Comparative, Regional Analysis of ECCE in Four Arab Countries (Lebanon, Jordan, Syria, and Sudan).” (Background paper) *Education for All Global Monitoring Report, 2007, Strong Foundations: Early Childhood care and Developments*, UNESCO. P. 20-21

²²¹ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 8

rehabilitation and reintegration measures for children in conflict with the law, provisions were rarely implemented. Furthermore, the previous lack of specially trained justice professionals, social workers, and educators coupled with the lack of child focused institutions were obstacles to preventing child delinquency and ensure child protection. There was a dearth of jurisprudence protecting a minor from moral and physical danger. These inadequacies and Lebanon's ratification of the CRC necessitated reform. Law no. 422/02 is a product of the Lebanese government's request for assistance from the United Nations Office on Drugs and Crimes (UNODC).²²²

Under Law 422 the Department of Minors (Youth Department) was established as part of the Ministry of Justice. This Department is responsible for the development of measures protecting young people and preventing juvenile delinquency.²²³ The Youth Department remains ineffectual, largely as a result of its bureaucracy: reportedly, "the reports about the cases are hand-written and circulated within the Ministry of Justice where cases of child abuse and juvenile delinquency are filed together which prevents serious attempts for documentation or statistical research that are important for reporting back to the political bodies"²²⁴ In addition, it appears as though the coordination between the Youth Department and the Ministry of Social Affairs, though active, seems to focus primarily on juvenile delinquency and not on protection issues.²²⁵

In addition to the Youth Department, a United Nation Office of Drugs and Crimes (UNODC) report stated that to strengthen the institutional capacity of the Internal Security Forces (police) it established a Youth Police Unit within the judicial police;²²⁶ however, according to the ISF, this project has not been implemented.²²⁷ An 'Internal Order' was issued and implemented inside the ISF which detailed regulations regarding interviews with juveniles in conflict with the law.²²⁸ In addition, an Administrative Note (No. 207) has been issued with guidelines for how the ISF should interact/interview with alleged child victims of abused. In early 2008 a human rights department was established within the ISF (in coordination with OHCHR). Though still in its infancy, it is mandated to ensure that human rights are protected from abuse by state personnel, to modify the law as necessary, to carry out campaigns, to work with NGOs, to establish a database, and to produce human rights related curriculums and booklets for public distribution.²²⁹ The ISF has also participated to the drafting of laws and guidelines, the most recent of which include: 1) a law regarding the rights of domestic migrant workers, 2) a law protecting women from domestic violence, and 3) a law unifying child focus laws.²³⁰

The UNODC project also attempted to improve awareness and systems for dealing with victims of child abuse. In addition to the production of awareness materials and guidelines, a special room for interviewing child victims was established and equipped at the Palais de Justice. In addition, UNODC worked with a national NGO to develop psychological support services and social care of child victims

²²² Schmid, Alex and Ralph Rinchy (December 2003). "Juvenile Justice Initiatives in Lebanon." *Forum in Crime and Society*, Vol. 3, Nos. 1 and 2. P. 107

²²³ Schmid, Alex and Ralph Rinchy (December 2003). "Juvenile Justice Initiatives in Lebanon." *Forum in Crime and Society*, Vol. 3, Nos. 1 and 2. P. 113

²²⁴ Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." *Save the children Sweden*. P. 18

²²⁵ Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." *Save the children Sweden*. P. 18

²²⁶ UNODC (July 2005). "Independent Evaluation Report: Evaluation of Project entitled Justice and Support to the Juvenile Justice System in Lebanon (Project # LEB/98/R72 and LEB/02/R30)". UNODC: Vienna. P.8

²²⁷ Interview with ISF (21 April 2008)

²²⁸ UNODC (July 2005). "Independent Evaluation Report: Evaluation of Project entitled Justice and Support to the Juvenile Justice System in Lebanon (Project # LEB/98/R72 and LEB/02/R30)". UNODC: Vienna. P.8

²²⁹ ISF Representative. Personal Interview. 21 April 2008.

²³⁰ ISF Representative. Personal Interview. 21 April 2008.

and their families via juvenile tribunals (available in four regions in the country).²³¹ Social workers have also become a key player in the juvenile justice process. At the moment the Lebanese state does not have a body of state-sponsored social workers; thus the government has signed a Memorandum of Understanding with the Union for Protecting Childhood in Lebanon (UPEL), who currently provides all the necessary social workers for the civil courts (have no mandate in the ‘religious’/family courts).²³²

²³¹ UNODC (July 2005). “Independent Evaluation Report: Evaluation of Project entitled Justice and Support to the Juvenile Justice System in Lebanon (Project # LEB/98/R72 and LEB/02/R30)”. UNODC: Vienna. P.9

²³² UPEL Representative. Personal Interview. 18 April 2008.

C.6 Society and Culture

Lebanon encompasses a duality of cultures and social values, reflecting the sectarian structure as well as multilateral tensions between traditions and westernization. The former is rooted in the historic demography of the region: the area now called Lebanon has had multiple religious groups living in it for centuries (Druze, Christian Maronites, Sunni, Shia, etc) and has become home to many ethnic groups fleeing from other areas at different points in history (Armenians, Kurds, Syrians, etc). The heterogeneous population is both a source of pride and a source of tension. The civil war legacy continues to polarize society on religious/sectarian lines. Arguably, the lack of truth telling, justice, and some form of national reconciliation has allowed the deep prejudices, fear and anger that characterize the society to go unchallenged. It should be noted that studies indicate that societies that do not deal with past violence often transmit trauma to subsequent generations.²³³ Lebanon may be experiencing a similar phenomenon. Against this checkered backdrop, it is difficult to identify a single 'Lebanese' worldview or culture.

In regards to the latter, namely the tensions between westernization and traditional social structures, studies with youth (evaluated below) show both a desire to preserve culture and a drive for change.²³⁴ The traditional values of family, honour,²³⁵ community, and gender hierarchies retain a pivotal role, across gender and confessions. Urbanization may be a significant reason for shifting identities for the youth.²³⁶

These large social tensions are assumed to impact parenting and social perceptions of the child. Unfortunately, neutral evaluations of society in Lebanon are difficult to find. A draft Save the Children Sweden survey noted that though generalizations were difficult, there are a few horizontal commonalities across confessions and regions regarding social perceptions of the child. These were identified as: 1) children are generally seen as a blessing, 2) children are not perceived as rights holders, 3) parents assume that they know what is best for the child, and 4) child participation is not believed to be important.²³⁷ In addition, urbanization is believed to have generally changed the parenting system. In rural communities, there is a higher likelihood that the extended family lives close by and can daily participate in child-rearing. This social network watched the parenting process, advised, encouraged, and, if necessary, protected. In the urban context working mothers increasingly rely on non-family members for child care (domestic workers, neighbours, nursery schools, etc.)²³⁸

The Committee on the Rights of the Child noted that "social and traditional public attitude hinders taking fully the child's opinion into consideration."²³⁹ Of concern, harsh verbal and physical punishment appears to be widely accepted as a form of education, both in school and in the home. It is safe to assume that violence against children is an important hindrance to child participation.²⁴⁰

²³³ Tauber, Charles David (2001). "The Role of Psycho trauma in Peace building and Community Development: A Guide and Reader for the Seminar Held in Vukovar by the Johns Hopkins University (16-30 June 2001)." *Coalition for Work with Psycho trauma and Peace*. P. 17

²³⁴ Ouis, Pernilla and Tove Myhrman (2007). "Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen." Save the Children Sweden. P. 27

²³⁵ Ouis, Pernilla and Tove Myhrman (2007). "Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen." Save the Children Sweden. P. 28

²³⁶ Khawaja, Marwan, Sawsan Abdulrahim, Rime Afifi, and Dima Karam (2006). "Distrust, Social Fragmentation and Adolescents' Health in the Outer City: Beirut and Beyond." *Social Science & Medicine* 63. pp. 1304-1315

²³⁷ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

²³⁸ Khawaja, Marwan, Sawsan Abdulrahim, Rime Afifi, and Dima Karam (2006). "Distrust, Social Fragmentation and Adolescents' Health in the Outer City: Beirut and Beyond." *Social Science & Medicine* 63 pp. 1304-1315

²³⁹ Concluding Observations of the Committee on the Rights of the Child: Lebanon. 8/06/06. CRC/C/LBN/CO/3/. (Concluding Observation/Comments).

²⁴⁰ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

Thorough studies are needed to fully understand how the child sees and understands their role in society. Though piecemeal anecdotal evidence could be provided, it would not be accurate and could be detrimental. Thus, it is impossible to develop a picture of how the child sees his role in society. However, Catholic Relief Services (CRS) recently did a survey of Lebanese youth's perception of identity and civic engagement (unpublished). The findings of this study point to an engaged and active youth, struggling to create a unique identity in the larger political and social tensions around them. Notably, the study does not include Palestinian or other non-Lebanese youth.

The study suggested that the youth are struggling with sectarian divisions in the society but have a strong interest in change. For example, 60% of youth identified themselves as Lebanese and 25% identified themselves as 'human beings', "meaning as human first, ahead of national, religious or political affiliation". Respondents, generally, placed limited emphasis on family, political conviction, religion or region when defining their identity. The importance of family, region, and religion in self identification was strongest in Beirut and Mount Lebanon.²⁴¹ The study suggested that resistance towards establishing a sectarian/religious/family identity may be a reaction of the political turmoil in Lebanon: "Youth stated in the focus groups that they are frustrated with the divisions among Lebanese. Several youth indicated that they started labeling themselves as human beings to avoid being identified with a political and/or confessional group".²⁴² These findings are further confirmed by the fact that 76% of respondents identified Lebanon as the most important issue and only 12% selected religion. Marginal attention was given to region or political parties.²⁴³

These statistics alone do not present an accurate picture of the social forces affecting youth. For example, 58% of youth in the north, 55% of youth in the south and 63% in the Beqaa valley identified politicians as their role models and 33% in the south, 28% in Beqaa and 9% in the north selected religious leaders. There did not appear to be a disparity based on level of education in these findings.²⁴⁴ This indicates that political and religious forces continue to play a significant role in shaping youth identity.

Further highlighting identity and social confusion among the youth, the study found that the majority of Lebanese youth were "cautious" in their interactions with others: "The level of distrust is slightly higher in the South and among females, but is undeniable shared by other groups as well." Some youth suggested that the current political crisis accentuates social distrust. The study noted that "the political trauma and the confessional confrontations widen the gap between the Lebanese and increase the feeling of doubt and suspicion".²⁴⁵ Similarly, another study, conducted in three low-income communities outside Beirut, found that social distrust among adolescents was high and social capital outside the family was weak.²⁴⁶

²⁴¹ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. p. 12

²⁴² Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 12

²⁴³ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 12

²⁴⁴ Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

²⁴⁵ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 30

²⁴⁶ Khawaja, Marwan, Sawsan Abdulrahim, Rime Afifi, and Dima Karam (2006). "Distrust, Social Fragmentation and Adolescents' Health in the Outer City: Beirut and Beyond." *Social Science & Medicine* 63. pp. 1304-1315

C.6.1 Civil Society

Civil society has two distinct forms in Lebanon: 1) political civic engagement and social advocacy and 2) service provision. Though distinct in their purpose, in function there is often an overlap. For example, a notable number of NGOs/CSOs are politically and financially affiliated with political or religious factions or important persons. Simultaneously, civil society movements advocate for improved delivery and services. Acknowledging this important role confusion and its implications for principles of humanitarian neutrality is important.²⁴⁷ Recently, civil society, including social welfare NGOs, was active in mobilizing demonstrations. Many organizations that had primarily focused on social welfare before were drawn into the political sphere in 2005.²⁴⁸

During the civil war NGOs, CSO, and religious institutions, with the support of international actors, provided a considerable portion of social services and sponsored relief operations. Though they were primarily established on religious lines, they often “reached across these lines to provide services for many outside their confessional communities”.²⁴⁹ The institutional weakness of the state during this period meant that this sector operated with few state regulations and monitoring mechanisms. In the post-war years, this legacy remains. NGOs, CSOs, and religious institutions remain the primary providers of services and relief operations and continue to operate with limited government oversight.²⁵⁰ One study noted that “many Lebanese CSOs are not noted for transparency, especially those which are family-based or dominated by a powerful individual. There is a rift between the active role civil society plays in promoting democratic values and a poor record of practicing them”.²⁵¹

Following the civil war, there was a reemergence of civil society, particularly characterized by non-sectarianism and non-politicization; this was “highly significant in restoring national confidence and promoting active citizenship”.²⁵² Some argue that the apparent non-sectarian nature of civil society during the 90s was largely a result of increased funding available from international bodies and the resulting pressure to assure donors of criteria.²⁵³ Since the Taif Agreement in 1989 there has been an increased focus on normalizing the relationship between the state and the NGO sector. Simultaneously, some argue that the state’s attempt to structure and monitor the NGO sector is, in fact, infringing on the right to association and is resulting in the politicization and polarization of the NGO community.²⁵⁴

The state’s relationship with the NGO sector is governed by Article 13 of the Constitution which provides the right to freedom of association. However, regulations established by the Ottoman authorities in 1901 still regulate the formation of associations. The law repeatedly refers to imperial authorities and ministries that no longer exist.²⁵⁵ Lebanese law can be interpreted as relatively liberal with regards to NGOs and CSOs. However, depending on the government, in practice NGOs have, at times, been subjected to

²⁴⁷ Hillenkamp, B., (2005), Interview with O. Traboulsi, ‘Civil Society in Lebanon – Sensitive Political Issues Are Avoided’. [Available at Online: <http://www.qantara.de/> (Accessed 28 February 2008)]

²⁴⁸ Hillenkamp, B., (2005), Interview with O. Traboulsi, ‘Civil Society in Lebanon – Sensitive Political Issues Are Avoided’. [Available at Online: <http://www.qantara.de/> (Accessed 28 February 2008)]

²⁴⁹ Elbayar, Kareem (September 2005). “NGO Laws in Selected Arab States.” *International Journal of Not-for-Profit Law*, vol. 7, no. 4. P. 17

²⁵⁰ Zubaida, Sami (Nov- Dec. 1992). “Islam, the State, and Democracy: Contrasting Conceptions of Society in Egypt,” *Middle East Report*. p. 3.

²⁵¹ Rishmawi, Mervat and Tim Morris (October 2007). “Overview of the Civil Society in the Arab World: Praxis Paper No. 20” International NGO Training and Resource Centre. P. 17

²⁵² Rishmawi, Mervat and Tim Morris (October 2007). “Overview of the Civil Society in the Arab World: Praxis Paper No. 20” International NGO Training and Resource Centre. P. 17

²⁵³ Amnesty International Representative. Personal Interview. 22 April 2008.

²⁵⁴ Independent Resources and Information Services, “NGOs in Lebanon” [Available at <http://www.iris-lebanon.org/inner/lebgosfacts2.htm> (accessed on 28 February 2008)].

²⁵⁵ Email to author from Lebanese Embassy in Washington, D.C., 3 June 2005.

stringent restrictions.²⁵⁶ The “archaic nature of the law” provides space for numerous interpretations, a fact which seems to have been exploited in the past.²⁵⁷ For example, in 2000, IRIS claimed that the government’s regulation of licenses granted to NGOs resulted in an “increase in governmental interference in the internal affairs of NGOs and protracted attempts by the state to limit the space of action of NGOs”.²⁵⁸

All associations, including NGOs and CSOs, are required to register their existence and internal structure with the Minister of Interior except “youth and sports associations” which falls under the remit of the Ministry of Youth and Sports. “Cooperative societies” are registered with the Ministry of Housing and cooperatives.²⁵⁹ Vocational schools run by NGOs are required to obtain a presidential decree and are thus not under the legal framework applied to most NGOs.²⁶⁰

In 2000 researchers suggest that there between 1,100 and 16,000 NGOs in Lebanon. The variance in numbers results from the lack of a clear definition of an NGO in Lebanese law.²⁶¹ Another source found that in 1999 alone 1,100 new associations were registered.²⁶² In 2004, UNDP reported that there were more than 1,000 NGOs registered in Beirut alone. A realistic figure estimates that 5,000 NGOs were officially registered in 2005 (based on monitoring of the official gazette) and an additional 200 are established and registered every year since.²⁶³ However, as Traboulsi notes, “a study carried out in the year 2000 indicated that out of the grand total of 5,000 registered NGOs, approximately 700 are active on a regular and sustained basis.”²⁶⁴ In 2007 it was estimated that Lebanon has approximately 250 professional, employee and business associations. Professional syndicates (lawyers, engineers, journalists, teachers, etc.) are politically influential. The General Confederation of Lebanese Workers is the primary trade union federation.²⁶⁵

The Lebanese NGO sector has three notable coordination mechanisms:

- *The [Lebanese NGO Forum](#) provides humanitarian services, upholds the rights of underprivileged and vulnerable groups, coordinates the efforts of humanitarian NGOs and collaborates with state institutions and foreign and voluntary humanitarian associations.*
- *The [Collective of Lebanese Voluntary NGOs](#) also works to coordinate social development work. It assists private civil associations, contributes to Lebanese legislation, assists with humanitarian organisations, represents its members*

²⁵⁶ Independent Resources and Information Services, “NGOs in Lebanon” [Available at <http://www.iris-lebanon.org/inner/lebngosfacts2.htm> (accessed on 28 February 2008)].

²⁵⁷ Independent Resources and Information Services, “NGOs in Lebanon” [Available at <http://www.iris-lebanon.org/inner/lebngosfacts2.htm> (accessed on 28 February 2008)].

²⁵⁸ Independent Resources and Information Services, “NGOs in Lebanon” [Available at <http://www.iris-lebanon.org/inner/lebngosfacts2.htm> (accessed on 28 February 2008)].

²⁵⁹ Independent Resources and Information Services, “NGOs in Lebanon” [Available at <http://www.iris-lebanon.org/inner/lebngosfacts2.htm> (accessed on 28 February 2008)].

²⁶⁰ Independent Resources and Information Services, “NGOs in Lebanon” [Available at <http://www.iris-lebanon.org/inner/lebngosfacts2.htm> (accessed on 28 February 2008)].

²⁶¹ Independent Resources and Information Services, “NGOs in Lebanon” [Available at <http://www.iris-lebanon.org/inner/lebngosfacts2.htm> (accessed on 28 February 2008)].

²⁶² Rishmawi, Mervat and Tim Morris (October 2007). “Overview of the Civil Society in the Arab World: Praxis Paper No. 20” International NGO Training and Resource Centre. P. 17

²⁶³ Hillenkamp, Bernhard (2008). “Briefing Note on Education for LPDC by SCS.” SCS (Draft).

²⁶⁴ Hillenkamp, B., (2005), Interview with O. Traboulsi, ‘Civil Society in Lebanon – Sensitive Political Issues Are Avoided’. [Available at Online: <http://www.qantara.de/> (Accessed 28 February 2008)]

²⁶⁵ Rishmawi, Mervat and Tim Morris (October 2007). “Overview of the Civil Society in the Arab World: Praxis Paper No. 20” International NGO Training and Resource Centre. P. 17

before public, national, and international authorities and coordinates a civic forum for development.

▪ *The Arab NGO Network for Development, based in Lebanon, is one of many regional networks or organizations. ANND was established in 1996 with a membership of 45 organisations in 12 Arab countries. It has three main programmes: development, democracy, globalisation and trade. It conducts work through research, networking, campaigning, media and communication, lobbying and capacity building of member organizations and active participation in international and regional meetings and events.*²⁶⁶

C.6.2 Youth Participation in Civil Society

Lebanese youth seem to be generally active in politics and humanitarian activities. However, the political crisis and the legacy of the civil war have left youth with a deep distrust of politics and social systems. As reflected in their identity struggle, youth appear to be simultaneously seeking solutions and engagement and planning their departure. The CRS draft study examined youth's perceptions and engagement in civil society, particularly as regards to engagement with the system, governance, and economy.

Firstly, the CRS study found that approximately half of Lebanese youth fail to report legal infractions of others to the state authorities, including youth with higher levels of education. The author of the study suggests that this may be linked to a "lack of involvement in civic activities that would build in youth an identity of belonging to a civic society".²⁶⁷ The author suggested that other reasons could include a lack of motivation, a desire to protect family, friends, or political allies, and a general distrust of the authorities.²⁶⁸ Similarly, the ISF noted that children do not appear to feel safe with the police and rarely report crimes.²⁶⁹ Regardless of the reason, this indicates a general distrust and lack of engagement in existing systems. However, despite youth's apparent hesitancy to engage the state, the study found that 64% of Lebanese youth have participated in civic activities, such as demonstrations (87%), sit-ins, strikes, and/or petition signature (8%). Youth in the Beqaa valley report the highest level of civic participation (78%) and the north, the lowest (52%).²⁷⁰

Secondly, the study found that 80% of youth are interested in participating and voting in parliamentary and municipal elections, of which 37% are driven to participate out of a sense of duty and exercising of rights.²⁷¹ Twenty-seven percent stated that they would vote on personal conviction and 10% by religion, family guidance, or political commitment. Twenty percent of youth in Lebanon stated that they were not interested in participating or voting in elections. Disinterest is higher in females than in males.²⁷² However, the survey further found that 47% of youth felt that their voices were not being heard and that

²⁶⁶ Rishmawi, Mervat and Tim Morris (October 2007). "Overview of the Civil Society in the Arab World: Praxis Paper No. 20" International NGO Training and Resource Centre. P. 18

²⁶⁷ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 15

²⁶⁸ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 24

²⁶⁹ ISF Representative. Personal Interview. 21 April 2008.

²⁷⁰ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 15

²⁷¹ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 17-18

²⁷² Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 18

they were not affecting today's politics. Interestingly, 61% felt that they would have a role in shaping the countries future.²⁷³

Finally, 40% percent of youth consider unemployment and the lack of employment opportunities as the most significant issue in their community.²⁷⁴ The economic issues in Lebanon seem to be directly impacting youth participation in the country. Notably, 57% of youth are thinking of leaving the country (the range was 60% in the north and 55% in the south). University students and males are more likely to be considering leaving than persons with lower education and girls, generally.²⁷⁵

The study concluded with the following findings: 1) youth in Lebanon have the education, energy, and capabilities to play a positive role in Lebanon. However, this is limited by feelings of insecurity;²⁷⁶ 2) despite the gravity of the political crisis, the study found that the majority of youth have faith in their ability to impact the system eventually and continue to look for solutions and opportunities for change;²⁷⁷ 3) generally youth differentiated between the nation-state and its mechanisms and the ruling government. They have faith in the former and are skeptical of the latter. Notably, "this is related not only to the political inclinations of certain youth, but is also universally true from youth who see government in Lebanon as dominated by games of politics and struggles over power;"²⁷⁸ 4) youth believe that regions should be more important and have greater autonomy. This is particularly true for youth from the Beqaa valley, who see themselves as the 'underdog';²⁷⁹ 5) family remains the focal point for the majority of youth despite competing political and cultural forces competing for their attention;²⁸⁰ 6) youth seem to appreciate Lebanese social traditions and to want to embrace them. This appears to particularly be a reaction against the West;²⁸¹ and 7) youth seem to generally distrust the government and to be confused about the purpose and role of municipalities and local authorities.²⁸²

It appears that regional disparities, gender dynamics,²⁸³ confessionism and clientalism are globally affecting civil society participation, both in terms of political engagement and social engagement. Despite the active civil society in Lebanon, particularly in terms of service provision, NGOs and CSOs tend to be politically aligned and focused on a select community.²⁸⁴ Within the NGO community, appointments are not always based on merit but on relationships.²⁸⁵ The inherent social and political tension, developed in

²⁷³ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 31

²⁷⁴ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 24-25

²⁷⁵ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 25

²⁷⁶ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 33

²⁷⁷ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 33

²⁷⁸ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 33-34

²⁷⁹ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 34

²⁸⁰ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 34

²⁸¹ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 35

²⁸² Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 35

²⁸³ Antoun, Randa (July 2007). "Lebanese Youth: Attitudes, Vision and Inspirations" (DRAFT). Catholic Relief Services, Europe/Middle East Region. P. 21

²⁸⁴ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

²⁸⁵ UNRWA Representative. Personal Interview. 13 April 2008.

the context of civil society, can limit the effectiveness, disorient resource allocations and resulted in some groups receiving limited attention. In terms of political participation, the Lebanese public has shown a willingness to engage in large scale movements for change and the ability to mobilize.

D. Practical and Legal Application of the CRC in Lebanon

The following section will address the practical and legal application of the CRC in Lebanon, with a particular focus on protection issues and education. Research suggests that the most critical crosscutting issues affecting the situation of the child are the following: 1) the quality, quantity, and government oversight of **public services and protection measures**; 2) **Regional economic disparities** in Lebanon which affect access to health care and education and, the number of working children; 3) **Social violence**, for example physically humiliating punishment, gender based violence, corporal punishment, ‘honor’ killings, emergencies and conflicts, and institutionalization ; and 4) **Discrimination against non-Lebanese groups** which restricts children’s access to protection and social services.

To varying degrees, the following groups of children are believed to be most vulnerable: children from low-income Lebanese families (primarily located in rural areas such as the North and the Beqaa valley), Palestinian and Iraqi refugee children and children from other refugee populations, children of migrant workers, children with disabilities, children from minority groups in Lebanon (ex. Gypsies) and children affected by conflict—specifically those from the south, in and around Nahr el-Bared camp and the many affected by the rising climate of political instability in Lebanon generally.

D.1 Legal Compliance with CRC

The Convention on the Rights of the Child (CRC) was ratified by Lebanon by virtue of Law 20/90 on 14 May 1991. The CRC defines the minimum protections and rights afforded to the child, while providing some degree of flexibility to allow for local culture, laws and conditions. The CRC governs the relationship between the state and its citizens as well as the relationship between parent/community and child. Fulfillment of obligations under the CRC necessitates proactive steps, including the drafting of legislation as well as addressing social and cultural norms. Lebanon’s ratification of the CRC indicated a shift in attitude towards child rights and the commencement of improved provisions thereby. Both international and Lebanese law (refer to Law 422/02) define the ‘child’ as persons below the age of 18 years.²⁸⁶

While Lebanon has not undertaken an extensive review of its legislation to ensure compliance with its international obligations,²⁸⁷ it has made significant progress in protecting children’s rights. The establishment of the Higher Council for Childhood (HCC) and subsequent changes in legislation are commendable. Significant legal developments include Law 422/02. This law benefits children in conflict with the law as well as endangered children. Notably, protection measures (such as removing the child from his/her home) can be triggered by civil society and by the child. Secondly, a unifying law is currently being drafted by the HCC with support from the United Nations Children’s Fund (UNICEF), Save the Children Sweden (SCS), and World Vision. This law will attempt to deal with any existing discrepancies in the law, as related to children. It provides the participating NGOs, IGOs, and the government with the opportunity to address existing holes in child protection legislation. Another encouraging development is the drafting of the Human Rights Policy Plan for Lebanon by Parliament, with support from the United Nations Development Programme (UNDP) and OHCHR.²⁸⁸ Finally, there have been encouraging developments in the state’s relationship with minorities and refugees, such as the

²⁸⁶University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 37

²⁸⁷ Mainly the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee against Torture.

²⁸⁸ OHCHR Representative. Personal Interview. 17 April 2008; UNDP Representative. Personal Interview. 27 March 2008.

agreement between the United Nations High Commission for Refugees (UNHCR) and the Lebanese government regarding Iraqi refugees²⁸⁹ and relaxation of restrictions against Palestinians, including employment and constructions,²⁹⁰ both of which significantly benefit Iraqi and Palestinian children.

Article 2 of the Lebanese Code of Civil Procedure states that courts, “shall abide by the principle of the hierarchy of rules” thereby elevating international conventions, such as the CRC, above national law. It further stipulates that in the event of a contradiction between international conventions and domestic law, international law takes priority.²⁹¹ However, jurisprudence seems to show that the Code of Civil Procedures is not always applied in cases in which there is a contradiction. Halabi noted that Lebanese courts rarely refer to international conventions.²⁹² Thus, it becomes necessary to analysis national legislation for compliance with the CRC.

Despite improvement, there are still a number of areas in which Lebanon may not be fulfilling its obligations under the CRC. These tensions will be considered in the following sections. Analysis of these tensions will be based on the three cross-cutting principles of the CRC, namely non-discrimination, the best interests of the child, and the right to participation. Despite improvements, it appears that Lebanon continues to struggle with discrimination, particularly with regards to girls, minority groups, refugees, and the persons with disabilities. It appears that child participation and the principal of the ‘best interest of the child’ are increasing concerns of duty bearers; however, many studies indicate that Lebanon has significant work before it reaches full implementation of these tenants.

It should be noted that Law 422/02, the Criminal Code and Family Status laws apply to non-Lebanese groups living in Lebanon, as well as to Lebanese citizens. Thus, the legal protection measures described below are technically applicable and available to Palestinian and Iraqi refugees and children of migrant workers. The availability of legal protection measure for such groups is restricted by cultural and political considerations. For example, as described earlier (refer to the section regarding the political context of Palestinians), Lebanese institutions and government personnel do not have access to most of the camps²⁹³ (with the notable exception of Nahr el-Bared camp²⁹⁴). Thus, practical application of these laws at present is difficult. In addition, some refugee and migrant communities do not have legal status and are reportedly afraid to use services in fear of imprisonment or deportation.²⁹⁵

D.1.1 Non- Discrimination

In addition to its obligations under the CRC, Lebanon has other international and national obligations to work towards the eradication of legal and practical discrimination. Notably, Article 7 of the Lebanese Constitution establishes the principle of non-discrimination: “[A]ll Lebanese are equal before the Law and enjoy without any discrimination political and civil rights, and assume public obligations and duties without any discrimination.”²⁹⁶ Lebanon is party to the Convention on the Elimination of all Types of Discrimination against Women (CEDAW) and the Convention on the Elimination of Racial

²⁸⁹ UNHCR Representative. Personal Interview. 18 April 2008.

²⁹⁰ UNRWA Representative. Personal Interview. 13 April 2008.

²⁹¹ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 13

²⁹² Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 13

²⁹³ Nabaa Representative. Personal Interview. 17 April 2008.

²⁹⁴ 6 Palestinian children (age 6-11). Narh el Bared Camp. 15 April 2008; 8 Palestinian children (age 16-18) Narh el-Bared camp. 16 April 2008.

²⁹⁵ Human Rights Watch Representative. Personal Interview. – April 2008; UNHCR Representative. Personal Interview. 18 April 2008.

²⁹⁶ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

Discrimination (CERD). However, Lebanon ratified CEDAW with three notable reservations: Article 9 (nationality), Article 16 (personal status) and Article 29 (arbitration) [Refer to section on International Obligations].

Notably, in violation of the CRC and other international obligations, Lebanese law appears to support discrimination in several ways. Provisions related to education, employment, right to birth registration, right to identification/nationality, and right to own property, favor the Lebanese citizen and thus result in *de facto* discrimination. Palestinians, Iraqis, migrant workers and other minority groups (e.g. Gypsies and Sudanese) are particularly vulnerable. Gender discrimination persists in both law and praxis. As mentioned earlier, regional socio-economic disparities²⁹⁷ have been considered by a number of international bodies to result in *de facto* discrimination. Despite recent amendments to laws pertaining to persons with disabilities, children with disabilities continue to suffer from restrictions in education, access to healthcare, employment, etc.²⁹⁸

Many studies indicate that discriminatory provisions against minority groups continue to exist.²⁹⁹ It is difficult to identify ethnic and religious minority groups in Lebanon. Lebanon's report to the Committee on the Eradication of Racial Discrimination (CERD) highlights this difficulty.³⁰⁰ This difficulty is notable in the difference between's CERD's Concluding Observations in 1998 and in 2004. In 1998 the term "ethnic minorities" is repeatedly used and concern is expressed regarding the lack of adequate legal definition and protections thereby. In the latter Concluding Observations, the term is replaced with specific categorizes, such as "non-citizens", "foreign workers", "migrant workers", and "Palestinian refugees."³⁰¹ Outside the confessionalism of the Lebanese social and political structure, few groups can be definitively defined as "ethnic minorities."

As noted by CERD, refugee communities and migrant workers are especially vulnerable to discrimination in the Lebanese context.³⁰² Notably, Lebanon is not party to: the 1951 Convention related to the Status of Refugees and its 1967 Protocol; the 1954 Convention relating to the Status of Stateless persons; or the 1961 Convention on the Reduction of Statelessness. Thus, refugee children are not legally protected in Lebanon and are treated as illegal persons (not including Palestinian refugees). Particularly vulnerable are non-registered, non-ID, and women married to non-ID persons (notably Palestinians).³⁰³ It should be noted, however, that although Palestinian refugees experience multiple layers of discrimination, non-Palestinian refugee children have even less of a support network and many have even less access to basic human rights.³⁰⁴ Of particular concern, Lebanese women married to non-Lebanese men cannot confer their nationality to their husband or children.³⁰⁵ Individual issues of discrimination will be addressed in section below.

Socially and culturally there has been a mixed reaction towards principles of non-discrimination in relation to minority groups. Migrant workers are particularly likely to experience discrimination and are

²⁹⁷ UNDP found the north of Lebanon to have the most significant numbers of critically poor followed by the Bequaa valley

²⁹⁸ Handicap International Representative. Personal Interview. 21 April 2008.

²⁹⁹ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Lebanon. 28/04/02. UN Doc. CERD/C/64/CO/03

³⁰⁰ Sixteenth periodic reports of States parties due in 2002 (Convention on the Elimination of Racial Discrimination): Lebanon, UN Doc. CERD/C/383/Add.2, 18 November 2003

³⁰¹ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

³⁰² Concluding Observations of the Committee on the Elimination of Racial Discrimination: Lebanon. 28/04/02. UN Doc. CERD/C/64/CO/03

³⁰³ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

³⁰⁴ INSAN Representative. Personal Interview. 18 April 2008; 12 Sudanese children and children of migrant workers (age 8-15). Nabaa. 23 April 2008.

³⁰⁵ Samad, ziad Abdul (2003). "Millennium Development Goals: Lebanon Report." UNDP. P. 14

not perceived as being of equal status and worth.³⁰⁶ The Committee on the Rights of the Child expressed concern regarding “reports of the expression of racial discrimination and xenophobia.”³⁰⁷ There have been reports of migrant workers, particularly from Africa and Asia, experiencing maltreatment by employees, taxi-drivers, storekeepers, land lords, etc.³⁰⁸ In addition, social tolerance for Palestinian refugees is generally low. Their participation in the civil war and continued armament are given as justifications for their poor treatment. There is a general fear regarding the possibility that the Palestinians will eventually settle permanently in Lebanon.³⁰⁹

Secondly, though Lebanon appears to have less legal discrimination between genders than most countries in the Middle East³¹⁰ there are several areas in which Lebanon could improve.³¹¹ Though laws such as those which once limited women’s ability to testify in court, travel alone, or practice a trade profession have been nullified,³¹² family status laws, criminal laws, and social practice continue to be of concern.

Due to the structure of the Lebanese legal system, each confessional group has its own personal status laws and a related court structure. As University Centre for Family and Community Health, Saint- Joseph University notes, in practice “this means that laws pertaining to the minimum legal age for marriage, divorce, child guardianship, inheritance rights and polygamy, differ from one confessional group to the other. This is the first layer of discrimination”.³¹³ As there is no uniform protection for women and girls, some groups are subjected to greater gender discrimination than others. These issues will be addressed in later sections.

Furthermore, legal provisions in the Penal Code amount to gender-based discrimination. For example, laws pertaining to adultery (Articles 487, 488, 489) support gender-based discrimination as evidenced by differences in both the provisions and the punishment. In order to find a woman/girl guilty of adultery the following provisions need to have been met: she committed sexual intercourse with a person other than her spouse, she is part of a genuine marriage and there was criminal intent. In order for a man/boy to be found guilty, two additional provisions must be met: adultery must occur in the conjugal home or the husband must have publically taken a concubine (refer to Article 488 of the Penal Code). In addition, Article 487 and 488 specify that the sanction for a woman committing adultery ranges between three months to two years imprisonment while a man should be imprisoned between one month and one year for the same conduct. The distinction in law applies different standards to the same action for women and men.³¹⁴ Laws pertaining to ‘honour crimes’ are an aggravated example of such discrimination (examined below).

³⁰⁶ INSAN Representative. Personal Interview. 18 April 2008.

³⁰⁷ Concluding Observations of the Committee on the Rights of the Child: Lebanon. 8/06/06. CRC/C/LBN/CO/3/. (Concluding Observation/Comments).

³⁰⁸ Human Rights Watch Representative. Personal Interview. – April 2008.

³⁰⁹ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

³¹⁰ Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP . P. 14

³¹¹ Concluding Observations of the Committee on the Rights of the Child: Lebanon. 8/06/06. CRC/C/LBN/CO/3/. (Concluding Observation/Comments).

³¹² Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP P. 14

³¹³ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5).

³¹⁴ Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden P. 26

Social discrimination against women continues in various forms. Numerous studies have found that women and girls are still subjected to high level of sexual harassment.³¹⁵ In addition, adolescent girls in Lebanon (in all communities, including Palestinian) have referenced restriction of movement due to social and familial pressures.³¹⁶ Some girls mention that they are not allowed to leave the house unaccompanied, unless going to school.³¹⁷ Though this problem seems to be more dominant in rural areas, it is mentioned by girls from all parts of Lebanon.³¹⁸ Research indicates that women also continue to face discrimination in the work force; “female employment remains characterized by low access to positions of responsibility and decision-making. The majority of the female labour force is found in lower level jobs”.³¹⁹ A wage disparity has also been documented.³²⁰

Finally, despite a recent law enhancing protective measures for children with disability, in practice discrimination continues.³²¹ Legally, Lebanon has established progressive protection with persons with disabilities.³²² Discrimination against persons with disability is usually addressed under Law Number 11/73 (31 January 1973), which was amended by Law 243/93 (12 July 1993). This law defines disability and stipulates that the State, in collaboration with the public administration, the private sector, and international organizations, is responsible for providing services and facilitation in regards to education, work, health, and social life.³²³ Law Number 220 (29 May 2000) is notable for its protective measure.³²⁴ It further defines persons with disabilities, drawing on World Health Organisation (WHO) classifications and subsequent amendments from 1980. Law Number 220 enhances protection through the introduction of a “card” which allows persons with disability to access provisions included in this law, such as medical care, normal movement, living in specially designed houses, education in all public and private schools, sports activities, work, social services, and fiscal “privileges”. According to the provisions of this law, the Ministry of Health and Social Affairs should regularly have awareness-raising campaigns regarding the rights of the disabled. Like many others, this law awaits enforcement.³²⁵ Notably, Lebanon signed the CRPD and its optional protocol on 14 June 2007. The Convention entered into force on 3 April 2008 (and the Optional Protocol will enter into force 30 days later—3 March, presumably). Upon ratification, the

³¹⁵Naciri, Rabea and Isis Nusaair (May 2003). “The Integration of Women’s Rights into the Euro-Mediterranean Partnership: Women’s Rights in Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine, Syria and Tunisia.” Euro-Mediterranean Human Rights Network, Copenhagen. P. 6

³¹⁶Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden; Ouis, Pernilla (2005). “Woman or Child? Voices of Teenage Girls in the Middle East.” Save the Children Sweden.

³¹⁷Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden; Ouis, Pernilla (2005). “Woman or Child? Voices of Teenage Girls in the Middle East.” Save the Children Sweden.

³¹⁸Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden; Ouis, Pernilla (2005). “Woman or Child? Voices of Teenage Girls in the Middle East.” Save the Children Sweden.

³¹⁹Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. P. 13

³²⁰Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. P. 13

³²¹El-Fil, Rana. “Article 24- Protection of Children.” *Refugee Survey Quarterly* 2005, 24(3), p.p. 219-255 [Available at <http://www.humanrightslebanon.org/reports.html> (accessed on 27 February 2008)].

³²²Handicap International Representative. Personal Interview. 21 April 2008.

³²³University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 43

³²⁴Handicap International Representative. Personal Interview. 21 April 2008.

³²⁵University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 43

CRPD will provide a basis for increased advocacy and international pressure for the Lebanese state to take further measures to ensure that the rights of disabled persons are protected. Notably, the Convention has been hailed for initiating a paradigm shift: from seeing persons with disabilities as objects of charity to seeing persons with disabilities as rights holders.³²⁶

Despite legislative developments, children with disabilities continue to experience discrimination, particularly as regards to health care, access to specialized services, family support and education.³²⁷ There are reports that children with disabilities are frequently institutionalized.³²⁸ The Ministry of Social Affairs continues to provide funding to institutions for disabled people. Institutionalization of disabled children may not only constitute discrimination, but may also be against the best interest of the child, as defined in the CRC.³²⁹ The law stipulates that 3% of all government and private sector positions should be filled by persons with disabilities, provided that they have the qualifications. This law is not practiced or enforced.³³⁰

Thirdly, the distinction in quality between private and public health care, and private and public education results in socio-economic discrimination for poor children from all groups in Lebanon. The Committee on the Rights of the Child noted this disparity in its 2002 Concluding Observations.³³¹ This was briefly addressed above and will be developed further in sections below.

D.1.2 Best Interest of the Child

Though duty bearers and/or law makers appear to be increasingly conscious of operating on the principle that action should be taken in consideration of ‘the best interests of the child’ and in articulating the importance of children’s participation, more work is needed to encourage the government and other duty bearers to mainstream these concepts. Child custody laws in the family courts are an example of laws that could greatly benefit from increased child participation and the principle of the best interest of the child. Despite the lack of a legal framework and limited social will to ensure child participation in Lebanon, there are encouraging developments such as a new school curriculum, the Youth Cabinet (supported by UNICEF), “My Right to Participate” (HCC), Children’s Municipality Councils, and the HCC’s initiatives to mainstream child participation in government policy making.

There are two areas, among others, which could notably benefit from including the principle of the ‘best interest of the child’, as defined in the CRC, namely Family Status laws and laws pertaining to the protection of endangered children and children in conflict with the law.

Some argue that Family Status laws do not adequately include provisions to ensure the best interest of the child. For example, child custody laws, under the Family Status Laws, largely determine custody on age and gender: “Custodianship over children is transferred to the father at a very early age: maximum seven years for boys and nine years for girls of the Orthodox, Sunni Hanafi Sect and Druze confessions, and two years for boys, seven years for girls following the Shiite confession Jaafari sect.”³³² Notably, the Catholic

³²⁶ Handicap International Representative. Personal Interview. 21 April 2008.

³²⁷ Handicap International Representative. Personal Interview. 21 April 2008.

³²⁸ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

³²⁹ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

³³⁰ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

³³¹ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

³³² Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 26-27

Christian Family Status courts are the only to openly base custody on the principle of the ‘best interest of the child’.³³³ Other Christian family courts (Armenian Orthodox, Greek Orthodox, Syriac Orthodox, Assyrian, and Evangelical) consider the ‘best interests of the child’ in cases in which the child refuses to stay with the custodian father.³³⁴ In cases in which the custodian father is abusive to the children, the mother can take the case to the Civil Courts and try to get a ‘protection order’ – which overrides family courts’ decisions.³³⁵

In addition, there is general concern that the judicial structure and protection/criminal laws do not adequately consider the best interest of the child. Notably, supplementary reports to the CRC noted that challenges to the best interest of the child are notable in the absence of “...judges specialized in juvenile laws, absence of a unified juvenile law, laxity in applying anti addiction laws and measures, absence of enough places for recreation such as athletic clubs, scouts and summer camps.”³³⁶ Tensions between the Penal code and Law 422/02 appear to diminish protection of the best interest of the child. Law 422/02, which offers the most global protection for children, seems to be in direct tension with earlier laws, such as the Penal code, in certain provisions pertaining to children and child protection. For example, under Law 422/02 a child who is engaged in prostitution is considered ‘endangered’ and should be protected. The Penal Code, however, sanctions her placement in detention. Similar contentions are found in regards to minors who abuse substances, vagabondage and mendacity.³³⁷ In practice, this means that the ruling judge has the ability to make decisions that could lead to the protection or detention of a child, for the same situation. This is of concern because it allows for actions which could contradict the spirit of child protection and the best interest of the child by allowing space for personal and social discriminations to disproportionately impact the well-being and best interests of the child. Though a unifying law is currently being drafted, in its absence there appears to be a lack of clear legal guidance on a number of issues. This tension is a reoccurring theme notable in all protection issues. Preliminary research suggests that in practice this may not be a substantial problem -- the Juvenile Court relies most heavily on Law 422/02.³³⁸ In some cases, however, the Penal Code provides more protection than Law 422. For example, it provides for punishment of the abuser.³³⁹ Law 422 provides for reduced punishment for abusers.³⁴⁰

³³³ Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 26-27

³³⁴ Kafa (2008). “Guidelines for Women on Family Laws.” Kafa.

³³⁵ Justice without Borders Representative. Personal Interview. 16 April 2008.

³³⁶ Coordination Forum of the NGO’s Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon’s third period report (01/10/2005) “Rights of the Palestinian Child in Lebanon, Third Supplementary Report.” [Accessed on 25 Feb. 2008- Summary by CRIN]

³³⁷ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5).P. 37

³³⁸ Justice without Borders Representative. Personal Interview. 16 April 2008.

³³⁹ Kafa Representative. Personal Interview. 17 April 2008.

³⁴⁰ UPEL Representative. Personal Interview. 18 April 2008.

D.1.3 Participation

The CRC establishes the right to age appropriate participation (Articles 12-15, 17, 23, 29, 31). A Save the Children Sweden document states, “Through their participation, children are able to transform power relations with adults, breaking the silence that has for so long fostered their marginalization”.³⁴¹ Full implementation of a child’s right to participate necessitates that all duty bearers—parent and states alike—empower children with age-appropriate knowledge and skills, and listen and integrate children’s opinions into decisions, actions and/or policies that affect them. While espousing the importance of participation, the CRC recognizes the importance of implementing all rights and obligations within the local social, cultural, and political context.³⁴²

Currently, there is no legal framework in Lebanon to ensure child participation. For example, the legal age to vote is 21, although there is discussion about lowering it to 18.³⁴³ Children are prohibited from forming associations until the age of 20 and may not join an association until they reach the age of 18.³⁴⁴ Notably, Lebanese law “deprives Palestinian children of their right to form associations” since two thirds of the members of each association must have Lebanese membership.³⁴⁵ The new school curriculum, however, can be considered an indirect tool to increased child participation.³⁴⁶

The new school curriculum was introduced in 1999 and was produced with the aid of the World Bank. This curriculum introduces participatory learning techniques, encourages extra-curricular activities, and establishes channels for child participation (mainly complaint boxes, election of class representatives and student participation in cultural and artistic activities through clubs). However, it has been reported that the new curriculum has not been fully adopted in some schools.³⁴⁷ Specifically, elements pertaining to extra-curricular activities, third language, and IT which require addition material and human resources have not been uniformly adopted.

International and national organizations have developed and supported the government in developing a number of initiatives aimed at strengthening the implementation of child participation. Examples include: 1) the Youth Cabinet established in 1999 with the support of UNICEF;³⁴⁸ 2) “My right to participate” programme, implemented by the HCC. This programme consists of six discussion panels for children, concluded by a work session with Lebanese MPs;³⁴⁹ 3) Children’s Municipality Councils were started in 1999. Sixteen Children’s Municipal Councils have been operational since 2003. This project aims to educate children on democratic practice and to involve them in the local community decision-making process, particularly in regards to environmental issues;³⁵⁰ 4) there are currently efforts to establish a Youth Shadow Cabinet, an idea that has been approved by the current cabinet. This project was initiated by a leading Arabic Newspaper, Al Nahar, who has championed the issue of youth through the publication of a weekly supplement—Nahar of the Youth. It has to be noted that this ‘youth’ initiative includes people up to 30 years old;³⁵¹ 5) the Lebanese National Committee of the Mediterranean [Youth](#)

³⁴¹ Okane, Claire and Feitstein (March 2007). “Participation is a Virtue that must be Cultivated: An Analysis of the Child Participation Work and Materials within Save the Children.” Save the Children.P, 12

³⁴² Okane, Claire and Feitstein (March 2007). “Participation is a Virtue that must be Cultivated: An Analysis of the Child Participation Work and Materials within Save the Children.” Save the Children.P, 13

³⁴³ Project for a new electoral law presented by the independent commission appointed by the government. 31st May 2006.

³⁴⁴ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

³⁴⁵ State Party Report- Third (Convention on the Rights of the Child): Lebanon, CRC/C/129/Add.7, 25 October 2005.

³⁴⁶ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

³⁴⁷ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

³⁴⁸ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

³⁴⁹ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

³⁵⁰ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

³⁵¹ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

Parliament and the Goethe-Institute launched a new initiative in 2007 to form a Mediterranean Youth Parliament, under the banner “Diversity Dialogue Solidarity;”³⁵² and 6) finally, the HCC has established a specialised committee on child participation whose mandate will be to promote child participation as a cross cutting issue in the 11 national committees. To this day, no action has been taken in this regard.³⁵³ A SCS draft report noted that while these initiatives are indicate movement, many of the child participation initiatives continue to be developed with a ‘top-down approach’.³⁵⁴

Lebanon’s legal and practical application of particular rights espoused in the CRC will be analyzed in the following sections. Focus will be given to Save the Children Sweden’s areas of focus, namely Protection and Education. Each section will consider the situation of Lebanese children, Palestinian children, Iraqi children, and, as information is available, children from other vulnerable groups (e.g. children of migrant workers).

³⁵² Chami, Hanadi (11 September 2007) “[Lebanese help launch Mediterranean Youth Parliament.](#)” *Daily Star*, Lebanon.

³⁵³ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

³⁵⁴ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

D.2 Protection Issues

In general, the legal parameters for protection are most notably defined in Law 422/02. The following protection issues, in both law and praxis, will be addressed in the following sections: early marriage, physically humiliating punishment, sexual abuse and gender-based violence, child labor, neglected and institutionalized children, children in conflict with the law, children used in armed conflict, children in emergency situations, children and HIV and AIDS, and children and disabilities.

Law Number 422/02 (Article 25) considers that a child is endangered in the following circumstances:

- 1) *If juveniles are surrounded by conditions that expose them to abuse or threaten their health, safety, morals or the circumstances of their upbringing.*
- 2) *If juveniles are exposed to sexual abuse, and physical violence that exceeds the limits of what is culturally acceptable as non-harmful disciplinary beating.*
- 3) *If juveniles are found begging or vagabonding.*

*Within the framework of this law, juveniles are considered beggars when they practice begging as a profession. They are considered homeless if they leave their houses to live in streets and public shops or if they do not have a dwelling and are found in the above described state.*³⁵⁵

Protection procedures under this law are activated by a complaint submitted to the juvenile court by one of the following parties: the child, parent/legal guardian, social worker, public ministry, or any party that informs the public ministry of a situation in which a child is at risk.³⁵⁶ In the case of an emergency, the juvenile court judge can personally address this issue.³⁵⁷ Law number 422 provides the basis for children experiencing interpersonal violence to be provided with treatment and socio-educational care.³⁵⁸ It also requires the presence of a social worker during all stages of the trial and provides for rehabilitative measure for children in conflict with the law. The University Center for Family and Community Health (Saint-Joseph University) notes that a careful reading of relevant articles in the Lebanese Penal Code and the Minor's Law 422/02 reveals provisions for judicial and psychosocial responsibility towards children who are victims of violence.³⁵⁹

However, both technically and in function there are continuing tensions and limitations to the ability of Law 422/02 to protect children.³⁶⁰ The literature and interviews conducted for the purpose of this study revealed that are two categories of weakness in the child protection system: Law 422 and functioning of the child protection system in practice. They will be considered separately. Alleged weakness in Law 422 include: 1) it does not address extraterritorial abuse, honour crimes, or corporal punishment;³⁶¹ 2) it provides for reduced punishments for persons who have abused children and, at the same time, does not provide for rehabilitative measures for abusers;³⁶² 3) it does not address the incarceration of pregnant women/children born in custody (there are reportedly a number of children who were born in custody and

³⁵⁵ Unofficial Translation, SCS, Law 422 Article 25

³⁵⁶ Justice without Borders Representative. Personal Interview. 16 April 2008.

³⁵⁷ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/O ITB/LEB/2005-5).

³⁵⁸ Justice without Borders Representative. Personal Interview. 16 April 2008.

³⁵⁹ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/O ITB/LEB/2005-5). P. 37-38

³⁶⁰ Justice without Borders Representative. Personal Interview. 16 April 2008.; Kafa Representative. Personal Interview. 17 April 2008.

³⁶¹ UPEL Representative. Personal Interview. 18 April 2008.

³⁶² UPEL Representative. Personal Interview. 18 April 2008.

have spent their early childhood there³⁶³)³⁶⁴; 4) there is no limit to the length of time a child can be detained;³⁶⁵ and 5) though doctors are under a legal obligation to report possible abuse cases (this provision is not included in law 422), teachers and other caregivers are not required to do so.³⁶⁶

Generally, some of the critical issues regarding the practical functioning of the children protection system are as follows: 1) all protection measures are vested in the juvenile judge. However, juvenile judges have other positions and responsibilities which may conflict with their availability.³⁶⁷ In addition judges are frequently rotated throughout the justice system. Thus, judges that receive training and become specialized in juvenile justice do not necessarily stay in the juvenile court for a sustained period. Notably, judges and lawyers cannot specialize in juvenile law;³⁶⁸ 2) general knowledge regarding procedures and protection measures (such as psychological treatment centres for the child, the family, and the aggressor) which fall under this law are rarely disseminated to victims;³⁶⁹ 3) critical persons (doctors, teachers, social workers, etc.) are not fully aware and trained in child protection laws and systems.³⁷⁰ Allegedly, even lawyers and judges are not fully aware of the possible protection measures available in national or international law;³⁷¹ 4) many of the key actors in the child protection system are not state employees (notably UPEL and other NGOs that provide social workers, follow up cases, intervene in family cases, compile the forensic, social worker, psychological reports for the court—through UPEL, identify and suggest institutions for children who need to be taken out of their families, etc) and are not monitored by the state.³⁷² Reportedly, the relationship between UPEL and the other NGOs in the sector is sometimes strained and NGOs themselves have limited cooperation; 5) reportedly components to the protection system are inadequate, including a lack of safe house and rehabilitation centres, a need for increased awareness of foster care/social systems;³⁷³ 6) the environment of the court itself is not child friendly.³⁷⁴ In addition, the procedure is not child friendly. Children who were allegedly abused are sometimes required to repeatedly testify and are cross-examined in court (though the judge can request that everyone but the social worker leave the room for the child's testimony, this does not always happen);³⁷⁵ 7) a social worker should be present at all stages of the justice proceedings—reportedly this is not always the case;³⁷⁶ 8) few non-Lebanese children appear in the juvenile courts;³⁷⁷ and 9) children do not always have a lawyer present or they are appointed poorly trained lawyers.³⁷⁸

³⁶³ ISF Representative. Personal Interview. 21 April 2008; Justice without Borders Representative. Personal Interview. 16 April 2008.

³⁶⁴ Justice without Borders Representative. Personal Interview. 16 April 2008.

³⁶⁵ Justice without Borders Representative. Personal Interview. 16 April 2008.

³⁶⁶ Justice without Borders Representative. Personal Interview. 16 April 2008.

³⁶⁷ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/O ITB/LEB/2005-5).

³⁶⁸ Justice without Borders Representative. Personal Interview. 16 April 2008; Kafa Representative. Personal Interview. 17 April 2008; UPEL Representative. Personal Interview. 18 April 2008.

³⁶⁹ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/O ITB/LEB/2005-5).

³⁷⁰ UPEL Representative. Personal Interview. 18 April 2008.

³⁷¹ Justice without Borders Representative. Personal Interview. 16 April 2008;

³⁷² Kafa Representative. Personal Interview. 17 April 2008; UPEL Representative. Personal Interview. 18 April 2008.

³⁷³ Kafa Representative. Personal Interview. 17 April 2008

³⁷⁴ UPEL Representative. Personal Interview. 18 April 2008

³⁷⁵ Justice without Borders Representative. Personal Interview. 16 April 2008; Kafa Representative. Personal Interview. 17 April 2008

³⁷⁶ Justice without Borders Representative. Personal Interview. 16 April 2008

³⁷⁷ Justice without Borders Representative. Personal Interview. 16 April 2008; Kafa Representative. Personal Interview. 17 April 2008

³⁷⁸ Justice without Borders Representative. Personal Interview. 16 April 2008

In Lebanese law, the definition of ‘act of interpersonal violence’ stipulates that violent aggressions cannot “rise above the limits recognized by the customs for a safe punishment”.³⁷⁹ As will be further explored below, this definition is ambiguous at best and may allow for levels of violence that exceed CRC standards. It is also worth noting that there is almost no mention of psychological abuse and neglect.³⁸⁰ In practice, the University Center for Family and Community Health has noted that many of the implementation mechanisms of Law 422 “do not seem to be operational...”³⁸¹ This and other issues will be addressed in the next section.

Though Palestinian refugees are privy to the laws described above, functionally they have limited impact on the protection of children inside camps and gatherings. In practice, there is no formal protection structure. The authority structure inside the camps is divided into three categories: political factions, popular committees, and elders from each section of the camp (largely organized according area of origin in Palestine).³⁸² Some camps have detention facilities (usually connected to a political faction) and in extreme cases perpetrators of violence are handed over to the Lebanese military.³⁸³

Functionally, local NGOs act as the primary duty bearers for protection (recalling that UNRWA does not have a protection mandate). A number of NGOs are committed to awareness and social intervention activities to prevent and respond to child abuse. One Palestinian NGO described their protection intervention as such: in the case that a social worker from their NGO believes that a child is being abuse, he/she fills out a situation report based on interview with the teacher, parent, and child. In some cases they request that a doctor checks for abuse. These reports are then submitted to a committee (within the NGO) which is comprised of a psychologist, doctor, project manager, and the social worker. If the doctor’s report confirms an instance of abuse, this committee investigates the case further. The first avenue of recourse is to approach the family and the community elders and attempt to identify an internal solution to the problem, such as moving the child to another family member’s house. If this is unsuccessful, the NGO approaches the Popular Committee/political factions within the camps. If they fail to act, the NGO approaches the Lebanese military/police to put pressure on the Palestinian authorities within the camp. There are ultimately two solutions for the child: residence with the extended family or placement in a Lebanese institution.³⁸⁴ Notably, other NGOs may be implementing independent protection interventions, with little or no coordination with each other, and with little oversight. There are also concerns about the training and quality of social workers in Palestinian camps, generally.

D.2.1 Early Marriages

Family status laws allow for early marriage (as young as 9, in the case of the Shi’a) and, in some cases, allow parents to waive child consent provisions. However, in practice, early marriage is minimal in most communities in Lebanon. There are indications that it is increasing in the Palestinian community.

³⁸⁰ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). . P. 38

³⁸¹ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 30

³⁸² Nabaa Representative. Personal Interview. 17 April 2008.

³⁸³ Nabaa Representative. Personal Interview. 17 April 2008.

³⁸⁴ Nabaa Representative. Personal Interview. 17 April 2008.

Legal Analysis: Early Marriage

While the issue of early marriage is not directly addressed by the CRC, children's rights to health and education, as well as considerations for the best interest of the child and respect for the views of the child are relevant to this issue. The Committee on the Rights of the Child, however, has placed considerable emphasis on ensuring that the marriage age is not too young and that the minimum age for boys and girls is the same. In doing so, they are guided by the Guidelines for Periodic Reports which necessitates that States "provide relevant information with respect to Article 1 of the Convention, including:...the minimum legal age defined by the national legislation for... marriage..."³⁸⁵

In Lebanon, marriage falls under the jurisdiction of the family status laws, thus the religious/sectarian court systems. Each religious community has set a minimum age for marriage. Incidentally, they differ substantially. However, there are two similarities: 1) for all communities the legal age of marriage for both males and females is 18 or below, and 2) in all cases the legal age for marriage of a girl is lower than that of a boy. The latter issue has been considered to amount to gender discrimination.³⁸⁶

The age for marriage is essentially linked to puberty, or the age in which men and women develop the 'physiological' capacity for reproduction. Court authorities can, in particular cases, lower the marriage age.³⁸⁷ When considering lowering the marriage age, the authorities consider the physiology, social customs and traditions of the two involved families, as well as their educational level.³⁸⁸ Notably, under traditional Islamic law a girl is considered ready for marriage from her first menstruation, with 9 years of age as the lower limit.³⁸⁹ There are recorded exceptional cases in which religious authorities (from a number of confessions) have overruled the minimum age and allowed younger marriages.³⁹⁰ For a break down in marriage age for the dominate confessions, consider the chart ³⁹¹ shown below.³⁹²

³⁸⁵ Guidelines for Periodic Reports, Committee on the Rights of the Child. 20/11/96. CRC/C/58 (Guidelines for Periodic Reports).

³⁸⁶ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

³⁸⁷ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/0 ITB/LEB/2005-5).

³⁸⁸ CRC/C/70/Add. 8, 26 September 2000 as referenced by Melchiorre, Angela (2004). "At what age?... Are School Children Employed, Married & Taken to Court?" Right to Education Project. P. 86

³⁸⁹ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/0 ITB/LEB/2005-5). P. 32

³⁹⁰ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

³⁹¹ Melchiorre, Angela (2004). "At what age?... Are School Children Employed, Married & Taken to Court?" Right to Education Project quoted in Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft).

³⁹² Kafa produced a booklet entitled "Guidelines for Women on Family Law" (2008) in which they adjust the figures in the chart below on a number of provisions: Catholic groups – 16 for males and 14 for females; Armenian Orthodox (not included in chart) 18 years for males and 15 years for females; Greek Orthodox 18 year for males and 18 years for females (although the court can reduce these to 17 years for males and 15 years for females—on consent of the parents and the Archbishop); Syriac Orthodox: 18 years for males and 14 years for females; Assyrian: 18 years for males and 15 years for females. The author of this paper is unsure of the reason for the discrepancy of ages. The chart that is shown was the most commonly reproduced ages.

Age of puberty and age at which marriage may be licensed in accordance with the laws of the different confessional groups

Confessional group	Specified age of puberty		Age at which marriage may be licensed		Licensing authority	Articles in the law of the confessional group
	Male	Female	Male	Female		
Sunni	18	17	17	9	Judge	4, 5, 6
Shiite	True puberty	True puberty	15	9	Judge	7.8
Druze	18	17	16	15	Judge of the confessional group or shaykh	1, 2, 3
Catholic groups	16	14	14	12	The Patriarch	57, 62
Greek Orthodox	18	18	17	15	Head of the diocese	5, 18
East Syrian Orthodox	18	14	-	-	-	4
Evangelical	18	16	True puberty	True Puberty	Religious court	22, 2
Jewish	18	12,5	13	12,5 unspecified	Guardianship or consent of the father and agreement of the girl's mother or a sister if she is an orphan	43, 33, 46

Under all family status laws ‘mutual consent’ is an essential pre-condition of early marriage. Particularly in the case of girls, this mutual consent is subject to two restrictions: 1) within the given society, the traditions and culture limits a girl-child’s participation in decision-making and 2) the family of the child must consent to the marriage.³⁹³ With regard to the latter provision, there are various provisions for necessary family engagement:

- *A cleric who marries a minor (under 18 years of age) without the agreement of his or her guardian is committing a crime punishable under article 483 of the Penal Code;*
- *Family consent is desirable in all cases, whatever the age of the marriage suitor, although this does not imply that parents have the right to force their children into marriage;*
- *Family consent is generally required until the age of legal majority is attained, or, in the case of the Greek Orthodox church, until the age of 21;*
- *In most of the laws, the marriage of a minor requires permission from the competent cleric and the guardian, although in the event of the latter's arbitrary exercise of his right, the cleric may dispense with requirement for his consent (in accordance with the Sunna);*
- *In the Greek Orthodox sect, the consent of the family dispenses with the need for the consent of the minor in the marriage contract;*
- *In general, some distinction is made between males and females in regard to the requirement for consent and the minimum age of marriage;*
- *The guardian may give a minor in marriage without his or her consent (Greek Orthodox and Shiite).³⁹⁴*

Of particular concern in cases of early marriage, Lebanese law does not prohibit marital rape. In addition, as will be developed in later sections, sanctions are removed from rapists in the event that they agree to marry their victim; this applies to minors as to adults.³⁹⁵

³⁹³ CRC/C/70/Add. 8, 26 September 2000 as referenced by Melchiorre, Angela (2004). “At what age?... Are School Children Employed, Married & Taken to Court?” Right to Education Project.

³⁹⁴ CRC/C/70/Add. 8, 26 September 2000 as referenced by Melchiorre, Angela (2004). “At what age?... Are School Children Employed, Married & Taken to Court?” Right to Education Project.P. 87

The Coordination Forum of the NGO's Working Among the Palestinian Community's Supplementary Report to the CRC noted, "Moreover, since it is presumed that the personal/ family laws apply to Palestinians therefore, the current freeze on the recommendation mentioned in the report pertaining to closing the gap of the minimal age of marriage for young men and women applies to the Palestinian refugee young men and women."³⁹⁶

Praxis: Early Marriage

According to one study, 2.6% of girls between the ages of 10 and 19 are married/were previously married compared to 0.2% of men. An estimated 5.3% of girls between the ages of 15 and 19 are married compared to 0.4% of males in the same age bracket.³⁹⁷ This research not only indicates that early marriage continues to be practiced in Lebanon but it may suggest gender discrimination. As the figures show, girls are subjected to young marriages at a higher rate than boys.

Studies done in other Arab countries indicate that girls who marry early are particularly vulnerable: women in early marriages have increased levels of illiteracy, increased fertility rates and young mothers have a higher mortality rate.³⁹⁸ A SCS study notes that "the psychological and health effects of early marriages on girls, justify describing it as a form of sexual abuse against girls and teenagers."³⁹⁹ Early marriage is also cited as a significant factor limiting girls' access to education.⁴⁰⁰

³⁹⁵ Naciri, Rabea and Isis Nusaair (May 2003). "The Integration of Women's Rights into the Euro-Mediterranean Partnership: Women's Rights in Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine, Syria and Tunisia." Euro-Mediterranean Human Rights Network, Copenhagen. P. 27

³⁹⁶ Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

³⁹⁷ The 2.6 per cent of females represents the total number of married women between 10 and 19, out of the total female age bracket [10-19] (= the column "married" divided by the column "total" for "total females"). Same applies to the males figure of 0.2 per cent. As for the age group [15-19], the same reasoning is used to show that the share of married females between 15 and 19 out of the total females in this age group ([15-19]) is 5.3 per cent. The male figure of 0.4 per cent means that males aged [10-19] are married. The age group [10-19] has a percentage less than that of the [15-19] marriages due to the fact that the base (total populations figure) is not the same; the result is a weighted average of the 2 sub-age groups ([10-14] and [15-19]), as the first sub-age group has a lower percentage, it causes the total female percentage to drop. Thus, the [15-19] age group marriage percentage is based on a base of 9,165 marriages and the [10-19] age groups marriage percentage is based on a base of 9,380 marriages.

³⁹⁸ Review of *Athar Al Zawaj Al Mubakkir Al Injab wa Sihhat Al Tifel Al Awal fi ba'd Buldan Al Watan Al Arabi – Dirassa Mouqarana*, ("Impact of Early Marriage on delivery and health of the first born in some countries of the Arab World – Comparative Study"), Muhammed Najib Abdul Fattah Ahmed and Alya'a Awad Ali; and the study *Al Muhaddidat Al Thaqafiyah wal Ijtimayyah Lil Zawaj Al Mubakkir wa Bid' Al Injab fi al Yaman* ("Cultural and Social Determinants of Early Marriage and the Start of Childbearing in Yemen"), Suleiman Faraj Ben Azoun et al., First Arab Conference for the Health of Family and Population, Arab League, Department of Social Affairs, Arab Project for the Health of the Family Unit, Cairo, 13-16 May 2006.1 Review of *Athar Al Zawaj Al Mubakkir Al Injab wa Sihhat Al Tifel Al Awal fi ba'd Buldan Al Watan Al Arabi – Dirassa Mouqarana*, ("Impact of Early Marriage on delivery and health of the first born in some countries of the Arab World – Comparative Study"), Muhammed Najib Abdul Fattah Ahmed and Alya'a Awad Ali; and the study *Al Muhaddidat Al Thaqafiyah wal Ijtimayyah Lil Zawaj Al Mubakkir wa Bid' Al Injab fi al Yaman* ("Cultural and Social Determinants of Early Marriage and the Start of Childbearing in Yemen"), Suleiman Faraj Ben Azoun et al., First Arab Conference for the Health of Family and Population, Arab League, Department of Social Affairs, Arab Project for the Health of the Family Unit, Cairo, 13-16 May 2006.

³⁹⁹ Ouis, Pernilla and Tove Myhrman (2007). "Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen." Save the Children Sweden. P. 31-32

⁴⁰⁰ Arab Resource Centre (2006). "Comparative, Regional Analysis of ECCE in Four Arab Countries (Lebanon, Jordan, Syria, and Sudan)." (Background paper) *Education for All Global Monitoring Report, 2007, Strong Foundations: Early Childhood care and Developments*, UNESCO.

Limited research suggests that early marriage may be on the increase in Palestinian camps.⁴⁰¹ At present, no research is available regarding the prevalence of early marriage in the Iraqi community. For Palestinians (and possibly Iraqis), however, all marriages, divorces, custody cases are processed through the family courts. Thus, legal marriage ages have a direct impact on these communities.⁴⁰²

Adolescent girls across Lebanon who participated in a Save the Children Sweden study in Lebanon seemed aware of cases of early marriage and generally agreed that it prevented a girl-child from developing to her fullest potential. They felt that girls' increased ability to express themselves in the home and in society had resulted in a decrease in early marriages. Palestinian girls, girls in North Lebanon and girls from Mount Lebanon seemed the most aware of early marriages. Incidentally, 93% of girls who participated in the study opposed early marriage. The 7% who supported it were from the south of Lebanon (both Lebanese and Palestinian). Girls did, however, differentiate between forced marriages and early marriages in which the consent of the girl had been obtained. As a result, only 24% considered all forms of early marriage a form of sexual violence. The remainder did not consider early marriage with the consent of the girl-child sexual violence. Interestingly, 69% of boys interviewed considered early marriage a form of sexual violence, regardless of the consent of the minor.⁴⁰³

Another study, focused on six Palestinian refugee camps, found that "early marriage is still quite a widespread practice in the Palestinian camps where the average age [for] first marriage has decreased in recent years"⁴⁰⁴ ...Early marriages are considered preferable, especially for girls, as a way to relieve the family from the burden of having to provide for their daughters financially and, more importantly, to safeguard their honour.⁴⁰⁵ Among the youth who participated in the study, a sizeable segment appears to agree with common views about the advantages of early marriages (and early child bearing) especially for girls".⁴⁰⁶ Other sources have confirmed that parents increasingly see early marriage as a way to preserve the girls' 'honour' and to benefit economically.⁴⁰⁷ Preliminary research conducted for this study indicates the early marriage may be specifically prevalent in the camps in the south of Lebanon (specifically Burj el-Shemali) and in gatherings.⁴⁰⁸ A focus group discussion, conducted by Save the Children in early 2008, found that allegedly an increased number of teenagers in Nahr el Bared camp are getting married.⁴⁰⁹ Simultaneously, cultural myths about child birth and child rearing encourage children to consent to early marriages. For example, 42.5%-67% of the youth respondents in the study conducted in six camps agreed that having a child before 20 is advantageous. Youth believe that early marriage results in: respect, independence from family and increased patience with children. They also believe that it is healthier and that it is beneficial for the children and mother to be close in age.⁴¹⁰ Girls from the camps in the North and

⁴⁰¹ CRT-D Representative. Personal Interview. 25 March 2008.

⁴⁰² Naba'a Representative. Personal Interview. 17 April 2008.

⁴⁰³ Ouis, Pernilla and Tove Myhrman (2007). "Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen." Save the Children Sweden. P. 50

⁴⁰⁴ Umland OF (ed.) (2003). "Difficult Past, Uncertain Future: Living Conditions among Palestinian Refugees in Camps and Gatherings in Lebanon." Oslo, Institute of Applied Social Science, FAFO, Report 409.

⁴⁰⁵ Ouis, Pernilla (2005). "Woman or Child? Voices of Teenage Girls in the Middle East." Save the Children Sweden.

⁴⁰⁶ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). "Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being" Funded by the European Commission. P. 25

⁴⁰⁷ CRT-D Representative. Personal Interview. 25 March 2008.

⁴⁰⁸ Naba'a Representative. Personal Interview. 17 April 2008.

⁴⁰⁹ 6 Palestinian children (age 6-11). Nahr el Bared Camp. 15 April 2008; 8 Palestinian children (age 16-18) Nahr el-Bared camp. 16 April 2008.

⁴¹⁰ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). "Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being" Funded by the European Commission. P. 29

the Beqaa and those with less education were more likely to support early marriage.⁴¹¹ The disadvantage most noted by the youth was that early marriage required girls to interrupt their studies.⁴¹²

D.2.2 Physical and Humiliating Punishment

Under Law 422 increased measures have been put in place to protect the child from maltreatment and abuse, including expanding the protective measures a judge can issue and the number of persons who can trigger protective measures (such as removing the child from the situation). However, Article 186 of the Penal Code still allows for parents and educators to use physical punishment *to the extent recognized by general customs for safe punishment*. Where as a government Memorandum has been issued prohibiting corporal punishment in schools, no similar action has been addressed to the home environment.

In practice, children continue to be vulnerable to high levels of physically humiliating punishment and sexual violence. The UN Economic and Social Council estimated that only 5% of cases are referred to shelters, police or other public facilities. Fear of the ISF may be one reason for the limited reporting of abuse.⁴¹³ Socially, physical and humiliating punishment reportedly remains a highly taboo subject. Anecdotal evidence and preliminary research suggests that in situations of increased social tension and/or illegal status in Lebanon, children become more vulnerable to acts of violence.⁴¹⁴ Based on this assumption, three groups may be particularly vulnerable: 1) there are indications that domestic violence has increased among the Palestinian refugee community; 2) illegal immigrants/refugee children without legal status are believed to be particularly vulnerable because of their lack of access to protective measures. Fear of arrest, detention and possible deportation allegedly prevent refugees and migrant workers from approaching government offices, including accessing protection services; and 3) extremely poor Lebanese communities may be more vulnerable to child abuse and are likely to have less access to protection services (needs further research to be conclusive).

Legal Analysis: Physical and Humiliating Punishment

Both CRC and CEDAW have highlighted the deficiencies in law and its implementation in tackling the serious problem of physical and humiliating punishment in Lebanon. In its 2002 concluding observations, the CRC Committee was *“furthermore concerned that there is insufficient information and awareness of domestic violence and its harmful impact on children [in Lebanon]”*.⁴¹⁵

Article 25 of Law 422/02, which most notably addresses the defence of a child from maltreatment or abuse, defines maltreatment as “the act of mistreating a child by a person or a group of people, to whom the care of the child is given, whether they are adults or children intentionally, ignorantly or carelessly where these acts affect negatively and seriously the physical, mental, emotional, social health of the child affecting its development.”⁴¹⁶ Furthermore, an endangered youth is someone who is “below 18 and found in an environment threatening his/her health and morals and the conditions of his/her upbringing and if

⁴¹¹ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission P. 29

⁴¹² Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission.p. 31

⁴¹³ ISF Representative. Personal Interview. 21 April 2008.

⁴¹⁴ Interviews carried out with mothers and fathers in Nahr el Bared camp in 2008 clearly illustrated this.

⁴¹⁵ Concluding Observations of the Committee on the Rights of the Child: Lebanon 21/03/02. UN Doc. CRC/C/15Add.169.

⁴¹⁶ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the children Sweden. P. 16

the child is subject to sexual assault or physical assault that surpasses the limits of what is deemed culturally accepted as harmless corporal punishment” (Article 1).⁴¹⁷ A minor can be removed from an abusive context by a simple notice presented to UPEL, the judge, or the prosecutor by a juvenile, his/her guardians, or a social worker (as well as other concerned parties).⁴¹⁸

This law has several advantages. Most notably, the law can be triggered by anyone aware of the abuse. The law also affirms the power of social workers in monitoring situations of abuse. However, this law appears to be inconsistent with Article 184 of the Penal Code.⁴¹⁹ Furthermore, the law allows for intervention on behalf of the victim, but does not provide sanctions for the offender.⁴²⁰ In addition, Article 186 of the Penal Code allows parents and ‘educators’ to use physical violence to the extent recognized by general customs for safe punishment. Finally, it does not define what actions are considered ‘harmful’, leaving this distinction to the discretion of the Judge.⁴²¹

Praxis: Physical and Humiliating Punishment

There is a lack of substantial data regarding the prevalence of physical and humiliating punishment in the home, partially owing to social stigma and acceptability of the practice.⁴²² There is a general consensus that domestic violence and gender based violence are widespread and socially accepted as a means of punishment.⁴²³ Lack of research and statistical data underscores vulnerability and suggests that children may have limited access to protective services.

The UN Economic and Social Council noted that “incidents of domestic violence, interpersonal intolerance, and child abuse and neglect are on the rise, with as few as 5% of cases referred to shelters, police, or public facilities”.⁴²⁴ Assuming their estimation is correct, some conclusions may be drawn from reported cases of domestic violence. For example, between 2002 and 2006, 1,501 victims were recorded. Of this figure 49% were women and 51% were men. During the same period 2,034 adult perpetrators of domestic violence were identified, of which 84% were men and 16% were women. There were also 111 minors recorded as perpetrators of domestic violence, of which 77% were boys and 23% were girls. During this period, 83 minors were recorded as victims of domestic violence, out of which 63% were girls and 31% were boys.⁴²⁵ These figures are believed to represent only a slight fraction of the problem. However, they may offer limited guidance with regard to gender and age distribution.

Kafa recently completed a survey of over 1,000 Lebanese youth which focused on sexual and physical violence. Their preliminary conclusions found that over a year period, 54.1% of the children reported that they experienced at least 1 of the following 8 forms of physical violence: 31.5% were pushed or kicked, 43.0% were hit by hand, 18.1% were hit by an instrument, 3.1% experienced attempted strangulation,

⁴¹⁷ Article 1 of Law 422/2002

⁴¹⁸ For a thorough analysis of this law, refer to Ghassan Rabah’s comparative study on the “Rights of the Endangered Juveniles and Juveniles in Breach of the Law”, 2003: Beirut.

⁴¹⁹ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5).

⁴²⁰ Kafa Representative. Personal Interview. 17 April 2008.

⁴²¹ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the children Sweden. P. 17

⁴²² Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁴²³ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁴²⁴ Economic and Social Council (26 April 2007). Presentation by United Nations Children’s Fund. Annual Session 2007 (4-8 June 2007). Item 9 (a) of the provisional agenda: “Short-duration Country Programme Document: Lebanon”. United Nations E/ICEF/2007/P/L.26

⁴²⁵ Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 33

2.9% were burned, 6.4% were imprisoned or tied up, 25.3% were bitten, and 1.9% were threatened with a weapon. The father was the most frequent perpetrator of physical violence. However, biting was more frequently practiced by the mother and hitting was often sibling violence.⁴²⁶

Of the children who participated in the study, 64.9% reported experiencing at least 1 of 7 forms of psychological violence: 55.7% were yelled at, 4.2% were physically threatened, 31% cursed, 25.9% were made embarrassed, 11.6% were wished dead, 5.4% were prevented from being at home, 6.7% were told that they would be abandoned.⁴²⁷ The father was the most frequent aggressor.⁴²⁸

Finally, the study found that 40.8% of children witnessed at least one of the following acts of violence in the home: 7.5% witnessed violence following alcohol or drug consumption, 34% saw a heated verbal argument, 20.7% witnessed family members hitting each other, and 7.2% saw family members threaten each other with a weapons. Both parents and siblings were involved in acts of violence witnessed by children.⁴²⁹ The study noted that working children were significantly more likely to be exposed to physical and psychological violence and were more likely to be witness of violence occurring in their surrounding.⁴³⁰

Notably, in a study conducted in 2005 by WHO, the Ministry of Public health, and the Center for Disease Control and prevention found that 40% of youth who participated in the study were physically attacked by a parent, 50% had been in a physical fight one or more times during the year, and 30% reported being bullied.⁴³¹ Perhaps uncorrelated to these findings, 40% of students in the study felt so sad or hopeless in the last 12 months that they stopped doing their usual activities and 16% seriously considered suicide.⁴³² Four in 10 students report that their parents or guardians never or rarely knew what they were doing with their free time during the past month.⁴³³

The University Center for Family and Community Health's study found the following cultural reaction to domestic violence: "...in Lebanon as in any Eastern society, the taboo concerning domestic intimacy remains strong. The milieu does not intervene to protect the victim of abuse in her/his family (beaten women and children) considering such to be a domestic problem".⁴³⁴ Like other issues pertaining to child protection, physical and humiliating punishment (such as domestic violence) is culturally denied and discussions/provisions pertaining to them are socially taboo. In particular, the concept of psychological violence does not seem to be widely acknowledged.⁴³⁵ Acts of denigration, intimidation, ridiculing, and

⁴²⁶ Kafa (March 2008) "Child Sexual Abuse: The Lebanese Situation." (Draft)

⁴²⁷ Kafa (March 2008) "Child Sexual Abuse: The Lebanese Situation." (Draft)

⁴²⁸ Kafa (March 2008) "Child Sexual Abuse: The Lebanese Situation." (Draft)

⁴²⁹ Kafa (March 2008) "Child Sexual Abuse: The Lebanese Situation." (Draft)

⁴³⁰ Kafa (March 2008) "Child Sexual Abuse: The Lebanese Situation." (Draft)

⁴³¹ WHO, Republic of Lebanon— Ministry of Public Health, Centers for Disease Control and Prevention (2007). "Lebanon, 2005 Global School-Based Student Health Survey." [Available at http://www.who.int/chp/gshs/2007_Lebanon_GSHS_Country_Report.pdf (Accessed on 14 April 2008)]. P. 3

⁴³² WHO, Republic of Lebanon— Ministry of Public Health, Centers for Disease Control and Prevention (2007). "Lebanon, 2005 Global School-Based Student Health Survey." [Available at http://www.who.int/chp/gshs/2007_Lebanon_GSHS_Country_Report.pdf (Accessed on 14 April 2008)]. P. 3

⁴³³ WHO, Republic of Lebanon— Ministry of Public Health, Centers for Disease Control and Prevention (2007). "Lebanon, 2005 Global School-Based Student Health Survey." [Available at http://www.who.int/chp/gshs/2007_Lebanon_GSHS_Country_Report.pdf (Accessed on 14 April 2008)]. P. 3

⁴³⁴ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/O ITB/LEB/2005-5). P. 32

⁴³⁵ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/O ITB/LEB/2005-5). P. 33

other menacing behaviours practiced by children are often socially and culturally legitimized. As such, educators and parents feel forced to use similar behaviors to control children, thereby unintentionally encouraging and legitimizing the behavior to the child.⁴³⁶

Studies indicate that Palestinian children may be experiencing exceptionally high rates of domestic violence.⁴³⁷ Palestinian children interviewed indicated that they are frequently physically punished by their parents. One child stated, “My mother is always so stressed, she has a lot of problems of her own and she doesn’t have time to listen to me. I prefer to keep things to myself, otherwise I might lose my mother’s confidence and she will not trust me anymore”.⁴³⁸ Another child stated, “Even if a girl has only a simple thing to say, the mother will start to scream and abuse the girl”.⁴³⁹ Studies indicate that levels of domestic violence tend to increase in situations where the adults are experiencing high levels of structural and/or physical violence, degradation, or powerlessness themselves. The Palestinian community in Lebanon has suffered three generations of rights violations and, since the civil war, increased levels of hopelessness have been documented;⁴⁴⁰ this maybe contributing to levels of domestic violence.

An assessment of six Palestinian camps concluded that, “despite positive social changes concerning relationship between the two sexes, and the better awareness of human rights in general with the growing efforts towards gender equality, traditional patterns of family relations and patterns of male predominance through domestic violence still seem worryingly diffuse among the new generations”.⁴⁴¹ Twenty-eight percent of youth interviewed believed that “it is appropriate for a husband to hit his wife or for a brother to hit his sister”.⁴⁴² There is significant difference in gender reflected in this statistic: 44.3% of boys accepted violence compared to 15.7% of girls. Notably, married and engaged youth were less likely to accept domestic violence.⁴⁴³ It should be noted that Najdeh’s study on domestic violence (2004), which was conducted among adults, found the opposite; they reported that women had a higher level of tolerance towards domestic violence than men.⁴⁴⁴

Similarly, Iraqi refugee children are believed to be vulnerable to domestic violence. The IOM study found that, “in some cases, these issues, compounded with the general distress present in the family, and the usual mechanism of reiteration of external violence within the family setting, are all leading to an increase in family violence”.⁴⁴⁵ Notably, one-fourth of women interviewed in Jordan and Lebanon reported domestic abuse. Parents, particularly mothers, reported that they were not prepared to respond to changes

⁴³⁶ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 33

⁴³⁷ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁴³⁸ Ouis, Pernilla (2005). “Woman or Child? Voices of Teenage Girls in the Middle East.” Save the Children Sweden. P. 22

⁴³⁹ Ouis, Pernilla (2005). “Woman or Child? Voices of Teenage Girls in the Middle East.” Save the Children Sweden. P. 22

⁴⁴⁰ Knudsen, Are (2007). “The Law, the Loss and the Lives of Palestinian Refugees in Lebanon.” (Working Paper). CHR. Michelsen Institute.

⁴⁴¹ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. P. 78

⁴⁴² Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. P. 78

⁴⁴³ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. P. 78

⁴⁴⁴ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. P. 78

⁴⁴⁵ IOM “Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report.” Amman and Beirut, February 2008. International Organization for Migration (IOM). P. 16

in their children's behavior. In some cases, this caused "aggressive behavior among parents as well as children".⁴⁴⁶ In addition, women revealed that they were not able to share their suffering with their family members for cultural/gender reasons, they believed that this "causes them to adopt unnecessary aggressive behaviors with their children".⁴⁴⁷

UNHCR reported that they see substantial evidence of domestic violence in the Iraqi community in Lebanon (both visible evidence and reports). In some cases women approach UNHCR for assistance. UNHCR refers cases to partner NGOs and, in more extreme cases, prioritizes abused women and children for resettlement to a third country. UNHCR noted that Iraqi women and children do not approach the state child protection system in Lebanon for fear of the repercussions for their immediate family and the larger community.⁴⁴⁸ INSAN also reported high levels of domestic violence among the refugee and migrant communities.⁴⁴⁹

D.2.3 Sexual Abuse and Gender Based Violence

The Penal Code and Law 422 outline sanctions for perpetrators of all forms of sexual and gender based violence including rape, seduction, profligacy, incitement to adultery, offence to public morals, and child prostitution. Two of the more concerning legal provisions are the reduced sentence for perpetrators of 'honour' crimes and the absolution of rapists if they agree to marry their victims. Research suggests that the majority of sexual abuse cases are not reported, partly due to social stigma and partly to an unresponsive legal system. Of the limited number of cases identified, it appears that girls are more frequently subjected to sexual violence than boys. Reports indicate that some Palestinian communities (notably Burj el-Shemali camp) may be experiencing a significant amount of sexual abuse and incest (estimated at 40% in some areas).⁴⁵⁰ Further research is needed to confirm these reports. Again, illegal children (migrant workers and refugees) are believed to be vulnerable because they have little state protection and can be arrested. Preliminary research suggests that Iraqi refugee women and girls are particularly vulnerable.⁴⁵¹

Continued reports of honour crimes in Lebanon are of particular concern; statistics suggest that there are an estimated 12 honour crimes recorded every year. There is a high probability that some honour crimes are not reported or are reported as suicides. Again, children below the state radar (Iraqis, Somalis, Sudanese, etc) have less protection against such violence. The lack of information in this regard is particularly concerning.

Legal Analysis: Sexual Abuse and Gender Based Violence

The Penal Code and Law No. 422/02 define protective measures for children from all forms of sexual abuse (rape, seduction, profligacy, incitement to adultery, offence to public morals, and child prostitution) and outline penalties. Article 514 (and those following) in the Penal Code sanctions persons who "abduct a girl or a woman through deceit, or by violence or coercion and whomever shall seduce a girl by a

⁴⁴⁶ IOM "Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report." Amman and Beirut, February 2008. International Organization for Migration (IOM). P. 16

⁴⁴⁷ IOM "Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report." Amman and Beirut, February 2008. International Organization for Migration (IOM). P. 19

⁴⁴⁸ UNHCR Representative. Personal Interview. 18 April 2008.

⁴⁴⁹ INSAN Representative. Personal Interview. 18 April 2008.

⁴⁵⁰ Nabaa Representative. Personal Interview. 17 April 2008.

⁴⁵¹ UNHCR Representative. Personal Interview. 18 April 2008.

promise to marriage and shall deflower her...”⁴⁵² In contrast to the protection posed in Article 514, Article 522 specifies that if the perpetrator of the above listed crimes agrees to marry the victim (presents an authentic marriage contract), prosecution will cease. Ouis and Myhrman note, “this is a blatant discrimination against the woman, as most often the rapist uses the concept of “honour” and “scandal” to which the victim’s parents are so attached, to wed her and escape any punishment. The girl is turned into a scapegoat, paying with her life and future, to uphold traditions, customs, and discriminatory laws against her”⁴⁵³

Other legal provisions which pertain directly or indirectly to sexual abuse and gender-based violence against children are briefly highlighted below:

Articles 490, 491 and 506 of the Penal Code prohibit incest (defined as sexual relations between direct parents, legitimate or natural parents, siblings, consanguine, uterine or related brothers and sisters). Perpetrators can be deprived of part of their paternal powers. Under Article 490 perpetrators can be subjected to a 3-years sentence whereas in Article 506 a perpetrator is subjected to hard labour *a temps ou a terme*.⁴⁵⁴

Articles 503, 504, 505, 506, 507, 508, and 509 of the Penal Code address to rape and indecency. A person who forces, incites, or coerces another into sexual acts is subject to hard labour; this punishment is increased in cases in which the person is under the age of 15 and, in cases in which the victim is under 12, the punishment cannot be less than 5 years.⁴⁵⁵

Articles 514, 515, 516, 517, 518, 519, and 520 address rape, seduction and impudicity (immodesty). Under these articles, persons who intentionally kidnap a woman or girl for the purpose of marriage should be subjected to hard labour. In situations where the victim is under the age of 15 or if the culprit has had sexual relations with the victim after promising marriage, the sentence should be increased.⁴⁵⁶

Persons who encourage or facilitate debauchery and public immodesty of minors (in this case below the age of 21) are liable under Articles 523, 524, 526, 527, 528, 529, 530, 531, 532, and 533. These Articles also apply to persons who practice or facilitate clandestine prostitution.⁴⁵⁷

Article 534 prohibits homosexuality (‘physical relationship against nature’), with a penalty of imprisonment. This provision does not consider child abuse by persons slightly older and/or child prostitution. A report from the University Center for Family and Community Health notes that in such

⁴⁵² Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 25-26

⁴⁵³ Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 25-26

⁴⁵⁴ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 39

⁴⁵⁵ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 39

⁴⁵⁶ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 39

⁴⁵⁷ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 40

cases “They are sanctioned by the law without any distinction, even though they are victims and need a particular approach”.⁴⁵⁸ The report goes on to suggest that “if we manage to prove, in a tangible and irrefutable manner, that children are led by a network [into homosexual acts], some protection measures can be taken, as underscored in Law 122/02. In the absence of irrefutable evidence, the judge finds him/herself confronted with two incompatible laws”.⁴⁵⁹

Paedophilia is not specifically addressed in the Penal Code,⁴⁶⁰ though it appears to be indirectly addressed in a number of the above Articles.

Murdering a woman or girl, when within the parameters of a so called honour crime, has a reduced sentence under Article 562. Until 1999, the Penal Code allowed for the “absolution” of crimes committed, including murder, by a perpetrator acting against a female accused of adultery and the victim was his spouse, brother, or relative.⁴⁶¹ Subsequently, the term “absolution” was replaced with “clemency”.⁴⁶² In practice, “perpetrators of these crimes are [usually] male members of the victim’s family, and they are often penalized with mitigated sentences or could even be exonerated by the courts with the excuse of defending the honour of the family which is considered a extenuating circumstance”.⁴⁶³

Praxis: Sexual Abuse and Gender Based Violence

Despite legislation, it appears that the bulk of sexual violence cases are not reported, due in part to social stigma (particularly as regards to honour) and in part to the lack of responsive and empathic behavior in the legal system.⁴⁶⁴ However, sources from the Directorate General of Interior Security Forces note that girls are subjected to sexual violence considerably more frequently the boys/men are subjected to all forms of violence.⁴⁶⁵

The Ministry of Justice recorded 33 investigated cases of child sexual abuse or rape between 1 January 2007 and June 30 2007. During the same period, there were 12 recorded incidents in which adolescents were accused of sexual acts that violated social norms and 8 cases of prostitution. In 2004, 58% of child maltreatment cases which were addressed by the court were reportedly sexual assault cases, 21% physical

⁴⁵⁸ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 40

⁴⁵⁹ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 40

⁴⁶⁰ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 40

⁴⁶¹ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 40

⁴⁶² Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁴⁶³ Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 26

⁴⁶⁴ Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 25

⁴⁶⁵ Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 33

abuse and 1% child neglect.⁴⁶⁶ Kafa noted that these cases are believed to represent “the tip of the iceberg”.⁴⁶⁷

In contrast, Kafa’s 2008 survey reported that 16.1% of respondents (165) experienced at least one form of sexual abuse (as defined by Kafa): 12.5% experienced sexual acts, 8.7% were subjected to attempted sexual acts, and 4.9% were exposed to sexual photographs or movies.⁴⁶⁸ The average age of victims was 10.3 years.⁴⁶⁹ Working children appear to experience sexual abuse at a higher frequency than non-working children.⁴⁷⁰ Kafa found that sexual abuse was more prevalent in Beqaa and Nabatiyyeh than in Beirut. However, Mount Lebanon, the north, and south Lebanon were found to have the highest rates of sexual abuse.⁴⁷¹ Twenty-seven per cent of perpetrators of sexual abuse were identified as “a male stranger” and 21.6% was reportedly “a friend”. In the family, uncles and brothers were most frequently identified as the aggressor.⁴⁷² Fifty-five per cent of incidents of sexual abuse occurred at the home, 27% at the school, 5.5% at a neighbor’s house and 5.1% in a relative’s house.⁴⁷³

Regarding the frequency of sexual violence in Palestinian refugee camps, Nabaa’s study found that an estimated 40% of their sample has experienced sexual violence/abuse.⁴⁷⁴ Another study of Palestinian youth found that adolescents were confused about what constituted “sexual abuse”: participants included “illicit sexual relations” as a form of sexual abuse; they did not believe that sexual abuse was possible between a man and his wife; and a few youth linked sexual abuse to consent. Many believed that sexual abuse was negative because it caused ‘social harm’ and thus considered abuse ‘harmful’ only if it was discovered. Other participants stated that abuse can be positive, developing into a relationship and marriage.⁴⁷⁵ Though the youth acknowledged that anyone could experience sexual abuse, participants tended “to blame the woman/girl for the abuse or at least to identify her as co-responsible, since ‘she may be looking, or dressing, or moving in a certain way,’ to encourage abuse”.⁴⁷⁶ Palestinian youth who participated in this study stated that there were ‘millions’ of instances of sexual abuse – adult to child, child to child, and incest.⁴⁷⁷

Honour crimes are still committed in Lebanon every year. Yacub found that between 1958 and 1967, 125 honour crimes went to court (average of 12.5 crimes a year).⁴⁷⁸ Moughayzel and Sattar recorded that between 1995 and 1998, 36 cases were presented to the courts (average of 12 crimes a year).⁴⁷⁹ Similarly, the Daily Star, a Lebanese newspaper, reported on 9 September 2004 that between 1996 and 1998, 36

⁴⁶⁶ Kafa (March 2008) “Child Sexual Abuse: The Lebanese Situation.” (Draft)

⁴⁶⁷ Kafa (March 2008) “Child Sexual Abuse: The Lebanese Situation.” (Draft)

⁴⁶⁸ Kafa (March 2008) “Child Sexual Abuse: The Lebanese Situation.” (Draft)

⁴⁶⁹ Kafa (March 2008) “Child Sexual Abuse: The Lebanese Situation.” (Draft)

⁴⁷⁰ Kafa (March 2008) “Child Sexual Abuse: The Lebanese Situation.” (Draft)

⁴⁷¹ Kafa (March 2008) “Child Sexual Abuse: The Lebanese Situation.” (Draft)

⁴⁷² Kafa (March 2008) “Child Sexual Abuse: The Lebanese Situation.” (Draft)

⁴⁷³ Kafa (March 2008) “Child Sexual Abuse: The Lebanese Situation.” (Draft)

⁴⁷⁴ Nabaa Representative. Personal Interview. 17 April 2008.

⁴⁷⁵ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission.P. 79-80

⁴⁷⁶ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission.P. 80

⁴⁷⁷ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission.P. 80

⁴⁷⁸ Yacub, Zuhail in Massoud, Younes (ed) (1999). *Ces Morts qui nous tuent* (“These Deaths that Kill Us”), Al Massar, Beirut.

pp. 188, 190.

⁴⁷⁹ Moughayzel, Fadi, Abdel Sattar, Mirella, *Jaraem Al Sharaf: Dirassa Qanouniya* (“Honor Crimes: Legal Study”), 1st edition, Beirut, Joseph and Laure Moughayzel Foundation, 1999.

honour killings were reported in Lebanon.⁴⁸⁰ Data provided from regional courts to the Lebanese Council to Resist Violence against Women identified 27 victims of honour crimes between 1998 and 2000.⁴⁸¹ Of this number, 18% of the victims were under the age of 18. Forty-two percent were between the ages of 20 and 24. The remaining 40% were above the age of 24.⁴⁸² Eighty-one percent of the victims were married or had been married, 38% of which were married before turning 16 years old.⁴⁸³ Numerous studies note that official statistics most probably do not accurately reflect the numbers of women/girls killed in this manner. Many may go unnoticed, are made to look like an ‘accident’⁴⁸⁴ or are reported as suicides.⁴⁸⁵

Statistics are not available on the prevalence of honour crimes in the Palestinian community but initial research findings (interviews and literature review) would suggest that honour crimes are almost non-existent in the Palestinian community at the present time.

There is also a lack of data regarding honour crimes in the Iraqi and Sudanese refugee communities.⁴⁸⁶ However, NGOs working in Iraq (such as the Organization of Women’s Freedom in Iraq) have documented the increased level of honour killings, ‘temporary marriages’, rape, sexual abuse and trafficking. It has been estimated that approximately 3,500 women have gone missing since 2003. Dakkak, in 2007, noted that “in the absence of the rule of law, honour killings are rising”. Amnesty International has reported that women detained by US and Iraqi forces have been sexually abused or raped.⁴⁸⁷ IOM found that 34% of respondents in Lebanon had experienced significantly traumatizing experiences, such as witnessing the assassination of relatives and friends, kidnapping, torture, and rape, either in Iraq or while they were fleeing to Lebanon.⁴⁸⁸ Though no concrete results can be drawn, there is a high probability that if women are experiencing rape, sexual abuse and honour killings in Iraq there may be a high incidence in the displaced community.⁴⁸⁹ Notably, UNHCR acknowledged that there may be a problem of honour crimes in the Iraqi population in Lebanon. Though no cases of honour killings have been reported to date, there have been several threats reported. In such cases UNHCR prioritizes the women/girls for resettlement to a third country. In addition, UNHCR reported several cases of Iraqi women/girls in Lebanon who left Iraqi because of the threat of an honour killing.⁴⁹⁰ This is of particular concern because the Iraqi population in Lebanon is beneath the state radar.

⁴⁸⁰ Quoted in Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden.

⁴⁸¹ Quoted in Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden.

⁴⁸² Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 31

⁴⁸³ Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 31

⁴⁸⁴ Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 29-30

⁴⁸⁵ Ouis, Pernilla (2005). “Woman or Child? Voices of Teenage Girls in the Middle East.” Save the Children Sweden. P. 14

⁴⁸⁶ Coordination Forum of the NGO’s Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon’s third period report (01/10/2005) “Rights of the Palestinian Child in Lebanon, Third Supplementary Report.” [Accessed on 25 Feb. 2008- Summary by CRIN]

⁴⁸⁷ Dakkak, Henia (June 2007). “Tackling Sexual Violence, Abuse and Exploitation.” *Forced Migration Review*. Special Issue: Iraq’s Displacement Crisis: the Search for Solution. P. 39

⁴⁸⁸ International Organization for Migration (February 2008). “Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report.” Amman and Beirut, International Organization for Migration. P. 19

⁴⁸⁹ CRT-D Representative. Personal Interview. 25 March 2008.

⁴⁹⁰ UNHCR Representative. Personal Interview. 18 April 2008.

A study done by Save the Children Sweden found that Lebanese and Palestinian girls rejected honour crimes as socially deplorable, criminal and expressions of ignorance. They stressed that familial problems should be solved through dialogue, not violence. However, the study found that girls “subconsciously assumed that the acts of the girl were dishonourable” and blamed the parents for her ‘wrongdoing’.⁴⁹¹ Lebanese girls who participated in this study were informed about honour crimes but did not feel personally threatened. They did note that interaction with a boy could result in being beaten by a father or brother. The Palestinian girls who participated in the study were not aware of honour crimes. They stated that, “their community greatly mistrusts girls, which results in abusing her but not killing her”.⁴⁹² Of the boys interviewed (both Palestinian and Lebanese), 83% rejected honour crimes. The majority of boys who supported honour crimes limited their support to cases of ‘conjugal infidelity’. Supporters were predominately located in Beirut and its southern suburbs.⁴⁹³

In the same study, girls and boys were asked if they would report being raped. Fifty-six percent of girls said that they would report it, 17% said they would not, and 27% did not answer the question, exposing the sensitivity and stigma related to the subject. Boys were asked what they would do if their sisters were raped: 52% stated they would support her, 14% wanted to cover up the issue to avoid a scandal (including marriage between sister and rapist), 3% wanted to violently deal with the rapist (including killing him), and 31% did not respond to the question.⁴⁹⁴

D.2.4 Working Children

Lebanon has taken proactive steps to improve the situation of working children, including legislation that provides free and compulsory education (not implemented). Lebanon has also ratified ILO Conventions 138 and 182, and made amendments to the Lebanese Labour Code. The Lebanese government has improved mechanisms for monitoring and inspecting situations of child labour. For example, the Unit for Combating Child Labour was established by the government to receive complaints. Other projects have been implemented in conjunction with ILO-IPEC and US Department of Labour. It appears, however, that there are continued problems in monitoring child labour and that there is a lack of government capacity to enforce legislation. The literature suggests that Iraqi refugee children, Palestinian children, migrant children, street children and children from low-income families are particularly vulnerable to exploitative labour practices.

Legal Analysis: Working Children

Article 52 of the CRC establishes the guiding principles for developing a minimum age of employment. It does not, however, require the establishment of a single uniformly applicable age.⁴⁹⁵ It does necessitate

⁴⁹¹ Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 44

⁴⁹² Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 50

⁴⁹³ Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 50

⁴⁹⁴ Ouis, Pernilla and Tove Myhrman (2007). “Gender-Based Sexual Violence against Teenage Girls in the Middle East: A Comparative Situation Analysis of Honour Violence, Early Marriages and Sexual Abuse in Lebanon, the Occupied Palestinian Territories and Yemen.” Save the Children Sweden. P. 48

⁴⁹⁵ Convention on the Rights of the Child. Article 52, 2(A)

that States “provide for a minimum age for admission to employment.”⁴⁹⁶ The Committee on the Rights of the Child has repeatedly recommended that the minimum employment age(s) should be set in accordance with other relevant international instruments, most notably the ILO Minimum Age Convention No. 138.⁴⁹⁷ Generally, ILO minimum age principles suggest that the minimum age for employment should be set according to the age of completing compulsory education and should not be less than 15 (though it can be reduced in some circumstances to 14 years of age). Exceptions include light work (12-13 years), hazardous work (18), and domestic service/work in family situations (excluded from this body of legislation).⁴⁹⁸

Lebanon ratified ILO Conventions 138 and 182 and has revised some of its law accordingly. The 1996 Lebanese Labour Code (Articles 21-25) sets the minimum working age at 14 years. The Labour code also prohibits the employment of children under 15 in employments that could be detrimental to their health, and the employment of persons under 16 for jobs that are dangerous to their life, health, or morals. An amendment in 1999 (to align Lebanese Labour law to its international obligations) limits the working hours of persons under 18 to six hours a day and guarantees the right to at least 13 hours of rest between working periods. It also stipulates that children should be given one hour of rest every four hours of work, it forbids the employment of children between the hours of 7 pm and 7 am, requires that adolescents receive a medical examination ensuring that they are physically able to engage in a given form of work, and finally requires that an employer verify the age of his/her employee.⁴⁹⁹

Reportedly, laws pertaining to child labour are not effectively enforced, largely due to poor monitoring mechanisms.⁵⁰⁰ However, in recent years, the Lebanese authorities have improved child labour inspection and monitoring mechanisms. For example, in 2001 the Unit for Combating Child Labour was established to receive complaints. This unit can refer cases to court. They also have implemented projects in conjunction with ILO-IPEC and the US Department of Labour to eliminate the worst forms of child labour.⁵⁰¹

Praxis: Child Labour

In 2006, UNDP estimated that 16.5% of youth between the ages of 15 and 19 were economically active (7% of girls and 25.4% of boys).⁵⁰² It is estimated that the majority of working children work in seasonal agriculture and thus may not be included in statistics.⁵⁰³ ILO estimated in 2000 that 2.8% of children between the ages of 10-14 were working as were 21.6% of youth between the ages of 15-19.⁵⁰⁴ In contrast, in 2000 UNICEF found that an estimated 43% of children between 6 and 14 were working.⁵⁰⁵

⁴⁹⁶ Convention on the Rights of the Child. Article 52

⁴⁹⁷ Melchiorre, Angela (2004). “At what age?... Are School Children Employed, Married & Taken to Court?” Right to Education Project.p. 5

⁴⁹⁸ Melchiorre, Angela (2004). “At what age?... Are School Children Employed, Married & Taken to Court?” Right to Education Project.p. 5

⁴⁹⁹ In addition, Article 30 states that employers, parents, and guardians are legally responsible for adherence to these child labor laws. *Code du Travail, (modified 1996)*, 2: 22-24.

⁵⁰⁰ International Program on the Elimination of Child Labour, ILO (May 2000). “Lebanon Child Labour on Tobacco Plantations: A Rapid Assessment.” In *Investigating the Worst Forms of Child Labour No. 17*.

⁵⁰¹ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁵⁰² UNDP (2006). “Living Conditions of Households: The National Survey of Household Living Conditions 2004.” Collaborative study done by UNDP, Central Administration for Statistics, and Lebanese Republic Ministry of Social Affairs. P. 53

⁵⁰³ International Program on the Elimination of Child Labour, ILO (May 2000). “Lebanon Child Labour on Tobacco Plantations: A Rapid Assessment.” In *Investigating the Worst Forms of Child Labour No. 17*.P. 9

⁵⁰⁴ International Program on the Elimination of Child Labour, ILO (May 2000). “Lebanon Child Labour on Tobacco Plantations: A Rapid Assessment.” In *Investigating the Worst Forms of Child Labour No. 17*.P. vii-viii

⁵⁰⁵ Government of Lebanon (2000). “Multiple Indicator Cluster Survey 2: Lebanon” UNICEF [Available from <http://www.ucw-project.org./resources/index.html>.]

Government records from 1997 suggest that the highest percentage of working children are located in north Lebanon (50%), followed by Mount Lebanon (17%), Bequaa (11%), south Lebanon (9%) and Beirut (8%).⁵⁰⁶ These figures suggest that children are more vulnerable to economic exploitation in rural areas which tend to have a higher rate of poverty. The rates and conditions of children working in the tobacco industry are of particular concern. An estimated 25,000 children work seasonally in this sector, mostly within their families.⁵⁰⁷ There are some reports that children as young as 3 years are working.⁵⁰⁸

The research findings suggest that many of the working children have limited education and come from low-income families. A 1997 government study found that, compared to national illiteracy rates (at that time) of 1.6% for children between the ages of 10-14 and 2.4% between the ages of 15-19, working children are illiterate or have not finished school at a rate of 37.5%.⁵⁰⁹ All working children documented by the ILO appear to earn less than minimum wage.⁵¹⁰ The University Center for Family and Community Health's report noted that child labour is likely to continue to exist unless the root causes, such as poverty and culture, are addressed.⁵¹¹

Palestinian refugee children, Iraqi refugee children, children of migrant workers, street children and children working on tobacco plantations are believed to be especially vulnerable to labour exploitation.

Firstly, Iraqi refugee children are believed to be particularly vulnerable to economic exploitation. Due to the worsening economic situation and the limited mobility of parents (self-imposed for fear of arrest and detention by Lebanese police and military), a significant amount of Iraqi children are believed to be working.⁵¹² DRC found that an estimated 25% of Iraqi boys are working and 90% of these children work full time.⁵¹³ Less than 10% of Iraqi girls were found to be economically active.⁵¹⁴ Notably, in one of the focus groups with Iraqi children (conducted for the purpose of this document) 3 of 11 children had worked since their arrival in Lebanon (all boys between the ages of 9-13).⁵¹⁵ However, their current illegality in Lebanon and their economic vulnerability make them particularly vulnerable to economic exploitation and abuse by employers.⁵¹⁶

⁵⁰⁶ International Program on the Elimination of Child Labour, ILO (May 2000). "Lebanon Child Labour on Tobacco Plantations: A Rapid Assessment." In *Investigating the Worst Forms of Child Labour No. 17*. P. 9

⁵⁰⁷ International Program on the Elimination of Child Labour, ILO (May 2000). "Lebanon Child Labour on Tobacco Plantations: A Rapid Assessment." In *Investigating the Worst Forms of Child Labour No. 17*. P. vii-viii

⁵⁰⁸ International Program on the Elimination of Child Labour, ILO (May 2000). "Lebanon Child Labour on Tobacco Plantations: A Rapid Assessment." In *Investigating the Worst Forms of Child Labour No. 17*. P. vii-viii

⁵⁰⁹ Central Administration of Statistics (1997) "Living Conditions in Lebanon."

⁵¹⁰ International Program on the Elimination of Child Labour, ILO (May 2000). "Lebanon Child Labour on Tobacco Plantations: A Rapid Assessment." In *Investigating the Worst Forms of Child Labour No. 17*. P. viii

⁵¹¹ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/0 ITB/LEB/2005-5). P. 44

⁵¹² Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 40

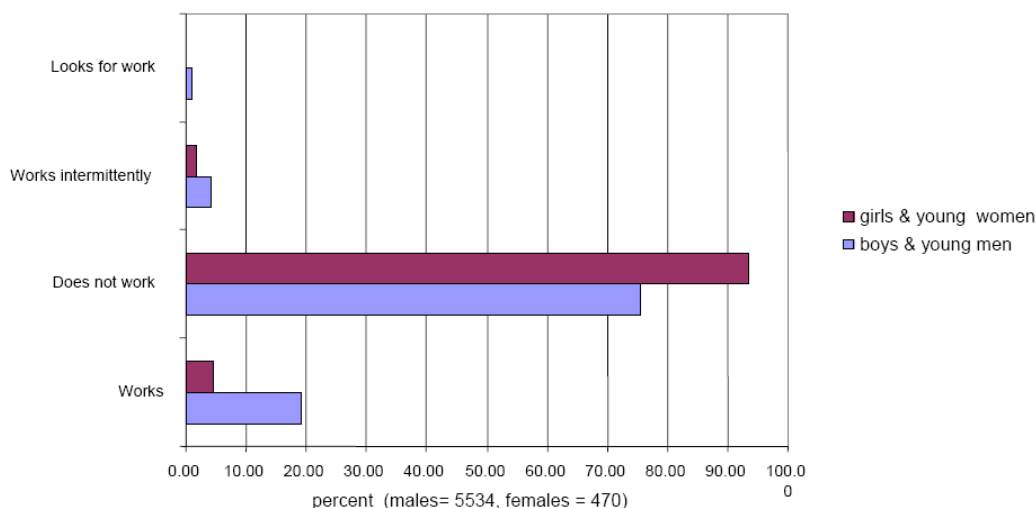
⁵¹³ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 40

⁵¹⁴ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 40

⁵¹⁵ 6 Iraqi children (age 9-13). Herme. Focus Group Discussion. 24 April 2008; 11 Iraqi children. Nabaa (age 8-14). Focus Group Discussion. 23 April 2008; 12 Sudanese children and children of migrant workers (age 8-15). Nabaa. 23 April 2008.

⁵¹⁶ Danish Refugee Council (November 2007). "Iraqi Population Survey in Lebanon: A Report" [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)] p. 40

Current activity status in the labor force by gender for individuals less than 18
Iraqi Population Survey Lebanon, 2007



Danish Refugee Council-November 2007

Because the majority of Iraqi refugees do not have work permits and are increasingly experiencing financial difficulties, they are open to exploitation by Lebanese employers. Human Rights Watch found that Iraqi refugees frequently work for lower wages, are sometimes refused payment, and are asked to work long hours.⁵¹⁷ Some Lebanese employers demand a “fee” to sponsor regularization applications. In addition, HRW found that Lebanese employers “frequently ask their employee to provide the \$1,000 that must be paid into the Housing Bank, despite it being the employer’s legal obligation to provide this financial guarantee”.⁵¹⁸

Secondly, research suggests that an increased number of Palestinian refugee children are working. Frustration with school, poor quality education and educational environments, and a decreased belief in the importance of education (specifically because of job restrictions for Palestinians) are quoted as reasons for the increase in school dropout rates and the subsequent increase in working children. Poverty was also cited as a reason for the increased number of working children. Accurate statistics, however, are limited. An extreme example of working children in the Palestinian community are the children in Sikkeh—a poor and notoriously violent gathering adjacent to Ein Helweh camp—who work in rubbish. . A study conducted in 2005⁵¹⁹ revealed that, “the children collect items such as plastic, metals, cartons from garbage dumps... and then sell them to junk traders in the community”.⁵²⁰

Thirdly, at present no statistics have been unearthed regarding the situation of the children of migrant workers, particularly as relates to employment. A focus groups discussion with children of migrant

⁵¹⁷ Human Rights Watch (November 2007). “Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon.” Vol. 19, No. 8 (E). p. 53

⁵¹⁸ Human Rights Watch (November 2007). “Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon.” Vol. 19, No. 8 (E). p. 54

⁵¹⁹ Khalidi, A and A. Khatib (July 2005). “A Report on a Focus Group Discussion Targeting Children Working with Rubbish in Sikkeh Community” submitted to Premiere Urgence.

⁵²⁰ Coordination Forum of the NGO’s Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon’s third period report (01/10/2005) “Rights of the Palestinian Child in Lebanon, Third Supplementary Report.” [Accessed on 25 Feb. 2008- Summary by CRIN]

workers and interviews with organizations working with this community suggest that this group of children is not working.⁵²¹ However, more substantial research is needed to confirm this.

Fourthly, a study done by the Ministry of Labour (2004) found that the majority of street children were not Lebanese citizens (Palestinian, Syrian, Gypsy...). The majority were male and poorly educated or illiterate. Most street children appeared to be forced to work long hours by adults. Only 19% of children interviewed kept their income. Because of the lack of reliable statistics and qualitative studies regarding street children, estimates are necessarily inconclusive. However, CSC noted that the information that does exist suggests that approximately 70% of street children are Syrian, 6% Iraqi, 1.5% Palestinian and 1% Egyptian. An estimated 7.5% are Lebanese. The magnitude of street children varies from location to location.⁵²² Most street children in Lebanon are believed to return home at night. The few who permanently live on the streets “are usually children who have suffered emotional and/or physical abuse within their families due to poverty, overcrowding, or family disintegration”.⁵²³ The following factors are believed to be contributing to increased numbers of street children: worsening economic situation, disintegration of the family (divorce, polygamy, sickness/death, violence and abuse by parents), spread of ‘slums’, school dropout rates, unemployment, HIV/AIDS, substance abuse, ignorance and social stigma.⁵²⁴ CSC notes that “street children from all of these countries lack any kind of formal and/or recognized documentation, which excludes them from access to government services such as healthcare, education and skills training. It also makes them more susceptible to conflict with the law”.⁵²⁵

In 2004 the Ministry of Labour conducted a study on working street children which found that:

*The average street child was a boy (only 9% were girls), foreign (only 15% per cent were citizens, the others were most often Palestinian and Syrian), approximately 12 years of age, and poorly educated or illiterate. Street children were concentrated in large urban centers, where approximately 47% of them were forced to work long hours on the streets by adults. The most common types of work were selling goods, including lottery tickets; shoe polishing; and washing car windshields. The children earned between \$2 and \$15 (3,000 to 25,000 pounds) per day. Only 19% of the children interviewed reported that they kept their income.*⁵²⁶

The Ministry of Social Affairs has taken a number of steps to address the issue of street children in Lebanon including: the establishment of a committee specializing on street children’s issues (1999), creation of a special unit to combat the hazardous labour undertaken by children on the streets, and

⁵²¹ 12 Sudanese children and children of migrant workers (age 8-15). Nabaa. 23 April 2008; INSAN Representative. Personal Interview. 18 April 2008.

⁵²² Consortium for Street Children (UK) Civil Society Forum for North Africa and the Middle East on Promoting and Protecting the Rights of Street Children, Cairo. “A Civil Society Forum for North Africa and the Middle East on Promoting and Protecting the Rights of Street Children” 3-6 March 2004, Cairo, Egypt. London: Consortium for Street Children, 2004

⁵²³ Consortium for Street Children (UK) Civil Society Forum for North Africa and the Middle East on Promoting and Protecting the Rights of Street Children, Cairo. “A Civil Society Forum for North Africa and the Middle East on Promoting and Protecting the Rights of Street Children” 3-6 March 2004, Cairo, Egypt. London: Consortium for Street Children, 2004

⁵²⁴ Consortium for Street Children (UK) Civil Society Forum for North Africa and the Middle East on Promoting and Protecting the Rights of Street Children, Cairo. “A Civil Society Forum for North Africa and the Middle East on Promoting and Protecting the Rights of Street Children” 3-6 March 2004, Cairo, Egypt. London: Consortium for Street Children, 2004

⁵²⁵ Consortium for Street Children (UK) Civil Society Forum for North Africa and the Middle East on Promoting and Protecting the Rights of Street Children, Cairo. “A Civil Society Forum for North Africa and the Middle East on Promoting and Protecting the Rights of Street Children” 3-6 March 2004, Cairo, Egypt. London: Consortium for Street Children, 2004

⁵²⁶ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

training a group of internal security and civil defence officers on methods of appropriately dealing with children who are working and living on the streets.⁵²⁷

Finally, of particular concern are children working in the tobacco industry, defined as one of the worst forms of child labour by the ILO. Numerous organizations, including ILO, UNICEF, and USAID, have expressed repeated concern about these children. In particular, the age (as low as 3 years), the long hours, poor/dangerous working conditions, limited access to food during working hours, restricted leisure/play time for children working in this sector, and the poor educational attainment of children in this sector have been highlighted.⁵²⁸ An estimated 90% of children working in the tobacco industry are family workers and do not receive monetary compensation.

D.2.5 Child prostitution and Trafficked Children

The Special Rapporteur for Trafficked Persons defined trafficking as a “person... brought [from within or outside the country] into a situation of economic or sexual exploitation—including prostitution—by force, coercion, abduction, fraud or deception”.⁵²⁹ According to the Special Rapporteur for Trafficked Persons, a significant number of persons are trafficked into and through Lebanon, most notably domestic workers and sex workers.⁵³⁰ The extent of the problem, including the number and conditions of trafficked persons who are under 18, is currently unknown. Sources also report that Lebanese children are trafficked within Lebanon for the purposes of sexual exploitation and forced labour⁵³¹ and that some of the persons trafficked into Lebanon to work as domestic workers and in the sex industry are below the age of 18.⁵³² Further research is needed on this issue.

The Special Rapporteur highlighted the importance of compiling information about trafficking networks and the conditions of trafficked persons. Victims are believed to be predominately foreign and are often invisible to the public eye. Kafa’s shadow report to the Committee on the Elimination of Discrimination against Women suggests that cultural taboos restrict public discussion on issues of sexual exploitation and human trafficking.⁵³³ Due to the lack of accurate information regarding the situation of trafficked children and child prostitution, the following sections will focus on the general situation and, where possible, highlight the situation of trafficked children. It is believed that trafficked children and children working in the sex industry are subjected to conditions similar to those faced by adults.

Legal Analysis: Child Prostitution and Trafficking of Children

Human trafficking is not directly prohibited by Lebanese Law. Notably, third-party nationals are excluded from the Labour Law and therefore do not receive legal protective measures. Thus, legally and in praxis,

⁵²⁷ Consortium for Street Children (UK) Civil Society Forum for North Africa and the Middle East on Promoting and Protecting the Rights of Street Children, Cairo. “A Civil Society Forum for North Africa and the Middle East on Promoting and Protecting the Rights of Street Children” 3-6 March 2004, Cairo, Egypt. London: Consortium for Street Children, 2004

⁵²⁸ International Program on the Elimination of Child Labour, ILO (May 2000). “Lebanon Child Labour on Tobacco Plantations: A Rapid Assessment.” In *Investigating the Worst Forms of Child Labour No. 17*

⁵²⁹ Huda, Sigma (UN Special Rapporteur on Trafficking in Persons) quoted in “News & Updates: Expert on Trafficking in Persons Ends Visit to Lebanon” [Available at <http://www.humantrafficking.org/updates/314> (Accessed on 9 April 2008)]

⁵³⁰ Kafa Submission to the Committee on the Elimination of Discrimination against Women on the occasion of Lebanon’s third periodic report (14 January- 1 February 2008). “Shadow Report on Article 6 to the 40th CEDAW Session.”

⁵³¹ United States Department of State, “Trafficking in Persons Report 2007” [Available at: <http://www.state.gov/g/tip/rls/tiprpt/2007/>]

⁵³² Kafa Representative. Personal Interview. 17 April 2008.

⁵³³ Kafa Submission to the Committee on the Elimination of Discrimination against Women on the occasion of Lebanon’s third periodic report (14 January- 1 February 2008). “Shadow Report on Article 6 to the 40th CEDAW Session.”

trafficked persons are considered illegal aliens and can thereby be subjected to prosecution rather than protection.⁵³⁴ Similarly, there is considerable confusion regarding laws pertaining to prostitution. Notably, Articles 523, 526, and 527 of the Penal Code prohibit trafficking of persons for commercial sex purposes. However, Kafa notes that “Lebanese legislation still lacks a clear definition of human trafficking and does not criminalize all forms of trafficking”.⁵³⁵ Trafficking laws appear to predominately affect three groups of people: refugees (mostly Iraqis) who are smuggled into the country, sometimes in exploitive ways (though this most directly falls under the definition of ‘smuggling’ as opposed to ‘trafficking’, it is included here); migrant workers, most notably domestic workers from South-East Asia, and Africa; and sex workers—a majority of whom come from Eastern Europe and Russia. The UN Special Rapporteur on Trafficking⁵³⁶ and the US report on Trafficked persons⁵³⁷ expressed particular concern for the number and conditions of trafficked persons, including children, in Lebanon. Notably, the US Department of State’s report on the MENA region found that Israel and Lebanon have the worst practice of trafficking in the region.⁵³⁸

Migrant workers (trafficked and otherwise), often from neighboring Arab countries, Africa, South East Asia and the former Soviet republics, are especially vulnerable because they are frequently in breach of immigration laws and are liable to at least three months imprisonment.⁵³⁹ The situation of children of detained migrant mothers is of concern, though little information is currently available on the subject.⁵⁴⁰ Their vulnerability is often compounded by discrimination from society as a whole and law enforcement officials, specifically.⁵⁴¹

It appears that the Labor Code of 1946 does not apply to women in the sex industry. Women in the sex industry are subject to a legal regime codified in a booklet entitled “Females working at nightclubs, un-medical massage and modeling: rights and obligations”.⁵⁴² Kafa suggested that some of the provisions in this law may allow for the exploitation of women.⁵⁴³ Like human trafficking laws, the legal provision for prostitution is uncertain. On one hand, the law allows for prostitution under certain conditions (that prostitutes are registered with the government⁵⁴⁴ and have received a medical examination, particularly

⁵³⁴ Kafa Representative. Personal Interview. 17 April 2008.

⁵³⁵ Kafa Submission to the Committee on the Elimination of Discrimination against Women on the occasion of Lebanon’s third periodic report (14 January- 1 February 2008). “Shadow Report on Article 6 to the 40th CEDAW Session.”

⁵³⁶ Huda, Sigma (UN Special Rapporteur on Trafficking in Persons) quoted in “News & Updates: Expert on Trafficking in Persons Ends Visit to Lebanon” [Available at <http://www.humantrafficking.org/updates/314> (Accessed on 9 April 2008)]

⁵³⁷ Huda, Sigma (UN Special Rapporteur on Trafficking in Persons) quoted in “News & Updates: Expert on Trafficking in Persons Ends Visit to Lebanon” [Available at <http://www.humantrafficking.org/updates/314> (Accessed on 9 April 2008)]

⁵³⁸ United States Department of State, “Trafficking in Persons Report 2007” [Available at: <http://www.state.gov/g/tip/rls/tiprpt/2007/>]

⁵³⁹ Human Rights Watch Representative. Personal Interview. – April 2008.

⁵⁴¹ INSAN Representative. Personal Interview. 18 April 2008.

⁵⁴² Kafa Submission to the Committee on the Elimination of Discrimination against Women on the occasion of Lebanon’s third periodic report (14 January- 1 February 2008). “Shadow Report on Article 6 to the 40th CEDAW Session.”

⁵⁴³ “Some of the directives facilitate in fact the exploitation of women in the sex industry. For instance, one of the directives states that “the Night Club Dancer has the full right to accompany a customer voluntarily, but not for prostitution purposes”. Therefore, the nightclub owner can claim that he does not know whether the woman prostituting herself with the client. The woman on the other hand faces arrest and deportation (within 48 hours) if she is caught prostituting herself (and in case she has contracted HIV/AIDs or any other STDs). Another directive allows the women to reside only in hotels authorized by the General Security and they must not leave the hotel between 5 a.m. and 1 p.m. In case they are sick, they are allowed to take a sick leave only if a physician from the General Security diagnosis them as ill. Other directives violate international norms and basic rights, such as prohibiting domestic migrant workers and women in the sex industry to marry during their stay in Lebanon or face deportation if they do.” (Kafa. “Shadow Report on Article 6 to the 40th CEDAW Session” 14 January – 1 February 2008)

⁵⁴⁴ Kafa noted that the government has stopped granting permits to new brothels for several decades (Kafa Submission to the Committee on the Elimination of Discrimination against Women on the occasion of Lebanon’s third periodic report (14 January- 1 February 2008). “Shadow Report on Article 6 to the 40th CEDAW Session.”)

focus on STIs).⁵⁴⁵ However, ‘secret’ prostitution is prohibited.⁵⁴⁶ The law criminalizes women who engage in prostitution but does not punish customers.⁵⁴⁷ Kafa notes that, “today the law enforcement agencies tend to interpret this provision as a prohibition of all forms of sexual relations in exchange of money... this is an attempt to gradually eliminate legal prostitution”.⁵⁴⁸ Similarly, the legal status of the girl-child engaged in sex work is ambiguous. Under the Penal Code she is liable to imprisonment and under Law 422 she is entitled to protective measures.⁵⁴⁹

Though the government does not directly provide support to trafficked persons, they do allow social workers to accompany victims to immigration interviews and allow social workers unrestricted access to retention facilities in which foreign persons are held (particularly social workers from Caritas).⁵⁵⁰ In a few cases, foreign workers have won cases against their employers for maltreatment—including restriction of movement.⁵⁵¹ Most often, these cases result in a nonjudicial action; workers are repatriated to their country of origin without further judicial proceedings. In 2006, an Ethiopian migrant worker was awarded monetary compensation for physical abuse from her employer, marking the first time that the court had ruled in this way. However, the employer was not punished.⁵⁵²

Although the government does not have a policy of protection towards trafficked children and child sex workers, reports indicate that there is an informal collaboration between the ISF and NGOs working on these issues. There are only a few NGOs which assist migrant workers who are experiencing exploitation and abuse (Caritas, Catholic Migration commission, Afro-Asian Migrant Center, and the Pastoral Case of Afro-Asia Migrants). A notable development in this regard is that Caritas Migrant Centre and the Catholic Migration Commission recently signed a memorandum of understanding with the Ministry of the Interior. This memorandum allows these NGOs to identify and refer potential victims of trafficking to a Caritas safe house. The Ministry requires that victims leave Lebanon within two months. Reportedly, the trafficker is required to pay for the victim’s return ticket to her/his county of origin.⁵⁵³ Kafa suggests that this may limit the victim’s ability to testify against their abusers and to be present at court hearings.⁵⁵⁴

⁵⁴⁵ Kafa Submission to the Committee on the Elimination of Discrimination against Women on the occasion of Lebanon’s third periodic report (14 January- 1 February 2008). “Shadow Report on Article 6 to the 40th CEDAW Session.”

⁵⁴⁶ Kafa Submission to the Committee on the Elimination of Discrimination against Women on the occasion of Lebanon’s third periodic report (14 January- 1 February 2008). “Shadow Report on Article 6 to the 40th CEDAW Session.”

⁵⁴⁷ Kafa Submission to the Committee on the Elimination of Discrimination against Women on the occasion of Lebanon’s third periodic report (14 January- 1 February 2008). “Shadow Report on Article 6 to the 40th CEDAW Session.”

⁵⁴⁸ Kafa Submission to the Committee on the Elimination of Discrimination against Women on the occasion of Lebanon’s third periodic report (14 January- 1 February 2008). “Shadow Report on Article 6 to the 40th CEDAW Session.”

⁵⁴⁹ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 37

⁵⁵⁰ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁵⁵¹ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁵⁵² US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁵⁵³ IOM Representative. Personal Interview. 17 April 2008.

⁵⁵⁴ Kafa Submission to the Committee on the Elimination of Discrimination against Women on the occasion of Lebanon’s third periodic report (14 January- 1 February 2008). “Shadow Report on Article 6 to the 40th CEDAW Session.”

Praxis: Child Prostitution and Child Trafficking

Lebanon is a destination for Eastern European and Russia women who work in ‘adult clubs’. Many of these women engage in prostitution voluntarily, but some are reported to have faced intimidation or coercion. They are vulnerable to abuse and a restricted right to movement.⁵⁵⁵ There is also a large number of women from Asia and Africa who come to work in Lebanon as domestic workers. Legally, women are required to have a valid work contract and a sponsor. Often “they find themselves in situations of involuntary servitude with little practical legal resource”.⁵⁵⁶ The primary traffickers for domestic workers are employers and employment agencies.⁵⁵⁷ The Ministry of Labour monitors employment agencies. During 2006, they temporarily closed 15 agencies for noncompliance with regulations in regards to migrant workers.⁵⁵⁸

In 2005, the Special Rapporteur stated that approximately 5,000 ‘artist’ visas were issued that year—artist visas are predominately supplied to foreign women who work in the sex industry. At any given time, there are approximately 2,500 ‘artists’ in the country.⁵⁵⁹ The Rapporteur noted that she believed that a considerable number of these women were trafficked or were misinformed about their working conditions and contracts in their countries of origin.⁵⁶⁰ The US Department of State found that there are approximately 150,000 to 200,000 domestic migrant workers in Lebanon, many of which are believed to have been trafficked.⁵⁶¹ Approximately 40-50 persons in 2007 are reported to have come forward claiming to be victims of trafficking.⁵⁶²

Many women become illegal because employers do not renew their work/residency permits or because they run away from employers and are therefore subject to detention and deportation. Working illegally makes trafficked persons and prostitutes more vulnerable to exploitation by employees: “Unscrupulous employers sometimes falsely accused the employee of theft to relinquish responsibility for the employee as well as the taxes and a return airline ticket.”⁵⁶³ In addition, employers often restrict their movement and withhold their passports.⁵⁶⁴

Statistics regarding the number of trafficked children and children involved in the sex industry are unavailable. Research has found varying degrees of evidence of the following: first, it is believed that

⁵⁵⁵ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁵⁵⁶ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁵⁵⁷ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁵⁵⁸ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁵⁵⁹ Kafa Submission to the Committee on the Elimination of Discrimination against Women on the occasion of Lebanon’s third periodic report (14 January- 1 February 2008). “Shadow Report on Article 6 to the 40th CEDAW Session.”

⁵⁶⁰ Kafa Submission to the Committee on the Elimination of Discrimination against Women on the occasion of Lebanon’s third periodic report (14 January- 1 February 2008). “Shadow Report on Article 6 to the 40th CEDAW Session.”

⁵⁶¹ United States Department of State, “Trafficking in Persons Report 2007” [Available at: <http://www.state.gov/g/tip/rls/tiprpt/2007/>]

⁵⁶² IOM Representative. Personal Interview. 17 April 2008.

⁵⁶³ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁵⁶⁴ Human Rights Watch Representative. Personal Interview. – April 2008.

some of the persons trafficked for prostitution and domestic labour purposes are below the age of 18.⁵⁶⁵ The numbers, however, are not known. Children of domestic workers are also vulnerable. Little is known about their condition; however, some NGOs (INSAN) are providing services (primarily education) to this group of children.⁵⁶⁶

Secondly, according to some regional assessments, “temporary marriages,” involving young street children and other sexually exploited groups of children, seem to be on the rise. Dar Al Amal, a Lebanese NGO working with the rehabilitation of sexually exploited girls, is recorded as noting that in Lebanon the number of sexually exploited girls appears to be growing.⁵⁶⁷ Reasons given for the apparent increase are as follows: “the affluence of tourists, especially from the Gulf region, the dire poverty prevailing in some areas of the country, the very low minimal age of marriage and a strong social discrimination against children perceived as having acted “immorally”, including children victim of rape”.⁵⁶⁸

There is also anecdotal evidence to suggest that some Iraqi refugee families are smuggling their children to Europe (Sweden was particularly mentioned) to gain residency for the family.⁵⁶⁹ In such circumstances, children are particularly vulnerable to abuse and exploitation. In addition, anecdotal evidence indicates that, in some cases, human smugglers have kidnapped Iraqi women and children while smuggling them into Lebanon and demanded that the husband pay a sum of \$6,000 dollars for their release (3 cases were documented by HRW).⁵⁷⁰ IOM is currently doing a study on trafficking/human smuggling trends of Iraqis which should further illuminate the situation.⁵⁷¹

In addition, the US Department of State identified the following forms of child trafficking in Lebanon: situations in which young children (often street children) are exploited as child beggars by organized gangs, forced into child prostitution by parents (including forced early (temporary) marriages in exchange for money) and girls of Lebanese descent trafficked into Lebanon with the intent of forced early marriages. Some sources have also suggested that organized criminal groups are involved in the trafficking and sexual exploitation of children.⁵⁷²

There is almost no reported mention of Palestinian children being involved in child prostitution or being trafficked. However, allegedly, there is a documentary, recorded some years ago, which tells of considerable amounts of children being trafficked from Dbayeh camp to Holland.

⁵⁶⁵ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁵⁶⁶ Human Rights Watch Representative. Personal Interview. – April 2008.

⁵⁶⁷ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁵⁶⁸ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁵⁶⁹ CRT-D Representative. Personal Interview. 25 March 2008.

⁵⁷⁰ Human Rights Watch (November 2007). “Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon.” Vol. 19, No. 8 (E).

⁵⁷¹ IOM Representative. Personal Interview. 17 April 2008.

⁵⁷² United States Department of State, “Trafficking in Persons Report 2007” [Available at: <http://www.state.gov/g/tip/rls/tiprpt/2007/>]

D.2.6 Children in Conflict with the Law

Lebanon has made significant improvement in its legal and practical treatment of children in conflict with the law. Law 422, specifically, has benefited children in conflict with the law by reducing sentences, providing juvenile judges with increased rehabilitative options, improving detention facilities, increasing the role of social workers, and creating the Department of Minors in the Ministry of Justice. UNOCD has facilitated the drafting of Law 422 and is aiding in the implementation of this law, including allegedly creating a Youth Police Unit, renovating youth detention facilities, and establishing a rehabilitation center. There are, however, continued challenges, including the situation of Iraqi and Palestinian children in conflict with the law, prison conditions, frequent detention sentencing, and the inadequate implementation and monitoring of law and detention facilities.

Legal Analysis: Children in Conflict with the Law

Lebanon has made significant progress towards improving legal protection for children in conflict with the law, as outlined in the CRC. However, there is still room for improvement. Article 40.3 of the CRC states the State Parties should promote, “the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe penal law”.⁵⁷³ The Guidelines for Periodic Reports to the CRC stipulate that State Parties should ensure that there is a child-oriented justice system, including the establishment of such an age. Though the CRC does not directly state a minimum age for criminal responsibility, other international standards (see Beijing Rules) “recommend that this age be based on emotional, mental, and intellectual maturity and not be too low”.⁵⁷⁴ To date, there are no international indicators for assessing the development capacity or maturity of a child.⁵⁷⁵ The Lebanese Penal Code establishes the age of majority as 18, after which special measures for minors no longer apply. Regarding the age of criminal responsibility, the Penal Code identifies four stages (shown below⁵⁷⁶). Note that prior to the age of 7 a child has no criminal responsibility.

Stages of criminal responsibility and protection in accordance with the Lebanese Penal Code

Age	Criminal responsibility	Penalties for this age group	Penalties for those offending against a member of this age
0–6 years	None	No measures imposed	Severe penalties
7–11 years	Criminal responsibility	Protection measures or arrangements may be imposed	Less severe penalties than the previous stage
12–14 years	Greater criminal responsibility	Protection measures, arrangements, reform measures or disciplinary measures may be imposed, regardless of the type of crime	Less severe penalties than the previous stage
15–17 years	Greater criminal responsibility	Reduced penalties, including imprisonment away from adults	Less severe penalties than the previous stage

Procedures and laws related to children in conflict with the law are predominately governed by Law 422. The development of Law 422 (2002) has, in many ways, benefited these children by changing and increasing protection measures in the Penal Code. Initial statistics seems to suggest that Law 422/02 has

⁵⁷³ Convention on the Rights of the Child Article 40.3

⁵⁷⁴ Melchiorre, Angela (2004). “At what age?... Are School Children Employed, Married & Taken to Court?” Right to Education Project. P. 9

⁵⁷⁵ Melchiorre, Angela (2004). “At what age?... Are School Children Employed, Married & Taken to Court?” Right to Education Project. P. 9

⁵⁷⁶ CRC/C/70/Add. 8, 26 September 2000 as referenced by Melchiorre, Angela (2004). “At what age?... Are School Children Employed, Married & Taken to Court?” Right to Education Project. P. 88

had a positive impact: in 2001, 219 minors were in detention where as in July 2002 only 147 were detained.⁵⁷⁷

In accordance with Law 422/02, the Lebanese state has begun to put in place special procedures for the trial and detention of minors. It has developed juvenile courts in which the social worker has a principle role in administrating justice for juvenile offenders. The presence of the social worker throughout proceedings is now required. The recent UNODC project,⁵⁷⁸ implemented in coordination and at the request of the Lebanese government, has resulted in the development of a Youth Department at the Ministry of Justice which coordinates issues related to juvenile justice⁵⁷⁹ and allegedly a Youth Police Unit within the judicial police which acts under specific internal regulations regarding arrest and interrogation of children.⁵⁸⁰

Reflecting the CRC, Law 422/02 stipulates that prison should be used as the last resort to prevent a child from breaking the law.⁵⁸¹ In some cases the law reduced sentences and increased the power of the judge to use rehabilitative measures. Although it retains the options for preventative detention, it greatly reduces its application and specifies precise conditions. In addition, under Law 422, detention conditions are more clearly defined and require a social and medical dossier prior to incarceration. Exhaustive measures are also available for the young offenders in danger of recidivism (this was particularly put in place because of the increased numbers of homeless minors engaged in begging and vagrancy). However, studies indicate that judges continue to use prison more frequently than necessary, even for minor acts.⁵⁸² In part, this could be due to an inadequate amount of rehabilitative centres and services.⁵⁸³

Reform efforts are also focused on the conditions of detention facilities for young offenders, in an attempt to bring the Lebanese juvenile justice system in line with the CRC and with United Nations Rules for the Protection of Juveniles deprived of their Liberty (General Assembly resolution 45/113). Reform efforts intend to 1) establish a coordination unit within the juvenile wing of Beirut Prison to centralize information; 2) to renovate juvenile detention facilities to improve living conditions of detainees; 3) to improve academic, education and professional services available to detainees; and 4) to establish a rehabilitation centre.⁵⁸⁴

The CRC and Lebanese law forbid the use of violence against a child while they are held in detention or during investigation. There are reports, however, that in practice violence does occur, particularly during interrogations.⁵⁸⁵ Article 34 of Law 422/02 requires the presence of a social worker during ISF

⁵⁷⁷ Schmid, Alex and Ralph Rinchy (December 2003). "Juvenile Justice Initiatives in Lebanon." *Forum in Crime and Society*, Vol. 3, Nos. 1 and 2. P. 112

⁵⁷⁸ UNODC (July 2005). "Independent Evaluation Report: Evaluation of Project entitled Justice and Support to the Juvenile Justice System in Lebanon (Project # LEB/98/R72 and LEB/02/R30)". UNODC: Vienna. p. 12-13

⁵⁷⁹ Schmid, Alex and Ralph Rinchy (December 2003). "Juvenile Justice Initiatives in Lebanon." *Forum in Crime and Society*, Vol. 3, Nos. 1 and 2..P. 112

⁵⁸⁰ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

⁵⁸¹ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/0 ITB/LEB/2005-5). P. 44

⁵⁸² University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/0 ITB/LEB/2005-5). P. 44

⁵⁸³ Kafa Representative. Personal Interview. 17 April 2008.

⁵⁸⁴ Schmid, Alex and Ralph Rinchy (December 2003). "Juvenile Justice Initiatives in Lebanon." *Forum in Crime and Society*, Vol. 3, Nos. 1 and 2.. P. 114

⁵⁸⁵ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/0 ITB/LEB/2005-5). P. 44

investigations and interrogations but, “does not prohibit the outcome of the record drafted in her/his absence”.⁵⁸⁶ Again, there are reports that juveniles may be subject to physical violence or the threat of violence before or after the arrival of the social worker.⁵⁸⁷

Article 33 of Law 422/02 may be of particular concern,⁵⁸⁸ although Article 31 does not require pretrial detention of a minor, when the case of the juvenile is transferred to the adult court they are subject to pretrial detention (in accordance with Article 243 of the Penal Code). The juvenile cannot be tried until the adult proceedings have reached their conclusion, during which time he/she is not able to submit a request for release. The University Center for Family and Community Health notes that in its implementation, Article 33 often results in the violation of Article 108 of the Criminal Code, pertaining to the length of detention.⁵⁸⁹ A circular was released on 18 October 2005 stressing trial confidentiality in cases that fall under Article 33 of Law 422/02 and clarifying that Article 243 of the Penal Code was not applicable to juveniles. The University Center for Family and Community Health’s research found, however, that “juveniles are still arrested in conformity with Article 243, despite the clarity of the law and the circular”.⁵⁹⁰

Praxis: Children in Conflict with the Law

Between 2002 and 2006, ISF documented 806 cases of crimes committed by minors; the majority (97%) of perpetrators were boys.⁵⁹¹ The UN Economic and Social Council reported that annually there are as many as 2,000 cases of children in conflict with the law.⁵⁹² Research conducted between 1998 and 2000, found that the majority of juvenile delinquency was low-level and did not entail serious crime (3/4 of reviewed crimes were petty offences).⁵⁹³ Statistics indicate that the majority of crimes are committed by persons between the ages of 15-18, though crimes committed by persons between the ages of 12-15 appear to be increasing.⁵⁹⁴ The majority of crimes were committed by Lebanese children, followed by Syrian children, and then Palestinian children. The majority of crimes committed by Palestinian children were committed in and around Saida. Across the board, the most common crime is theft, which appears to be linked to family poverty.⁵⁹⁵ At the time that they committed the crime, the majority of children were no

⁵⁸⁶University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). . P. 45

⁵⁸⁷ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 45

⁵⁸⁸ Interview with Justice without Frontiers

⁵⁸⁹ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 46

⁵⁹⁰Quoted in University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 46

⁵⁹¹ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 33

⁵⁹² University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 33

⁵⁹³ Schmid, Alex and Ralph Rinchy (December 2003). “Juvenile Justice Initiatives in Lebanon.” *Forum in Crime and Society*, Vol. 3, Nos. 1 and 2. P. 108

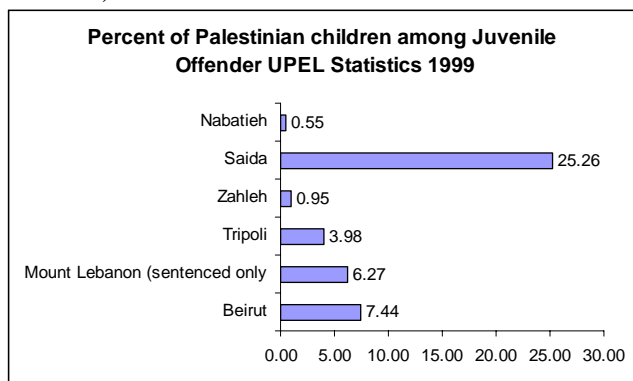
⁵⁹⁴ Schmid, Alex and Ralph Rinchy (December 2003). “Juvenile Justice Initiatives in Lebanon.” *Forum in Crime and Society*, Vol. 3, Nos. 1 and 2. P. 108

⁵⁹⁵ Schmid, Alex and Ralph Rinchy (December 2003). “Juvenile Justice Initiatives in Lebanon.” *Forum in Crime and Society*, Vol. 3, Nos. 1 and 2. P. 108

longer in school. Illiteracy and the lack of professional training was high among all young offenders.⁵⁹⁶ Of particular concern, the Committee on the Rights of the Child found that children at risk (migrants, refugees, street children, children used in prostitution...) are often criminalized.⁵⁹⁷

In 2000, a study found that detention was standard response to young offenders; 35% of cases received prison sentences, 6.4% received probation, 6.3% re-education measures, and 3.8% various protection measures.⁵⁹⁸ The high rate of detention is probably linked to low levels of human and technical resources to use alternative correction and protection measures. Of particular concern, research indicates that in March 2003, 206 children were in prison, out of which 186 were awaiting trial.⁵⁹⁹ Though children are not supposed to be held in detention facilities with adults, the practice is not uncommon.⁶⁰⁰ One of the only prisons which separates juveniles from adults is Roumieh prison in Mount Lebanon, where many boys continue to be held in a special section. An unpublished Save the Children Sweden study noted that it appears that in many of the other facilities (police cells and/or prison facilities in other regions) children are detained with adults. Recently, however, with the support of UNODC a new facility for girls in conflict with the law was built.⁶⁰¹

Generally, statistics and condition reports for Lebanon do not include Palestinian and Iraqi children. Thus, particular attention to the conditions of Palestinian and Iraqi children is warranted. The Third Supplementary Report submitted to the CRC (2006) by the Coordination Forum of NGOs Working among the Palestinian Community noted that there are no studies focusing on the situation of Palestinian children in conflict with the law. However, they did refer to statistics published by UPEL in 1999 which note that the majority of Palestinian children in conflict with the law came from Saida⁶⁰² (see chart below⁶⁰³):



The Coordination Forum of the NGO's Working among the Palestinian Community reported that all Palestinian children interviewed cited violations during their detention. Violations include, being beaten,

⁵⁹⁶ Schmid, Alex and Ralph Rinchy (December 2003). "Juvenile Justice Initiatives in Lebanon." *Forum in Crime and Society*, Vol. 3, Nos. 1 and 2. P. 108

⁵⁹⁷ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

⁵⁹⁸ Schmid, Alex and Ralph Rinchy (December 2003). "Juvenile Justice Initiatives in Lebanon." *Forum in Crime and Society*, Vol. 3, Nos. 1 and 2. P. 109

⁵⁹⁹ According to an unpublished Penal Reform International document.

⁶⁰⁰ Justice without Borders Representative. Personal Interview. 16 April 2008.

⁶⁰¹ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

⁶⁰² Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

⁶⁰³ Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

threats of violence, not informing parents of their child's detention, forbidding children to make phone calls, not allowing parents to visit, the absence of a social worker during questioning, and forcing children to do cleaning and washing and other errands for the guards.⁶⁰⁴ They further noted that children who were detained may be experiencing trauma and should receive special attention.⁶⁰⁵ Other alleged rights violations included denying Palestinian children access to government services such as the Judicial Support Fund, which provides support to families who cannot afford a defence lawyer.⁶⁰⁶ The Coordination Forum of the NGO's Working among the Palestinian Community conclude that practically, this means that: "1) the refugee is brought to court without a lawyer to defend him and usually, therefore, receives maximum verdict, [and] 2) with no lawyer to follow up his case a refugee might spend in detention centres a period of time exceeding 60 days".⁶⁰⁷

There are no reports of Iraqi children engaged in delinquent behaviours. However, though there have been recent changes in legislation regarding the detention of Iraqi refugees for illegal residency in Lebanon, it is too soon to judge the social and practical impact on detention and fear thereof. The most recent research indicates that Iraqi refugees in Lebanon continue to live in continual fear of arrest (due to illegality),⁶⁰⁸ potentially resulting in deportation. Though children are less likely to be arrested,⁶⁰⁹ incidents of child detention have been reported, notably at border crossings. Human Rights Watch found that fear of arrest prevented Iraqi refugees from approaching Lebanese officials for assistance.⁶¹⁰ Based on these findings, one can assume that children and their parents are prohibited by fear from accessing legal and protection services. For example, one mother interviewed by Human Rights Watch stated that her 13 year old daughter had been raped. She explained "I went to UNHCR to ask for help. At UNHCR they asked if I had gone to the police to report the rape. But how could I do that? I don't have legal documents [residence papers]. I would go to prison if I went to the police".⁶¹¹ Migrant children and other refugee children (Sudanese, Somalis, etc) may be experiencing similar conditions.

Further research needs to be done on children whose parents have been detained, particularly Iraqi children and children of migrant workers.

D.2.7 Institutionalized and Neglected Children

Despite a strong social and political commitment to children, Lebanon has a significant problem with regards to the numbers and conditions of institutionalized children. Significantly, Lebanon has the highest per cent of institutionalized children in the world, the majority of which are not orphans. The conditions

⁶⁰⁴ Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

⁶⁰⁵ Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

⁶⁰⁶ Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

⁶⁰⁷ Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

⁶⁰⁸ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). 49

⁶⁰⁹ Human Rights Watch interview with Iraqi family (No. 15), Greater Beirut (Za`taria), March 31, 2007.

⁶¹⁰ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E). p. 51

⁶¹¹ Human Rights Watch interview with Iraqi woman (No. 29), Greater Beirut (Dahieh), April 18, 2007.

of institutionalized children vary significantly. UNICEF is currently working on a study of institutionalized children in Lebanon which will be released soon. This should allow the international community to have a deeper understanding of the situation.

Legal Analysis: Institutionalized and Neglected Children

In their first report to the Committee on the Rights of the Child (1995), the Lebanese government noted that official agencies and NGOs are striving to safeguard the unity and coherence of Lebanese families and to protect them from disintegration and delinquency.⁶¹² They go to mention that the high number of children's institutions is an effort to ensure that children have a 'proper up-bringing'.⁶¹³ NGOs and other organization have expressed concern regarding the number and quality of these institutions. Despite legal protection, some children inside institutions and in families are neglected.

Neglect, whether intentional or not, is prohibited by law in Lebanon.⁶¹⁴ There are several articles in the Penal Code outlining protection of neglected children. Law 422, in particular, affords protection to children who are in a state of mendacity and vagabondage. However, the Criminal Code sanctions these children to imprisonment and/or fines. It appears that there may be a contradiction between these laws, limiting the protection available to children in this state.⁶¹⁵ Children who are found on the street and who have run away from the institution in which they were placed are liable to imprisonment.⁶¹⁶ These children are believed to be particularly vulnerable because they have a higher probability of having experienced abuse/neglect.⁶¹⁷

Many provisions regarding neglect fall under civil status articles which govern interpersonal violence.⁶¹⁸ Certain circumstances of neglect are governed by the religious tribunals. These tribunals can order the legal guardian (father) to provide the child with a pension which covers the cost of accommodation, food, clothing, education and medical care. This decision will be executed by the executive bureau of the civil tribunal. If a guardian fails to provide the stipulated amount, the judge of the executive bureau can sentence the guardian to prison until the agreed amount is paid.⁶¹⁹

Praxis: Institutionalized and Neglected Children

A study published by the Social Care Department of the Ministry of Social Affairs (2006) reported that there were 32,484 institutionalized children in Lebanon.⁶²⁰ The Committee on the Rights of the Child

⁶¹²State Party Report due in 1993 (Convention on the Rights of the Child): Lebanon. 03/02/CRC/C/8/Add.23, 1995

⁶¹³ State Party Report due in 1993 (Convention on the Rights of the Child): Lebanon. 03/02/CRC/C/8/Add.23, 1995

⁶¹⁴ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/0 ITB/LEB/2005-5). P. 39

⁶¹⁵ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/0 ITB/LEB/2005-5). P. 37

⁶¹⁶ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/0 ITB/LEB/2005-5).

⁶¹⁷ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/0 ITB/LEB/2005-5). P. 39

⁶¹⁸ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/0 ITB/LEB/2005-5). P. 37-38

⁶¹⁹ For further details regarding these procedures, refer to the Code of Civil Procedure.

⁶²⁰ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

expressed concern about the high numbers of institutionalized children (proportionally the highest in the world), the majority of which were placed there without a judicial proceeding.⁶²¹ Many of the children are believed to have families⁶²² and to have been institutionalized because of family problems (namely poverty).⁶²³ The UN Economic and Social Council stated that, “the search for alternatives to low-quality public education, which is still not completely free, despite legislation, forces parents of up to 3% of children to opt for residential institutions, where most clientele are not orphans. Regrettably, as a result, Lebanon ranks first place in the world in institutionalization of children (measured in comparison to the country’s total child population)”⁶²⁴.

There is concern about the quality of service being provided by the institutions and the lack of government oversight. The majority of these institutions are privately run, often by religious groups, but funded by the Ministry of Social Affairs. In 1998, more than 65% of the annual budget of the Ministry of Social Affairs was allocated to NGO service delivery, particularly in regards to orphans and persons with disability.⁶²⁵ Despite what would seem to be considerable funding, the quality of service delivery in many of these institutions is low and institutions often lack human and financial means of improving. In addition, state oversight of these institutions is very limited, allowing malpractice and failing to ensure adequate protection for children residing there.⁶²⁶ Notably, the Ministry has not established standards of practice for the NGOs that receive money from the state.⁶²⁷

There do not appear to be state or NGO programmes specifically addressed to de-institutionalizing children who are leaving these centres.⁶²⁸

D.2.8 Children used in Conflict

The long history of conflict in Lebanon, the continued political tensions and the weakness of the state increase the potential use of children in armed conflict. During the civil war there were reports of children being used in armed conflict. Though some groups may continue to train small numbers of children, generally it appears that there are not significant numbers of children used in armed conflict in Lebanon.

Legal Analysis: Children used in Conflict

There is no law criminalizing the use or recruitment of children in armed conflict.⁶²⁹ Lebanon has not ratified the Optional Protocol to the CRC addressed to the involvement of children in armed conflict. However, following a visit from the UN Secretary-General’s Special Representative for Children in Armed Conflict (April 2007), Prime Minister Siniora and MP Mohamed Raad (representing Hezbollah) publically committed to ratifying the Optional Protocol.⁶³⁰

⁶²¹ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁶²² USAID (1997). “Assessment of Displaced Children and Orphans in Lebanon.”

⁶²³ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁶²⁴ Economic and Social Council (26 April 2007). Presentation by United Nations Children’s Fund. Annual Session 2007 (4-8 June 2007). Item 9 (a) of the provisional agenda: “Short-duration Country Programme Document: Lebanon”. United Nations E/ICEF/2007/P/L.26

⁶²⁵ Ghaleb, J. (p. 111)

⁶²⁶ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁶²⁷ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁶²⁸ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁶²⁹ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” P. 12

⁶³⁰ Office of the Special Representative of the UN Secretary-General for Children and Armed Conflict (12 April 2007), “Lebanon: All Parties Agree to Protect Children Affected by Armed Conflict”, OSRG/070412-22.

Lebanon has not ratified the Rome Statute of the International Criminal Court (ICC) which established permanent courts to try persons who have committed war crimes (which include recruitment of persons under the age of 15).⁶³¹ Lebanon has not ratified the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces and Armed Groups, which affirms existing international law. This law was drafted by the French government and UNICEF and signed by 58 countries in February 2007.⁶³²

Compulsory military service was abolished by a governmental decree on 4 February 2005, which officially took effect in February 2007. The law states that no persons under the age of 18 are allowed to join the armed forces, even on a voluntary basis.⁶³³ Unfortunately, the government and the security forces are largely unable to monitor the use of children in conflict, particularly in areas in which it has limited (if any) presence and control, such as inside Palestinian camps. At present, Future, Hezbollah, Amal, Palestinian factions and other armed groups do not have a public child protection policy.⁶³⁴

Praxis: Children used in Armed Conflict

The extent to which political parties and armed factions use and/or train children in active combat is difficult to judge; some sources claim that Lebanese political parties in the south of Lebanon (Amal, the Syrian nationalist Party and Hezbollah) are currently involved in training the youth “scout” wings of their armed movement.⁶³⁵ Prior to 2001, there are recorded examples of Hezbollah’s use of children as young as 10.⁶³⁶ However, in the recent conflict (July 2006) there were no reported instances of children involved in combat. There are reports of military training provided during this period to children associated with Hezbollah through the *al-Mahdi* brigades, which consists of youth under the age of 15.⁶³⁷ Hezbollah has publically stated that it does not use or train children as soldiers.⁶³⁸

There are over 18 armed factions in the Palestinian camps in Lebanon.⁶³⁹ There are reports that children have been trained and used by some of the factions inside the camps, mainly during internal conflicts.⁶⁴⁰ According to the Coalition to Stop the Use of Child Soldiers, “...military training is currently provided by some of the Palestinian factions to children as young as 10. Palestinian militias linked to Fatah as well as Asbar Al Ansar Islam, a Sunni radical group, carried out military training of under 18s in Ain Helweh, the largest Palestinian refugee camp in Lebanon, in April 2007”.⁶⁴¹ The continuing tension in Lebanon and

⁶³¹ Lebanon signed the Optional Protocol on 11 February 2002.

⁶³² For further information on the Paris Commitments and the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, visit www.unicef.org/protection.

⁶³³ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” P. 11

⁶³⁴ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” P. 6

⁶³⁵ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” P. 6

⁶³⁶ Coalition to Stop the Use of Child Soldiers (2001), *Child Soldiers Global Report*. [Available at: www.child-soldiers.org.]

⁶³⁷ Coalition interview with confidential source in Beirut, producing audiovisual evidence. April 2007.

⁶³⁸ Coalition interview with Ghaleb Abou-Zeinab, member of Hezbollah, Beirut, November 2004. The *Child Soldiers Global Report 2001* indicated, however, the use of child soldiers as young as 10 by *Hezbollah* prior to 2001. P. 5. Foot note found in Coalition to Stop the Use of Child Soldiers. “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” October 2007. P. 6

⁶³⁹ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” P. 9

⁶⁴⁰ Coalition interview with international child protection organization. Beirut, April 2007.

⁶⁴¹ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” P. 9

political struggles in the camps coupled with the proliferation of arms in the camps increases the risk of children's involvement in, and witnessing of, violence.⁶⁴²

The Coalition to Stop the Use of Child Soldiers also found that "Fatah al-Islam [had] been arming themselves at least since the beginning of 2007 and have targeted youths in Palestinian refugee camps in the north, on occasion offering money to join the group."⁶⁴³ There are reports that children as young as 12 were involved in the fighting against the Lebanese army in May 2007, although more research is necessary to confirm these allegations".⁶⁴⁴

D.2.9 Emergencies and Protection

The Committee on the Rights of the Child expressed particular concern about the impact of past and present conflicts on the situation of the child.⁶⁴⁵ The most notable emergencies in Lebanon in the last 2 years are: the July 2006 war, the conflict in Nahr el-Bared camp, and the general insecurity in Lebanon. All of the mentioned emergencies had/have a significant impact on the conditions of the child in Lebanon and illustrate the state's lack of child-focus emergency preparedness. In April 2007, the Special Representative of the UN Secretary General for Children and Armed conflict, Radhika Coomaraswamy, particularly noted the impact of the destruction caused during the July war on the situation and protection of children.⁶⁴⁶ During the **July 2006 war** roughly 1/3 of those killed (1,191) were children.⁶⁴⁷ More than 1 million people were displaced during the war; UNICEF estimates that just under half of the displaced were children.⁶⁴⁸ Government assessments found that between 40 and 50 schools were destroyed and approximately 300 were damaged.⁶⁴⁹ Significant damage was done to the infrastructure and houses in the south of Lebanon. Despite the quantity of damage and displacement caused by the war, the areas most affected have recovered relatively quickly. Most families received economic and reconstruction aid from the government and from Hezbollah. For most children, school was able to start with only a slight delay. Almost all of the displaced have returned to their homes and poverty appears to have increased only marginally in the south (UNDP estimates a less than 10% increase in levels of poverty three months after the war).

The conflict has had two notable long/mid-term impacts on children: 1) reports indicate that many of the children continue to suffer from war-related trauma⁶⁵⁰ and 2) the massive numbers of cluster munitions and land mines still in the south of Lebanon are a direct risk to the health and safety of the child.

⁶⁴² Coalition to Stop the Use of Child Soldiers (October 2007). "Lebanon: The Vulnerability of Children to Involvement in Armed Conflict." P. 9

⁶⁴³ Coalition interview with UNRWA representative, Beirut, April 2007.

⁶⁴⁴ Coalition to Stop the Use of Child Soldiers (October 2007). "Lebanon: The Vulnerability of Children to Involvement in Armed Conflict." P. 9

⁶⁴⁵ Internal Displacement Monitoring Center and the Norwegian Refugee Council (15 December 2006). "Lebanon: Displaced Return Amidst Growing Political Tension—A Profile of the Internally Displaced Situation." [Available at [http://www.internaldisplacement.org/8025708F004BE3B1/\(httpInfoFiles\)/E3B03B99C9DF92B1C12572450033378C/\\$file/Lebanon+-December+2006.pdf](http://www.internaldisplacement.org/8025708F004BE3B1/(httpInfoFiles)/E3B03B99C9DF92B1C12572450033378C/$file/Lebanon+-December+2006.pdf) (Accessed 29 April 2008)] P. 77

⁶⁴⁶ Office of the Special Representative of the UN Secretary-General for Children and Armed Conflict (12 April 2007), "Lebanon: All Parties Agree to Protect Children Affected by Armed Conflict", OSRG/070412-22.

⁶⁴⁷ Assir, Serene (16 October 2006). "Reclaiming normalcy, children in Lebanon return to school at last." UNICEF-- Newswire. [Available at http://www.unicef.org/infobycountry/lebanon_36172.html (Accessed on 25 Feb. 2008)]

⁶⁴⁸ Assir, Serene (16 October 2006). "Reclaiming normalcy, children in Lebanon return to school at last." UNICEF-- Newswire. [Available at http://www.unicef.org/infobycountry/lebanon_36172.html (Accessed on 25 Feb. 2008)]

⁶⁴⁹ Assir, Serene (16 October 2006). "Reclaiming normalcy, children in Lebanon return to school at last." UNICEF-- Newswire. [Available at http://www.unicef.org/infobycountry/lebanon_36172.html (Accessed on 25 Feb. 2008)],

⁶⁵⁰ Save the Children Sweden and Save the Children UK (July 2007). "War-affected Children Still at Risk One Year On." Press Release (Draft).

Following the July war, the Institute for Development , Research, Advocacy, and Applied Care (IDRAAC), in partnership with HCC, did an assessment of the psychosocial conditions of children and adolescents in south Lebanon and in the southern suburbs of Beirut. The findings were as such:

- Children from age 8 to 11: The biggest concerns appeared to be related to mental health issues, including symptoms of trauma, depression, anxiety, and general discomfort.⁶⁵¹ Psychological stressors also included school problems, lack of leisure (recreational activities), bad relationships with teachers, and negative rumors during wartime.⁶⁵² Children also complained about exposure to war, human and material loss, and displacement (predominately regarding the lack of basic needs). Children also talked about how much TV violence affected them following the war. They were concerned about the situation of their families and their increased responsibilities in the family.⁶⁵³ When asked about coping strategies, most answers were related to praying and behavioral distraction. Other coping strategies include social support, sharing feelings, and problem solving.⁶⁵⁴
- Children from age 12 to 18: The most common psychosocial stressors in this age group were related to seeing violence on television and witnessing explosions during the war. Forty-three per cent stated that they were exposed to extreme danger during the war and 42.9% noted that they were negatively impacted by rumors during the war. Other issues identified by respondents include the following: 36.5% stated that they were unable to play outside their homes, 34.8% had witnessed injured people, 34.4% witnessed the destruction of homes, 33.6% had friends who have moved away or immigrated since the war, 32.4% indicated that a person close to them had died, and 25.8% witnessed dead people.⁶⁵⁵ Adolescents noted that their parents have been sad and irritable since the war and that they have been unable to help them with their studies.⁶⁵⁶ The most frequently mentioned stressors were “teachers not being kind” (11.5%) and “teachers hitting the adolescent” (4.0%).⁶⁵⁷ Adolescents predominately identified religious means of coping: ‘accepting bad things because it is God’s will’ (68.8%) and praying (67.7%). Other coping mechanisms included control of feelings (44.1%), talking to others about feelings (43.3%), denying fear of death (39.9%), denying fear of war (27.3%), cognitive distraction (35.4%), behavioral distraction (30.8%), and problem solving (19.5%).⁶⁵⁸

⁶⁵¹ Institute for Development, Research, Advocacy, and Applied Care (29 June 2007). “Assessment Study of Psychosocial Status of Children and Adolescents in the South of Lebanon and Southern Suburbs of Beirut After the July 06 War.” (pre-final version) P. 4-5

⁶⁵² Institute for Development, Research, Advocacy, and Applied Care (29 June 2007). “Assessment Study of Psychosocial Status of Children and Adolescents in the South of Lebanon and Southern Suburbs of Beirut After the July 06 War.” (pre-final version) P. 5

⁶⁵³ Institute for Development, Research, Advocacy, and Applied Care (29 June 2007). “Assessment Study of Psychosocial Status of Children and Adolescents in the South of Lebanon and Southern Suburbs of Beirut After the July 06 War.” (pre-final version) P. 4-5

⁶⁵⁴ Institute for Development, Research, Advocacy, and Applied Care (29 June 2007). “Assessment Study of Psychosocial Status of Children and Adolescents in the South of Lebanon and Southern Suburbs of Beirut After the July 06 War.” (pre-final version) P. 5

⁶⁵⁵ Institute for Development, Research, Advocacy, and Applied Care (29 June 2007). “Assessment Study of Psychosocial Status of Children and Adolescents in the South of Lebanon and Southern Suburbs of Beirut After the July 06 War.” (pre-final version) P. 6

⁶⁵⁶ Institute for Development, Research, Advocacy, and Applied Care (29 June 2007). “Assessment Study of Psychosocial Status of Children and Adolescents in the South of Lebanon and Southern Suburbs of Beirut After the July 06 War.” (pre-final version) P. 7

⁶⁵⁷ Institute for Development, Research, Advocacy, and Applied Care (29 June 2007). “Assessment Study of Psychosocial Status of Children and Adolescents in the South of Lebanon and Southern Suburbs of Beirut After the July 06 War.” (pre-final version) P. 7

⁶⁵⁸ Institute for Development, Research, Advocacy, and Applied Care (29 June 2007). “Assessment Study of Psychosocial Status of Children and Adolescents in the South of Lebanon and Southern Suburbs of Beirut After the July 06 War.” (pre-final version) P. 9

One of the most critical war related post-conflict protection issues is the continued presence of cluster munitions, fired by Israel into south Lebanon predominately during the last 72 hours of the conflict. In January 2008, UN MACC SL reported 192 civilian injuries or deaths caused by the munitions. Sixty-one of those were under the age of 18 (roughly 32% of the civilian casualties),⁶⁵⁹ seven of whom died.⁶⁶⁰ Save the Children Sweden and Save the Children UK found that at least 90 children had been injured by unexploded ordinances since the war.⁶⁶¹ Children are attracted to the colorful ribbons attached to the cluster munitions and mistake them for toys, despite awareness campaigns.⁶⁶² For example, Human Rights Watch reported the following story told by a child in the south: “Hassan and a few of us were playing hide-and-seek next to the house. When Hassan went to hide, he found a cluster bomb, and he thought it had already exploded. So he brought it with him, it was black with the white ribbon completely burned. From the inside, there was red stuff. He brought it back to the house. When he was alone, he threw it and it exploded”.⁶⁶³

During the year following the war, the **internal political crisis** has spread into the social sphere and increasingly affects all aspects of children’s lives, in all communities. Political clashes have been witnessed in schools and universities, particularly in Beirut.⁶⁶⁴ On at least one occasion, these clashes resulted in death.⁶⁶⁵ There are reports that youth were actively involved and witnesses of street clashes during 2007 and early 2008. Lebanese children are increasingly exposed to an atmosphere of sectarian polarization, largely along religious lines. The Coalition to Stop the Use of Child Soldiers found that, “this environment of confrontation is already having an effect on the behavior of children, both within their families and at school”.⁶⁶⁶ They noted cases in which children have changed schools for fear of being bullied or ostracized because the majority of the students were from a different community or religious group.⁶⁶⁷

The conflict in and around **Nahr el-Bared camp** continues to affect the conditions and situation of Palestinian and Lebanese children from the area. The conflict between Fatah al-Islam and the Lebanese army displaced over 30,000 people, predominately Palestinian. Most of the displaced took refuge in neighboring Bedawi camp and in Tripoli. UNRWA estimates that 95% of the formal camp was destroyed during the conflict and approximately 50% of the adjacent areas were damaged or destroyed.⁶⁶⁸ Though Palestinian and Lebanese families have begun to return to the adjacent area (estimated 1,500 families have returned), the formal camp is uninhabitable (though persons have been allowed to recover

⁶⁵⁹ MACC SL Casualty List. The Landmines Resource Center reported that at least 62 of its 239 civilian casualties, including four killed, were under 18 years old although it did not provide ages for all the victims. It also reported 33 deminer casualties (12 killed and 21 injured) as of January 2, 2008. LMRC Casualty List.

⁶⁶⁰ UNICEF – Newslines. “When Learning saves Lives: UNICEF Supports Mine-Risk Education in South Lebanon” [Available at http://www.unicef.org/infobycountry/lebanon_38279.html] (Accessed on 25 Feb. 2008)]

⁶⁶¹ Save the Children Sweden and Save the Children UK (July 2007). “War-affected Children Still at Risk One Year On.” Press Release (Draft).

⁶⁶² Human Rights Watch (February 2008). “Flooding South Lebanon: Israel’s use of Cluster Munitions in Lebanon in July and August 2006.” Volume 20, No. 2(E) p. 53

⁶⁶³ Human Rights Watch interview with `Ali Hussein Dabbouk, Deir Qanoun Ras al-`Ein, September 22, 2006 quoted in Human Rights Watch (February 2008). “Flooding South Lebanon: Israel’s use of Cluster Munitions in Lebanon in July and August 2006.” Volume 20, No. 2(E) p. 53

⁶⁶⁴ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” P. 4

⁶⁶⁵ In January 2007, street clashes between Sunni and Shiite political factions at Beirut’s Arab University of Beirut ended with four people killed and a curfew imposed by the Lebanese army, BBC News, 25 January 2007.

⁶⁶⁶ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” P. 4

⁶⁶⁷ Coalition meetings with child protection agency representatives in Beirut, April 2007.

⁶⁶⁸ UNRWA Representative. Personal Interview. 13 April 2008.

belongings).⁶⁶⁹ Three thousand displaced families are receiving rent subsidy from UNRWA and are living predominately in rent apartments in and around Tripoli. The remaining population continues to live in Bedawi and in other camps.⁶⁷⁰

All of the displaced children are vulnerable and should be given special attention. Many of them report war-related trauma (though levels seem to be dropping).⁶⁷¹ Child abuse is reportedly increasing in this population.⁶⁷² Family and economic stress may be contributing to increased level of domestic physical and psychological violence.⁶⁷³ Parents report having decreased patience with children and report children's increased disobedience and aggression.⁶⁷⁴ In addition, shelter conditions (including the prevalence of damaged/destroyed buildings) may be dangerous for children. It is believed that children living in collective centers and temporary housing are the most vulnerable as they are the most likely to have poor social capital and dysfunctional support networks.

A recent psychosocial needs assessment conducted by Save the Children Sweden⁶⁷⁵ (April 2008) found that youth have been negatively impacted by the conflict in Nahr el Bared camp and the subsequent displacement. Aggression and violence among youth has increase as well as symptoms of anxiety and depression. The lack of space, safety, and stability (social and physical) appear to be factors contributing to the psychosocial condition of youth.

Family conflict (including domestic violence) also appears to be on the increase. This affects the relationship between the mother and father, as well as the parent/child relationship. Conflict and aggression between siblings seems to be prevalent. The community identified the following root causes of increased conflict: lack of space and privacy, unemployment and concern about the future, feelings of insecurity, anxiety and depression of individual family members, and the lack of a support network for individual members of the family and the family as a whole.⁶⁷⁶

School was a major concern for many in the youth who participated in the Save the Children psychosocial needs assessment. Two issues appeared most frequently during focus group discussions: quality of the education (fear that children are noting learning enough and will fail) and quality of classroom instruction (corporal punishment and lack of student control). Though these are not new concerns in Palestinian camps, there seems to be particular concern in Nahr el Bared camp. The delay in beginning school, poor study environments, stress at home, distressed teachers and students, and a poor school environment (noisy, overcrowded, shift system) seem to be contributing factors. It is important to note that some of the children felt unsafe at school, due largely to corporal punishment.

The **Iraqi refugee crisis** has been addressed in several sections of this document and thus will not be reanalyzed here. As some the issues have already been addressed, comments here will be limited to the psychosocial needs of Iraqi refugee children. Of notable concern, the situation in Iraq and experiences in fleeing the conflict greatly increase the likelihood that Iraqi refugees in Lebanon are experiencing continued trauma. Just as Iraqi refugees have difficulty accessing and affording health services, they have limited ability to receive psychosocial support. Women and children, in particular, are psychologically

⁶⁶⁹ UNRWA Representative. Personal Interview. 13 April 2008.

⁶⁷⁰ UNRWA Representative. Personal Interview. 13 April 2008.

⁶⁷¹ 6 Palestinian children (age 6-11). Narh el Bared Camp. 15 April 2008; 8 Palestinian children (age 16-18) Narh el-Bared camp. 16 April 2008.

⁶⁷² Nabaa Representative. Personal Interview. 17 April 2008.

⁶⁷³ Nabaa Representative. Personal Interview. 17 April 2008.

⁶⁷⁴ Nabaa Representative. Personal Interview. 17 April 2008.

⁶⁷⁵ Save the Children (2008). "Psychosocial Needs Assessment: Nahr el Bared." (draft)

⁶⁷⁷ International Organization for Migration (February 2008). "Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report." Amman and Beirut, International Organization for Migration. P. 19

vulnerable, not only because of disruptions in their social support network, cultural expectations, and their current situation, but also because there is an increased likelihood that they are experiencing violence in the home.

IOM found that the Iraqi refugee population in Lebanon is highly traumatized and physiologically vulnerable. Significantly, “a significant percentage of the respondents (... 34% in Lebanon) were subjected to, before or while fleeing, direct experiences of potentially highly traumatizing events, including witnessing the assassination of relatives and friends, kidnapping, torture, and rape. While the experience of these events does not necessarily lead to pathological consequences, it has to be noted that, among the interviewed families who witnessed such atrocities, the presence of distress indicators was much higher than among other families, especially panic attacks and thoughts of death”.⁶⁷⁷ As a global summary, IOM noted that “unemployment, deterioration of the working conditions, misrecognition of qualifications and original roles, breakdown of social structures, the generally poor socialization and humanitarian assistance that lack case management, bring about feelings of frustration, anger, sense of inferiority and incapacity, shame and self-isolation in the individual, and a sense of disorientation in the Iraqi community at large”.⁶⁷⁸

IOM found that Iraqi children in Lebanon appear to be more resilient than adults. However, many of them are displaying behavioral and learning problems. Environmental factors in Lebanon are contributing to their psychosocial vulnerability: “[These issues are due in part to] difference between curricula, and the lack of stimuli. Further, emotional components are also playing a role, like distress in the family, lack of socialization activities, and sadness”.⁶⁷⁹ Older youth are vulnerable to internalizing discourses of war and martyrdom; the study found that younger adolescents tended to have violent discourses.⁶⁸⁰ In addition, “...many youth tend to value the possibility of immediate gains over education and self-enhancement”.⁶⁸¹

Mental health problems are culturally taboo among the Iraqi community. Mental health professionals are only consulted in cases of severe behavioral or societal dysfunction. In general, psychological suffering is considered a spiritual issue.⁶⁸² Though Iraqis identified suffering as collective, they tended to deal with it individually. In particular, women seem to find it difficult to articulate psychosocial uneasiness within the family and/or in the presence of males. However, they do share their feelings within the larger circle of women.⁶⁸³ The IOM study found that children are generally aware of their psychosocial suffering and claim to deal with it by themselves (drawing, playing in their rooms, crying). Only 5% of respondents under the age of 15 looked to parents and/or teachers for help in dealing with trauma.⁶⁸⁴

Despite the above issues, it appears that the Iraqi population is showing a high level of resilience, family commitment, and proactive attempts to find solutions for their situation.⁶⁸⁵

⁶⁷⁸ International Organization for Migration (February 2008). “Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report.” Amman and Beirut, International Organization for Migration. P. 16

⁶⁷⁹ International Organization for Migration (February 2008). “Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report.” Amman and Beirut, International Organization for Migration. . 20

⁶⁸⁰ International Organization for Migration (February 2008). “Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report.” Amman and Beirut, International Organization for Migration. P. 19

⁶⁸¹ International Organization for Migration (February 2008). “Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report.” Amman and Beirut, International Organization for Migration. P. 20

⁶⁸² International Organization for Migration (February 2008). “Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report.” Amman and Beirut, International Organization for Migration. P. 12

⁶⁸³ International Organization for Migration (February 2008). “Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report.” Amman and Beirut, International Organization for Migration. P. 14

⁶⁸⁴ International Organization for Migration (February 2008). “Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report.” Amman and Beirut, International Organization for Migration. P. 14

⁶⁸⁵ International Organization for Migration (February 2008). “Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon: Survey Report.” Amman and Beirut, International Organization for Migration. P. 22

D.2.10 Children and HIV/AIDS

Despite currently low rates of reported HIV infection, unsafe cultural practices⁶⁸⁶ and social silence on issues related to sex makes Lebanon at high risk for a HIV and AIDS epidemic. In addition, youth are believed to be particularly vulnerable to infection because of poor information about sexual health (STIs in particular) and high rates of sexual activity (often secret due to social stigma and cultural taboos). Reports of youth using commercial sex services are of particular concern, specifically because sex workers report infrequent testing for STIs.

Legal Analysis: Children and HIV and AIDS

In 2005, the US Department of State's Bureau for Democracy, Human Rights, and Labour found that "there are no discriminatory laws against persons with HIV/AIDS".⁶⁸⁷ However, homosexuality is forbidden by law⁶⁸⁸ and continues to be socially unacceptable. Persons with a same sex orientation are believed to be particularly vulnerable to HIV and AIDS. The prohibition of homosexuality may negatively affect this group's ability to receive services and awareness. Some NGOs are now advocating for the protection of persons with a same-sex sexual orientation.⁶⁸⁹

In 1989, Lebanon launched the National AIDS programme to disseminate information about HIV/AIDS and to prevent its spread. As a result, the Ministry of Foreign affairs noted in 2001 that the following achievements had been reached: free treatment to AIDS patients, the inclusion of the HIV test in the premarital health certificate, awareness of the disease among children, and the integration of HIV/AIDS awareness programmes in the school curriculum (the latter was reportedly cancelled due to pressure for members of the religious communities).⁶⁹⁰ The Lebanese government noted that "this had a highly positive impact as studies have indicated a good level of awareness about the means of prevention among high school students. However, the most important challenge in the future remains reaching young people who are outside school and who remain the group at highest risk."⁶⁹¹

Praxis: Children and HIV and AIDS

In 2008, UNAIDS estimated that there were 2,900 people living with HIV in Lebanon (with a range of 1,400 to 9,200), 14.9% of which are between the ages of 15 and 24.⁶⁹² No children below 15 years of age

⁶⁸⁶ Only 4% of women are estimated to use condoms (UN Economic and Social Council)

⁶⁸⁷ US State Department, Bureau of Democracy, Human Rights, and Labor (8 March 2006). "Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices." [Available at <http://www.state.gov/g/drl/rls/hrrpt/2005/61693.htm> (Accessed on 13 March 2008)]

⁶⁸⁸ Article 534 of the Lebanese Penal code stipulates that "any sexual intercourse against nature is punished with up to one year of imprisonment".

⁶⁸⁹ Mainly "*Helem*" ('dream' in Arabic), an acronym for Protection for Lebanese Homosexuals, has been operating in Lebanon since 2005. It is supported by the Dutch Embassy in Beirut and the Heinrich Böll Foundation.

⁶⁹⁰ Republic of Lebanon, Ministry of Foreign Affairs (2001). "National Report on Follow-up to the World Summit for Children." [Unofficial translation by UNICEF]

⁶⁹¹ Republic of Lebanon, Ministry of Foreign Affairs (2001). "National Report on Follow-up to the World Summit for Children." [Unofficial translation by UNICEF]

⁶⁹² UNAIDS. "Lebanon 2008 Progress report." [Available at http://data.unaids.org/pub/Report/2008/lebanon_2008_country_progress_report_en.pdf (Accessed on 12 April 2008)]

have been identified as HIV positive.⁶⁹³ UNAIDS found that no data was available regarding children affected by HIV and AIDS (children of persons with HIV and AIDS).⁶⁹⁴

In 2008, UNAIDS estimated that only 36% of HIV positive persons were receiving antiviral treatment.⁶⁹⁵ To receive antiretroviral therapy it is necessary to register at the Ministry of Public health, which then permits persons to acquire necessary medication from the MOPH Drug Centre. In 2006, 387 adults and children were registered with MOPH for advanced HIV infection. Of the registered persons, only 213 (55%) were receiving antiretroviral therapy.⁶⁹⁶ In 2007, 432 persons were registered for advanced HIV infection, only 246 (56.9%) of which were receiving antiretroviral therapy.⁶⁹⁷ Only one of the persons receiving antiretroviral was pregnant.⁶⁹⁸

A survey conducted between Dec 2005 and 2006 found that only 24% of sex workers who participated in the study (538 sex workers in total participated in the study) had been tested for HIV and knew their results.⁶⁹⁹ Similarly the study conducted among 130 Men who have Sex with Men (MSM) found that only 13.8% had been tested for HIV and were aware of their result.⁷⁰⁰

A draft SCS report suggested that children's access to information on reproductive health is extremely limited. There are strong social taboos *vis-a-vis* sex related issues. A report issued by the WHO, the Ministry of Public Health, and the Centers for Disease Control and Prevention found that in 2005 20% of students who participated in their study had never heard of HIV/AIDS.⁷⁰¹ A study conducted in 2004 found that 46.9% of respondents between the ages of 15-24 believed that HIV could be contracted from a mosquito bite. 70.1% of the same population believed that it was possible to contract HIV by sharing food with an infected person.⁷⁰² A report prepared by the National AIDS Control Programme in 2004 indicates a gap in knowledge and practice, particularly related to condom use and HIV. The study revealed that only 15% of the surveyed population used condoms despite the fact that 87% are aware of the protective function of condoms.⁷⁰³ Only 13.7% of respondents believed that they could be at risk for contracting HIV.⁷⁰⁴

Similarly, a study of youth in six Palestinian refugee camps in Lebanon found that both girls and boys appeared to have a number of misconceptions about sexual health. For example, the study found that 34%

⁶⁹³ UNAIDS. "Lebanon 2008 Progress report." [Available at http://data.unaids.org/pub/Report/2008/lebanon_2008_country_progress_report_en.pdf (Accessed on 12 April 2008)]

⁶⁹⁴ UNAIDS. "Lebanon 2008 Progress report." [Available at http://data.unaids.org/pub/Report/2008/lebanon_2008_country_progress_report_en.pdf (Accessed on 12 April 2008)]

⁶⁹⁵ UNAIDS. "Lebanon 2008 Progress report." [Available at http://data.unaids.org/pub/Report/2008/lebanon_2008_country_progress_report_en.pdf (Accessed on 12 April 2008)]

⁶⁹⁶ UNAIDS. "Lebanon 2008 Progress report." [Available at http://data.unaids.org/pub/Report/2008/lebanon_2008_country_progress_report_en.pdf (Accessed on 12 April 2008)]

⁶⁹⁷ UNAIDS. "Lebanon 2008 Progress report." [Available at http://data.unaids.org/pub/Report/2008/lebanon_2008_country_progress_report_en.pdf (Accessed on 12 April 2008)]

⁶⁹⁸ UNAIDS. "Lebanon 2008 Progress report." [Available at http://data.unaids.org/pub/Report/2008/lebanon_2008_country_progress_report_en.pdf (Accessed on 12 April 2008)]

⁶⁹⁹ UNAIDS. "Lebanon 2008 Progress report." [Available at http://data.unaids.org/pub/Report/2008/lebanon_2008_country_progress_report_en.pdf (Accessed on 12 April 2008)]

⁷⁰⁰ UNAIDS. "Lebanon 2008 Progress report." [Available at http://data.unaids.org/pub/Report/2008/lebanon_2008_country_progress_report_en.pdf (Accessed on 12 April 2008)]

⁷⁰¹ WHO, Republic of Lebanon— Ministry of Public Health, Centers for Disease Control and Prevention (2007). "Lebanon, 2005 Global School-Based Student Health Survey." [Available at http://www.who.int/chp/gshs/2007_Lebanon_GSHS_Country_Report.pdf (Accessed on 14 April 2008)]. P. 3

⁷⁰² UNAIDS. "Lebanon 2008 Progress report." [Available at http://data.unaids.org/pub/Report/2008/lebanon_2008_country_progress_report_en.pdf (Accessed on 12 April 2008)]

⁷⁰³ National Aids Control Programme (2004).

⁷⁰⁴ National Aids Control Programme (2004).

of girls did not realize they could take a bath while menstruating, 8.7% thought that menstruation was abnormal, and 11% thought that a woman should limit activities and human contact during menstruation.⁷⁰⁵ Notably, more than 2/3 of the girls who participated in the survey experienced “very painful periods”, 37% had experienced burning during urination (4.8% always experienced it), and 33% experienced ‘itching’ (6.7% always experienced it).⁷⁰⁶ The study also found that the culture of shame impacts both girls and boys. Notably, 19% of boys reported “having felt scared or ashamed when entering puberty...”⁷⁰⁷ The authors found that misperceptions and inadequate awareness coupled with the culture of blame and honor resulted in stigma, discrimination, and serious misunderstanding of STIs and AIDS. Twenty three per cent of youth involved in the study thought that persons living with STIs and HIV/AIDS should be isolated, 17.7% thought that infected persons “deserved it”, 49.4% that ‘proper behavior’ prevented infection, 33.3% believed that it was possible to tell from appearances if a person was infected, and 25.3% thought that it was possible to contract STIs or HIV/AIDS from slight physical contact.⁷⁰⁸ Of particular concern, focus group discussions suggested that a significant portion of youth were sexually active and “while some of these sexual relations are motivated by love or desire, other are in exchange for money, gifts or benefits. In many cases adults are having sex with young people. Most of such practices happen outside the camps”.⁷⁰⁹ Due to social stigma, condom use is rare.⁷¹⁰

The poor understanding of sexual health and HIV and AIDs is concerning when compared to the rate of sexual activity among youth. General population behavioural surveys in 1996 indicated that 68% of 15 to 24 year olds in Lebanon were sexually active, 33% had multiple sexual partners, 76% never used condoms, and 33% had commercial sex in the last month.⁷¹¹ Similarly, a study in 2004 found that only 3.5% of men and women between the ages of 15 and 24 reported being sexually active before the age of 15.⁷¹² The same study found 16.8% of men and women between the ages of 15 and 49 reported having sexual intercourse with more than one person during the last year, only 71.7% of which had used a condom during their last sexual intercourse.⁷¹³ Interestingly, 50% of the youth who participated in the WHO study were supportive of increased discussions about sexual and reproductive health in schools.⁷¹⁴

⁷⁰⁵ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. P. 42

⁷⁰⁶ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. P. 47

⁷⁰⁷ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. P. 43

⁷⁰⁸ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. P. 47

⁷⁰⁹ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. P. 56

⁷¹⁰ Ricerca e Cooperazione, Lebanon Family Planning Association and National Institute for Social Care and Vocational Training (October 2007). “Adolescents and Young Adults in Six Palestinian camps in Lebanon: Reproductive Health and Emotional Well-being” Funded by the European Commission. P. 56

⁷¹¹ World Bank. “Preventing HIV/AIDS in the Middle East and North Africa: A window of Opportunity to Act, Economic Analysis of HIV/AIDS in Mena, Strategy 5.” P. 63

⁷¹² UNAIDS. “Lebanon 2008 Progress report.” [Available at http://data.unaids.org/pub/Report/2008/lebanon_2008_country_progress_report_en.pdf (Accessed on 12 April 2008)]

⁷¹³ UNAIDS. “Lebanon 2008 Progress report.” [Available at http://data.unaids.org/pub/Report/2008/lebanon_2008_country_progress_report_en.pdf (Accessed on 12 April 2008)]

⁷¹⁴ WHO, Republic of Lebanon— Ministry of Public Health, Centers for Disease Control and Prevention (2007). “Lebanon, 2005 Global School-Based Student Health Survey.” [Available at http://www.who.int/chp/gshs/2007_Lebanon_GSHS_Country_Report.pdf (Accessed on 14 April 2008)]. P. 3

D.2.11 Children and Disabilities

Despite legal amendments enhancing protective measures for disabled children, in practice discrimination continues.⁷¹⁵ In particular, children with disabilities experience discrimination in school (assessed in the section entitled ‘Education’), access to public buildings, and socially.

Legal Analysis: Children with Disabilities

Discrimination against persons with disabilities is usually addressed under Law Number 11/73 (31 January 1973), which was amended by Law 243/93 (12 July 1993). This law defines disability and stipulates that the State, in collaboration with the public administration, the private sector and international organizations, is responsible for providing services and facilitation in regards to education, work, health and social life.⁷¹⁶ Law Number 220 (29 May 2000) further defines persons with disabilities, drawing on the WHO 1980 classifications and the subsequent amendments. It enhances protection through the introduction of a “card” which allows persons with disabilities to access provisions included in this law, such as medical care, normal movement, living in specially designed houses, education in all public and private schools, sports activities, work, social services, and fiscal “privileges.” According to the provisions of this law, the Ministry of Health and Social Affairs should regularly have awareness-raising campaigns regarding the rights of this disabled. It also specifies that all new governmental buildings and public transportation should be made accessible for persons with disabilities.⁷¹⁷ Like many others, this law awaits enforcement.⁷¹⁸ In addition, the law stipulates that 3% of all government and private sector positions should be filled by persons with disabilities, provided that they have the qualifications. This law does not seem to be practiced or enforced.⁷¹⁹

A recent important development is that Lebanon is a signatory to the Convention on the Rights of Persons with Disabilities and its Optional Protocol. This Convention ensures that persons with disabilities are rights holders and have equal opportunities. More specifically, it “clarifies human rights principles in the context of people with disabilities; provides an authoritative model for governments to use in shaping national law and policies; creates more effective mechanisms for monitoring the rights of people with disabilities; establishes common bases for greater participation and self-sufficiency of people with disabilities worldwide; [and] provides for consultation with persons with disabilities and their representative organizations, underlining the disability organizations motto ‘Nothing about us without us’.”⁷²⁰ This Convention may provide a platform for increased awareness regarding children with disabilities and increased focus on their rights and freedoms. The Convention entered into force on 3 April 2008 (and the Optional Protocol will enter into force 30 days later—3 March, presumably).

⁷¹⁵ El-Fil, Rana. “Article 24- Protection of Children.” *Refugee Survey Quarterly* 2005, 24(3), p.p. 219-255 [Available at <http://www.humanrightslebanon.org/reports.html> (accessed on 27 February 2008)].

⁷¹⁶ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 43

⁷¹⁷ US Department of State, Bureau of Democracy, Human Rights, and Labour (23 February 2001). “Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/800.htm> (Accessed on 14 April 2008)]

⁷¹⁸ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). “Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon.” (Ref. N/0 ITB/LEB/2005-5). P. 43

⁷¹⁹ US State Department, Bureau of Democracy, Human Rights, and Labor (11 March 2008). “Global Report on Human Rights (2007): Lebanon: Country Reports on Human Rights Practices.” [Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm> (Accessed on 13 March 2008)]

⁷²⁰ Lansdown, Gerison (2008). “The Rights of Children with Disabilities: A Guide to Using the Convention on the Rights of Persons with Disabilities with the Convention on the Rights of the Child.” Save the Children.

Praxis: Children with Disabilities

Despite legislative developments, children with disabilities continue to experience discrimination, particularly as regards to health care, access to specialized services, family support and education. There are reports that children with disability are frequently institutionalized. The Ministry of Social Affairs continues to provide funding to institutions for people with disability. Some argue its energy should, instead, be focused on enforcing laws (such as Law no. 220/2000) that would decrease discrimination and encourage inclusion. Institutionalization may not only constitute discrimination but may also be against the best interest of the child, as defined in the CRC.⁷²¹

A report on the situation of persons with disability in Lebanon found that only 0.48% of children were identified as disabled. The authors of the report believe that this figure is inaccurate and that in reality the rates could be up to five times higher.⁷²² A Maternal and Child Health survey conducted by the Ministry of Public Health in Lebanon (1996) found that long-term disability resulting from injuries alone was an estimated 0.76%.⁷²³ The Lebanese Centre for Policy Studies estimated that 1.6% of children in Lebanon had disabilities.⁷²⁴ In 1995 UNICEF estimated that 4.3% of children had disabilities.⁷²⁵

Handicap International noted that regional disparities affect the condition of children with disabilities. Children with disabilities that are living in urban centers may have more access to a variety of services but often have less ‘social-capital’ (family) to take care of them. In rural areas, a lack of information regarding disabled children is still a key concern. Some disabled persons continue to be confined to a single room. There may be more family available to care for the disabled child but there is less knowledge about children with disabilities generally, including regarding available services. Economic pressures in both situations may have an impact on the quality and quantity of care provided to the child.⁷²⁶

Palestinian children with disabilities are believed to be particularly vulnerable. In addition to social discrimination, the physical construction of the camps is hostile to persons with disabilities. There are few NGOs working with disabled children in Palestinian camps and there is vertically no referral system.⁷²⁷
Handicap International reported that disabled Palestinian children are often subjected to violence in the camps.⁷²⁸

⁷²¹ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁷²² Sibai, Abla Mehio. “Disability in Lebanon: A Statistical Portrait.” Council for Development and Reconstruction, Community Development Project, National Inclusion Project.

⁷²³ Sibai, Abla Mehio. “Disability in Lebanon: A Statistical Portrait.” Council for Development and Reconstruction, Community Development Project, National Inclusion Project.

⁷²⁴ Sibai, Abla Mehio. “Disability in Lebanon: A Statistical Portrait.” Council for Development and Reconstruction, Community Development Project, National Inclusion Project.

⁷²⁵ Sibai, Abla Mehio. “Disability in Lebanon: A Statistical Portrait.” Council for Development and Reconstruction, Community Development Project, National Inclusion Project.

⁷²⁶ Handicap International Representative. Personal Interview. 21 April 2008.

⁷²⁷ Handicap International Representative. Personal Interview. 21 April 2008.

⁷²⁸ Handicap International Representative. Personal Interview. 21 April 2008.

D.3 Education

Parents are usually fully convinced of the importance of education for children and education is seen as the only way to guarantee a good future for children. This is illustrated by the conservative views prevailing in Lebanon regarding the education of children. Families focus on “serious” education and have a limited interest in culture and leisure for children, often perceived as an unimportant “luxury” or even a “waste of time”.⁷²⁹

UNDP stated that, “there has been a notable promotion of basic education at the national level in recent years. Education accounted for 11% of GDP in 2008,⁷³⁰ as in 1999.⁷³¹ The share of government expenditure on general education varied from 7% in 1993, to 6.31% in 1996 and 0.06% in 1999⁷³², and the budget for primary education increased from 1.6% of GDP in 1993 to 2.3% in 1998.⁷³³ Expenditure on primary education as a percentage of total government expenditure on education increased from 56% in 1993 to 65% in 1998.”⁷³⁴

The high levels of school enrolment and literacy in Lebanon are commendable. However, disparity in access and quality of education (due to the limited provision of public education) and the discrimination against non-Lebanese students is concerning. The continued use of corporal punishment in private, public and UNRWA schools has been noted by numerous NGOs and is the subject of NGO activity.

D.3.1 Access

Though Lebanon has high school enrollment rates compared to the rest of the Middle East and North Africa, regional and economic disparities continue to limit children’s access to school. This section will look at laws related to access to education, numbers of children attending school (particularly noting regional disparities and differences between public and private schools), and Iraqi and Palestinian children’s access to school.

Article 28 of the CRC does not specify a minimum age for the completion of education. It does, however, require that states ensure that education is free and compulsory. The Committee’s Guidelines for Periodic Reports requests that parties to the convention “‘indicate the particular measures adopted to make primary education compulsory and available free for all, particularly children, indicating the minimum age for enrolment in primary school, the minimum and maximum ages for compulsory education...’”⁷³⁵ Melchiorre notes that this provision seems to imply that compulsory education is no longer narrowed to primary education: “In this respect, it is worth noting that the assumption whereby compulsory schooling equals primary education in length is no longer valid. The majority of countries considered here have extended compulsory education beyond primary schooling”.⁷³⁶

⁷²⁹ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁷³⁰ UNESCO (2008). “Sharpening our Tools: Education for All Mid-Term Review for the Arab States.” P. 80

⁷³¹ UNDP. “United Nations Development Assistance Framework – A Platform for Cooperative Action 2002-2006.”

⁷³² Riad Tabbara (2000). “Education in Lebanon”.

⁷³³ UNDP. “United Nations Development Assistance Framework – A Platform for Cooperative Action 2002-2006.”

⁷³⁴ Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP.P. 10

⁷³⁵ Guidelines for Periodic Reports, Committee on the Rights of the Child. 20/11/96. CRC/C/58 (Guidelines for Periodic Reports).

⁷³⁶ Melchiorre, Angela (2004). “At what age?... Are School Children Employed, Married & Taken to Court?” Right to Education Project.

Lebanese Law No. 686 (16 March 1998) provides for free and compulsory education for every Lebanese child until the age of 12.⁷³⁷ The Coalition to Stop the Use of Child Soldiers stated that the state's failure to issue an implementation decree means that technically this law has not come into force.⁷³⁸ Further research is needed to confirm this. The Committee on the Rights of the Child expressed concern about three issues related to this law: 1) the low age of compulsory education, 2) in practice, the lack of free education, and 3) limiting free and compulsory education to *Lebanese* children. Furthermore, the minimum age of employment is 14. The CRC recommended that the government "expedite its plans to erase the gap between the school-leaving age and the minimum age for employment by adopting the bill to raise the age of compulsory education to 15 years and the bill 14 amending the Labour Code to bring it into with ILO Conventions Nos. 138 and 182".⁷³⁹ One of the concerning practices in Lebanon is the restriction on children returning to school who have been absent for more than two years or are significantly older than the rest of the class. In such cases a child must obtain special permission from the Ministry of Education to attend school. This practice is allegedly in an attempt to limit age disparities in the classroom. Preliminary research suggests that this practice was simplified for the 2007-2008 school year, facilitating the entrance of children into school.⁷⁴⁰ Interestingly, some NGOs suggest that prior to 2007-2008 in practice they have not had difficulty with this provision.⁷⁴¹

UNDP estimated in 2004 that 92% of children attended elementary school, 68.4% of children attended intermediate school, and 42% of children attended secondary school.⁷⁴² Research indicates that enrolment rates for Mount Lebanon are highest, followed by Beirut, then South Lebanon and the Bekaa valley. North Lebanon has the lowest enrolment rates in Lebanon which corresponds to poverty statistics. Total enrollment rates, according to location, are as follows: 82.5% Mount Lebanon, 80.3% in Beirut, 78.5% in South Lebanon, 74.3% percent in Bekaa, and 74.1% in North Lebanon (1998/99).⁷⁴³ An estimated 3% of parents send their children to residential institutions because they cannot afford education.⁷⁴⁴ Quoting the PAPFAM, UNDP cited that approximately 9% of children aged 10 and above are not in school. They go on to note that NGOs estimate that 40% of adolescents between the ages of 15-18 are not in school.⁷⁴⁵

There are three categories of schools in Lebanon: public (state funded), semi-public (usually run by NGOs with funding from the Ministry of Social Affairs), and private schools. According to Lebanon's Third Periodic report to the CRC (2005), 39% of children attend public school, 12.6% semi-public school

⁷³⁷ As translated by CRC/C/70/Add. 8, 26 September 2000 as referenced by Melchiorre, Angela (2004). "At what age?... Are School Children Employed, Married & Taken to Court?" Right to Education Project.P. 86

⁷³⁸ Coalition to Stop the Use of Child Soldiers (October 2007). "Lebanon: The Vulnerability of Children to Involvement in Armed Conflict." P. 13

⁷³⁹ Concluding Observations of the Committee on the Rights of the Child: Lebanon. 8/06/06. CRC/C/LBN/CO/3/. (Concluding Observation/Comments); ILO Convention 138 regards to the minimum age that an individual can enter employment.

⁷⁴⁰ Ministry of Education Representative. Personal Interview. 29 April 2008.

⁷⁴¹ INSAN Representative. Personal Interview. 18 April 2008.

⁷⁴² In National Survey of Household Living Conditions 2004 (CAS, UNDP, 2006) it is mentioned that "according to the previous system, the educational levels prior to university were divided as follows: the elementary level (5 years from Grade I to Grade V), the intermediate level (4 years from Grade VI to Grade IX), and the secondary level (3 years from Grade X to Grade XII). According to the new methodology, the designations have changed to basic education (9 years) and secondary education (3 years), and the levels are now known as follows: basic level Cycle I (3 years from Grade I to Grade III), basic level Cycle II (3 years from Grade IV to Grade VI), basic level III (3 years from Grade VII to Grade IX), and secondary level (3 years from Grade X to Grade XII). The new terms are still not widely used. In the current text, the elementary level refers to the first 6 years following pre-school (i.e. Cycle I and II of the basic level according to the new methodology)".

⁷⁴³ Ministry of Social Affairs and UNDP (1998). "Mapping of Living Conditions in Lebanon."

⁷⁴⁴ Economic and Social Council (26 April 2007). Presentation by United Nations Children's Fund. Annual Session 2007 (4-8 June 2007). Item 9 (a) of the provisional agenda: "Short-duration Country Programme Document: Lebanon". United Nations E/ICEF/2007/P/L.26

⁷⁴⁵ Economic and Social Council (26 April 2007). Presentation by United Nations Children's Fund. Annual Session 2007 (4-8 June 2007). Item 9 (a) of the provisional agenda: "Short-duration Country Programme Document: Lebanon". United Nations E/ICEF/2007/P/L.26

and 48.5% private schools.⁷⁴⁶ However, due to the economic crisis, enrollment in public schools is expected to rise.⁷⁴⁷ A study done in 2006 similarly found that 60.2% of elementary level students attend private schools compared to 38.9% who attend public schools. However, they noted that at the secondary level 56% attend public schools and 42% attend private schools.⁷⁴⁸ In 1995/96, 40% of private schools were located in Beirut and Mount Lebanon, 18% in south Lebanon, 18% in the Bekka, and 20% in North Lebanon.⁷⁴⁹

For historical reasons, private schools occupy a specific place in the education context. Some of the private schools are, in fact, older than the state of Lebanon itself. Most private schools were established by French and Anglo-Saxon missionaries in Beirut and Mount Lebanon and by Muslims in Beirut and in other major Sunni cities at the beginning of the 19th century. Prior to the establishment of Lebanon's independence in 1943, these schools provided education to community leaders and political elite.⁷⁵⁰ During and after the civil war, public schools were extremely weak, with little funding and poor service. Meanwhile, private schools continued to provide quality education because of external and internal sources of funding. During the civil war, private schools were also a place for political mobilization and maintained close ties to particular political elite (along confessional lines). Following the war, private schools maintained their prestigious position. This was matched by declining faith in the public schools system and its inability to provide education to all.⁷⁵¹ Halabi argues that "the strong and prestigious private schools have kept their links with political leaders and preserved their traditional autonomy and mistrust of the Lebanese public sector;"⁷⁵² thus, their relationship with the Ministry of Education remains unstable and, at times volatile. Decisions taken at the state level regarding education are not necessarily adopted by private schools.⁷⁵³

Public schools should, in accordance with Lebanon's national and international obligations, be free. However, the University Center for Family and Community Health noted that public schools can only provide free education to 30.6% of the total number of students. Public school costs 421,000 Lebanese Pounds annually (roughly \$280).⁷⁵⁴ This school year (2007-2008), Saudi Arabia paid for the cost of all public school tuitions, as an act of charity.⁷⁵⁵ Unfortunately, some parents are not able to afford the other school related costs (books, papers, clothing, etc). The inaccessibility and poor quality of public schools results in a *de facto* economic discrimination among children.

Increased school dropout rates raised concern for a number of international actors. A UNICEF survey (2000) showed that the main reasons for school drop out were, in order of importance, lack of interest, cost, academic failure, family's need of their children's support in generating additional income, and

⁷⁴⁶ State Party Report- Third (Convention on the Rights of the Child): Lebanon, CRC/C/129/Add.7, 25 October 2005.

⁷⁴⁷ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

⁷⁴⁸ UNDP (2006). "Living Conditions of Households: The National Survey of Household Living Conditions 2004." Collaborative study done by UNDP, Central Administration for Statistics, and Lebanese Republic Ministry of Social Affairs.

⁷⁴⁹ Educational Research and Development Center (1999). "*Compulsory Education in Lebanon: The Need for Public Education.*"

⁷⁵⁰ Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 6

⁷⁵¹ Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 6

⁷⁵² Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 6

⁷⁵³ Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 6

⁷⁵⁴ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/O ITB/LEB/2005-5). P. 20

⁷⁵⁵ Ministry of Education Representative. Personal Interview. 29 April 2008.

health. Research shows that there is a higher rate of school dropouts in public schools than private schools; this corresponds to the higher percentage of low-income families who send their children to public school.⁷⁵⁶

D.3.1.1 Vulnerable Children

Lebanese Law no. 686 (1998) provides for free and compulsory education, but it qualifies this right: “Public education is free and compulsory in the primary phase, and is a right to every *Lebanese* in the primary education age”.⁷⁵⁷ By this, it discriminates against all non-Lebanese children. Furthermore, Amnesty International stresses that bureaucratic procedure, such as requiring identification, “represents *de facto* discrimination against them”.⁷⁵⁸ The UN Economic and Social Council also stated that failure to address such bureaucracy amounts to *de facto* discrimination and is thus a violation of the right to education.⁷⁵⁹

Notably, non-Lebanese children (Palestinian, Iraqi, etc.) are allowed to attend public schools;⁷⁶⁰ however, the quotas for non-Lebanese children are very small and as a result few are able to do so.⁷⁶¹ Most Palestinian children attend UNRWA schools. The majority of Iraqi children in school attend private schools.⁷⁶²

Iraqi Refugee Children

DRC found that 94% of Iraqi households reported having children between the ages of 6 and 17 who were not enrolled in school.⁷⁶³ In 40% of cases, the price of enrolment was cited as the primary reason for lack of enrolment.⁷⁶⁴ Among the same population, more girls appeared to be in school than boys (almost double). DRC suggests that this is because boys are culturally expected to work at a younger age than girls.⁷⁶⁵ There are a number of organizations that provide financial assistance to refugee children for tuition fees. However, even with financial assistance, families reported being unable to pay addition costs such as transportation, books, and stationary.⁷⁶⁶ In addition, the economic and security⁷⁶⁷ vulnerability of

⁷⁵⁶ Save the Children Sweden (24 November 2006). “Lebanon Global Challenge, Country Plan: Quality Education for Children affected by Conflict 2007-2010.” (Draft 1). Save the Children Sweden.

⁷⁵⁷ Amnesty International Submission to the Committee on Rights of the Child on the occasion of the Lebanon’s third periodic report (June 2006) “Briefing to the Committee on the Rights of the Child 42nd session of the Committee on the Rights of the Child”.

⁷⁵⁸ Amnesty International Submission to the Committee on Rights of the Child on the occasion of the Lebanon’s third periodic report (June 2006) “Briefing to the Committee on the Rights of the Child 42nd session of the Committee on the Rights of the Child”.

⁷⁵⁹ CESCR, *General Comment 13, The Right to Education*, [6(b)], UN Doc E/C.12/1999/10 (8 December 1999) (‘CESCR *General Comment 13*’).

⁷⁶⁰ Letter from Director of Elementary Education to Raiq Saidi, UNHCR Representative in Lebanon, April 20, 1999 (on file with Human Rights Watch).

⁷⁶¹ Norwegian Refugee Council (4 April 2007). “Educational Needs Assessment of Iraqi Refugees in Lebanon.” pp. 10-11.

⁷⁶² Danish Refugee Council (November 2007). “Iraqi Population Survey in Lebanon: A Report” [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)]

⁷⁶³ Danish Refugee Council (November 2007). “Iraqi Population Survey in Lebanon: A Report” [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)]

⁷⁶⁴ Danish Refugee Council (November 2007). “Iraqi Population Survey in Lebanon: A Report” [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)]

⁷⁶⁵ Danish Refugee Council (November 2007). “Iraqi Population Survey in Lebanon: A Report” [Available at: www.drc.dk & www.lebanon-support.org (accessed 27 Feb. 2008)]

⁷⁶⁶ Human Rights Watch (November 2007). “Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon.” Vol. 19, No. 8 (E), p. 55

many Iraqi families requires children to work.⁷⁶⁸ Finally, language difficulties, lack of proper identification documents, trauma, and age disparities (many Iraqi kids are a number of years behind their age group) reportedly discourage school attendance. Iraqi refugee children face problems in the educational setting in Lebanon, specifically in subjects like mathematics and the sciences which are taught in English or French. Most Iraqi children do not have a sufficient understanding of English or French to understand these lessons.⁷⁶⁹ In addition, many Iraqi children have not been able to attend school for a number of years because of the continuing violence in Iraq. As a result, they are often in classes with students much younger than themselves and lag behind in their studies. This contributes to their feeling of isolation and encourages school-drop out.⁷⁷⁰ In addition, though school certificates are not usually required for primary school enrollment, they are required for enrollment in secondary school. Many children do not have these certificates with them.⁷⁷¹ To register for the state exams necessary to qualify for the baccalaureate, children must have residency in Lebanon. This excludes all Iraqi refugee children.⁷⁷² Finally, some Iraqi children (during FGD) mentioned tension with Lebanese students and/or a lack of friends at school.⁷⁷³ However, bullying in the schools (apparently linked to racism) seemed to have the most significant impact on children of migrant workers and Sudanese.⁷⁷⁴

Palestinian Refugee Children

Palestinian children's right to education is affected by limitations on the numbers of Palestinians which can attend public schools, the cost of private schools, the lack of identification documents (non-ID Palestinians) and restrictions on employment possibilities⁷⁷⁵ (discourages children from having an education because they do not think they will be able to get a job⁷⁷⁶). Registered Palestinians can attend UNRWA schools (UNRWA has approximately 87 elementary schools and 5 secondary schools).⁷⁷⁷ Non-registered and non-ID Palestinians are technically barred from UNRWA schools; however, there are

⁷⁶⁷ In addition, adults (specifically men) are often reluctant to look for work for fearing of being detained for being illegal. Children are less likely to be arrested and are thus encouraged to work.

⁷⁶⁸ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E).

⁷⁶⁹ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E), p. 56

⁷⁷⁰ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E), p. 56

⁷⁷¹ Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E), P. 56-57

⁷⁷² Human Rights Watch (November 2007). "Lebanon: Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon." Vol. 19, No. 8 (E), p. 57

⁷⁷³ 6 Iraqi children (age 9-13). Herme. Focus Group Discussion. 24 April 2008; 11 Iraqi children. Nabaa (age 8-14). Focus Group Discussion. 23 April 2008.

⁷⁷⁴ 12 Sudanese children and children of migrant workers (age 8-15). Nabaa. 23 April 2008.

⁷⁷⁵ Amnesty International Submission to the Committee on Rights of the Child on the occasion of the Lebanon's third periodic report (June 2006) "Briefing to the Committee on the Rights of the Child 42nd session of the Committee on the Rights of the Child".

⁷⁷⁶ Amnesty International Submission to the Committee on Rights of the Child on the occasion of the Lebanon's third periodic report (June 2006) "Briefing to the Committee on the Rights of the Child 42nd session of the Committee on the Rights of the Child".

⁷⁷⁷ UNRWA. "Statistics." [Available at <http://www.un.org/unrwa/programmes/education/basic.html> (Accessed on 31 March 2006)].

reports that they are able to attend classes.⁷⁷⁸ They are unable to have secondary education, however, because they do not have the identification documents necessary to take the qualification examination.⁷⁷⁹

According to the FAFO study, 90% of Palestinian children living in the camps and gatherings who are 11 years and younger attend school.⁷⁸⁰ Between the ages of 11 and 14, enrolment drops to 80%. For children between the ages of 16 and 18, enrolment is 40%.⁷⁸¹ There are regional disparities in Palestinian enrolment rates. The camps in the Beqaa valley are quoted as having the highest enrolment rates and the camps and gatherings around Beirut appear to have the lowest rates.⁷⁸²

Children with Disabilities

The CRC states that education should assist disabled children in social integration. Law No. 220 (1999) and No. 686 (1998) protects disabled children's right to education in Lebanon.⁷⁸³ Despite disabled children's protected right to education most mainstream schools in Lebanon exclude children with disabilities.⁷⁸⁴ As a result, the majority of disabled children in Lebanon are not educated. Those that do receive an education, by enlarge, are educated in special institutions. In 2003, a study found that institutions (run by 46 NGOs⁷⁸⁵) provided education for 4,758 disabled children, approximately half of which resided in the institution.⁷⁸⁶ In 2001, the Lebanese Ministry of Social Affairs reportedly spent an average of \$1,762 on each disabled child in an institution. Institutional education is approximately 4 times more expensive than mainstream education.⁷⁸⁷ Reports, however, indicate that despite the government's expenditure, the quality of education in these institutions remains poor.⁷⁸⁸ Encouragingly, LPHU have developed a pilot program to integrate children with disabilities into four schools in the Beqaa region.⁷⁸⁹ In addition, new schools are reportedly being built to ensure their accessibility for children with disabilities.⁷⁹⁰

⁷⁷⁸ Amnesty International Submission to the Committee on Rights of the Child on the occasion of the Lebanon's third periodic report (June 2006) "Briefing to the Committee on the Rights of the Child 42nd session of the Committee on the Rights of the Child".

⁷⁷⁹ In Lebanon, the last school certificate is the *baccalaureat* after which students can go to university. Before going to study for the *baccalaureat*, students have to obtain a *brév *, which is an intermediate schooling certificate.

⁷⁸⁰ Ugland OF (ed.) (2003). "Difficult Past, Uncertain Future: Living Conditions among Palestinian Refugees in Camps and Gatherings in Lebanon." Oslo, Institute of Applied Social Science, FAFO, Report 409.

⁷⁸¹ Ugland OF (ed.) (2003). "Difficult Past, Uncertain Future: Living Conditions among Palestinian Refugees in Camps and Gatherings in Lebanon." Oslo, Institute of Applied Social Science, FAFO, Report 409.

⁷⁸² Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

⁷⁸³ Thomas, Eddie and Sylvana Lakkis. "Disability and Livelihoods in Lebanon." Middle East, Eastern Europe and Commonwealth of Independent States and Lebanese Physically Handicapped Union.

⁷⁸⁴ Wehbi, Samantha and Sylvana Lakkis. "Women and disability in Lebanon." Lebanese Physical Handicapped Union. [Available at www.lphu.com/AN/doc/studies/5T_Women_with_Disabilities.doc (Accessed on 14 April 2008)].

⁷⁸⁵ Wehbi, Samantha and Sylvana Lakkis. "Women and disability in Lebanon." Lebanese Physical Handicapped Union. [Available at www.lphu.com/AN/doc/studies/5T_Women_with_Disabilities.doc (Accessed on 14 April 2008)].

⁷⁸⁶ Thomas, Eddie and Sylvana Lakkis. "Disability and Livelihoods in Lebanon." Middle East, Eastern Europe and Commonwealth of Independent States and Lebanese Physically Handicapped Union.

⁷⁸⁷ Thomas, Eddie and Sylvana Lakkis. "Disability and Livelihoods in Lebanon." Middle East, Eastern Europe and Commonwealth of Independent States and Lebanese Physically Handicapped Union.

⁷⁸⁸ Thomas, Eddie and Sylvana Lakkis. "Disability and Livelihoods in Lebanon." Middle East, Eastern Europe and Commonwealth of Independent States and Lebanese Physically Handicapped Union.

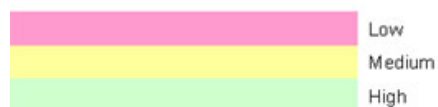
⁷⁸⁹ Wehbi, Samantha and Sylvana Lakkis. "Women and disability in Lebanon." Lebanese Physical Handicapped Union. [Available at www.lphu.com/AN/doc/studies/5T_Women_with_Disabilities.doc (Accessed on 14 April 2008)].

⁷⁹⁰ Wehbi, Samantha and Sylvana Lakkis. "Women and disability in Lebanon." Lebanese Physical Handicapped Union. [Available at www.lphu.com/AN/doc/studies/5T_Women_with_Disabilities.doc (Accessed on 14 April 2008)].

The Ministry of Social Affairs⁷⁹¹ quoted the following statistics with regard to disabled children's educational achievements:

Disabled children having a disability card by education level (Percent)

Subpopulation	1998	1999	2000	2001	2002
Never went to school	60.3	56.95	62.42	58.39	57.47
Primary no specialized degree	9.47	7.16	5.49	4.78	5.36
Primary no degree	26.02	28.65	23.81	25.88	26.63
Complementary no specialized degree	0.27	0	0.09	0.4	0.38
Complementary no regular degree	2.47	4.2	4.88	7.03	4.98
Secondary no specialized degree	0	0	0	0	0
Secondary no regular degree	0.07	0.22	0.35	1.33	1.92
University no degree	0	0	0	0.07	0
Other	1.4	2.82	2.96	2.12	3.26



In the Palestinian camps and gatherings, more than half of the children with disabilities are illiterate: 60.6% of those 10-14 years of age and 58% of 15-19 year olds. Only 44% of children with disabilities between the ages of 10-14 are enrolled in school. The majority (58%), however, only have movement disorders.⁷⁹² Though an important step, pushing for the inclusion of children with disabilities in UNRWA schools may have significant risks. The level of violence in the schools and the lack of sufficient monitoring of students places children with disabilities at risk and may increase the teachers' stress in an already volatile situation.⁷⁹³ Alternatively, NGOs that offer services to disabled children may be increasing their marginalization by further separating them from the general society.⁷⁹⁴

⁷⁹¹ Ministry of Social Affairs. "Disabled Rights Program, Annual Statistics, 1998, 1999, 2000, 2001, 2002."

⁷⁹² Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

⁷⁹³ Handicap International Representative. Personal Interview. 21 April 2008.

⁷⁹⁴ Handicap International Representative. Personal Interview. 21 April 2008.

D.3.2 Quality

In general, public schools suffer from poor institutional, managerial, and financial capacity; “an irrational distribution of human and physical resources due to politically motivated decisions;”⁷⁹⁵ and limited oversight. Due to limited fiscal resources, the public sector does not attract highly qualified staff and thus “tend to be overstaffed with unqualified teachers recruited on political and sectarian grounds.”⁷⁹⁶ Notably, in 2003, UNDP found that around 82% of public expenditure on education is used for salaries: 57% for teaching staff, and 7% for administrative staff.⁷⁹⁷ UNDP also found a low correlation between the quality of education and the high teacher/student ratio in public schools (1:9).⁷⁹⁸ Private schools have a higher standard of education generally; however there is very limited governmental oversight of private schools.

Attesting to the poor quality of education, according to UNDP (2003), only 65% of children in grade 4⁷⁹⁹ and 66% in grade 8⁸⁰⁰ have attained the skills accredited at the national level.⁸⁰¹ This figure is probably subject to regional disparities. Notably, in 1995 there was a 30% illiteracy rate in Akkar and a 7.7% illiteracy rate in Aley.⁸⁰²

The education attainment of teachers is one of the main restraints to quality education. In 2004 and 2005, an estimated 44% of Lebanese teachers had a university degree. Forty-five per cent of teachers had a Baccalaureate or less.⁸⁰³ In 1999-2000 the Centre Pour le Development et les Recherches Pedagogiques noted that 46% of teachers teach in public schools while the remaining 54% teach in private schools. The average student/teacher ratio is 1 to 9 in public schools and 1 to 16 in private schools. Almost 57% of public school teachers and around 35% of private school teachers are over 40 years of age. Almost half of the Lebanese educational staff only have a Baccalaureate degree, or less, and 6% of all Lebanese teachers only have the Brevet degree.⁸⁰⁴

A notable reform effort was launched in the mid-1990s, which aimed to restructure the education system, implement a new curriculum, and provide in-service training to teachers.⁸⁰⁵ All parts of the reform package have not been uniformly implemented. However, in general the curriculum is the same in all schools, though extracurricular activities are mainly provided in private schools.⁸⁰⁶ The new curriculum encourages child participation, rights education, and more innovative learning techniques. Modules pertaining to children’s rights are supposed to be taught in all schools (based primarily on the CRC), often by NGOs. They are usually taught during the last year of each education cycle in the Language class (though not at all levels in all schools).⁸⁰⁷ Another common feature in Lebanon’s schools is a course

⁷⁹⁵ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁷⁹⁶ Save the Children Sweden (2006). “Children’s Rights Situation Analysis.” (draft)

⁷⁹⁷ Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. P. 11

⁷⁹⁸ Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. P. 11

⁷⁹⁹ Educational Research and Development Center (1995-1996), “Assessment of the Educational Attainment for Grade 4”.

⁸⁰¹ Samad, ziad Abdul (2003). “Millennium Development Goals: Lebanon Report.” UNDP. P. 10

⁸⁰² UNESCO Regional Office in Beirut and Educational Research Center (2001) “Indicators for the General Education in Lebanon for the Years 1999-2000.”

⁸⁰³ Center for Educational Research and Development- Ministry of Education and Higher Education. “Lebanon 2005.” [Available at http://www.crdp.org/crdp/Arabic/arstatistics/a_statistic%20publication.asp]

⁸⁰⁴ Centre pour le Developpment et les Recherches Pedagogique. “Statistiques 1999-2000”

⁸⁰⁵ Save the Children Sweden (24 November 2006). “Lebanon Global Challenge, Country Plan: Quality Education for Children affected by Conflict 2007-2010.” (Draft 1). Save the Children Sweden. P. 8

⁸⁰⁶ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” P. 13

⁸⁰⁷ Coalition to Stop the Use of Child Soldiers (October 2007). “Lebanon: The Vulnerability of Children to Involvement in Armed Conflict.” P. 13

entitled National and Civic Education which was created by the Lebanese government in 1946 to promote the Arabic language and the Lebanese national identity, most recently developed and revised as part of the revised 1997 National Curriculum. Today this class is essentially citizenship education and is taught in both public and private schools.⁸⁰⁸ There is a segment in the course focused on rights; however, it focuses exclusively on Lebanese law and allegedly does not consider the CRC.⁸⁰⁹ However, the curriculum and pedagogy tends to put emphasis on literacy and numeric reasoning at the expense of child-centered, play-oriented approaches.⁸¹⁰

One of the concerning features of the new curricula is that it requires that children automatically pass the first 3 years of their school.⁸¹¹ This seems to be causing problems when children reach grade 4⁸¹² and may contribute to school-drop out at this age.

D.3.2.1 Vulnerable groups

Palestinian Refugee Children

Prior to the civil war, Palestinians more fully enjoyed the right to education. However, following the expulsion of the Palestinian Liberation Organization, the subsequent deterioration of the camps, and the increased legal vulnerability of the Palestinian refugees, education opportunities have been considerably reduced. Palestinians increasingly struggle to understand the benefit of education when they may not be able to find employment afterwards. Coupled with the UNRWA's financial difficulties, low student motivation, and poorly trained education staff, this has resulted in poor standard of education for much of the young generation. This could have potentially grave consequences for the future of the political and social situations in the camps.⁸¹³

Since UNRWA began to provide education to Palestinian refugees in the early 1950s, it has had a remarkable record. Though UNRWA tends to use the curriculum of its host country, literacy rates among Palestinian refugees are considerably higher than the average in the Middle East.⁸¹⁴ The Agency has tended to place heavy emphasis on the provision of free education.⁸¹⁵ In 2005, 1814 staff worked in the education department of UNRWA in Lebanon. In 2005, an estimated 50% (\$27.5 million) of the available budget was allocated to education.⁸¹⁶ In the past, UNRWA provided financial support for refugees to enrol in private and public schools. UNRWA has recently run into financial difficulties that prevent this policy (since the 1992-1993 school year) and, arguably, weakened their education services generally.⁸¹⁷

Pre-elementary school is predominately provided by NGOs.⁸¹⁸ UNRWA does not usually provide kindergarten facilities. In Lebanon, UNRWA only operates five kindergartens. Incidentally, they are funded by the French government and are thus conducted in French. This may pose a problem to children moving from one of these kindergartens into an UNRWA elementary school, as schools are conducted in

⁸⁰⁸ Akar, Bassel (2007). "Citizenship education in Lebanon: An introduction into students' concepts and learning experiences." *Educate*, Vol.7, No.2. Available at: <http://www.educatejournal.org/2>

⁸⁰⁹ Ministry of Education Representative. Personal Interview. 29 April 2008.

⁸¹⁰ Faour, B. (2003). *Early childhood teachers in Lebanon: Beliefs and practices*. (Unpublished doctorate thesis.) University of Leicester, England.

⁸¹¹ Ministry of Education Representative. Personal Interview. 29 April 2008.

⁸¹² Ministry of Education Representative. Personal Interview. 29 April 2008.

⁸¹³ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft).

⁸¹⁴ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft). p. 2

⁸¹⁵ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft). p. 2

⁸¹⁶ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft). p. 2

⁸¹⁷ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft). p. 3

⁸¹⁸ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

English and Arabic. Other kindergartens operating in camps and gatherings are run by NGOs. There is no unified curriculum for all kindergartens operating in this field and thus the education levels of children entering primary school differ significantly.⁸¹⁹

Recently, indicators suggest that the quality of education is low and often deteriorating in UNRWA schools. One of the root causes is overcrowding in classrooms. The average occupancy rate of classrooms was 39.5 students in 1999-2000 and more than 18% of classes were hosting more than 48 students, according to UNRWA official figures. This is due both to UNRWA's financial crisis and the restrictions on construction imposed by the Lebanese authorities, including prohibiting the construction of UNRWA schools outside the limits of the camps.⁸²⁰

As of 2005, the education level of Palestinian refugee children was lower than Lebanese children and Palestinian refugee children living in other countries. For Palestinian children 10 years and older, school dropout is ten times higher than for Lebanese children. Secondary enrolment rates are two times higher for Lebanese children than for Palestinian children.⁸²¹ The Lebanese government stated that the dropout rate among Palestinian children was 39%.⁸²²

According to UNICEF (2000), 67.5% boys and 57.6% girls cite failure in school, de-motivation and harsh treatment as the primary reasons for school dropout. Economic reasons are cited by 19.6% of boys and 16.6% of girls.⁸²³ Additional contributing factors include the scarcity of extracurricular activities and the limited number of sports and leisure facilities, due to lack of space and resources.⁸²⁴ In addition, cramped living conditions and poor health conditions affect the motivations and concentration of the students, discouraging scholastic excellence.⁸²⁵

Some of the challenges that UNRWA faces in trying to provide quality education are a result of the environment of the camps. UNRWA schools operate a double shift (sometimes triple shifts), practically operating two separately administered schools in the same building. This results in short school days. Thus, less time is available for extra-curricular activities, informal learning, tutoring, etc. This damages the quality of the education. Sixty-three percent of classes operate on a double shift policy.⁸²⁶ In addition, due to overcrowding in the camps, UNRWA has resorted to renting school premises, usually outside of the camp. Rented premises are generally not suited to the educational setting. Classrooms lack ventilation, space, proper lighting, and additional rooms for extracurricular activities and particular subjects (science and IT).⁸²⁷

An additional challenge for UNRWA in providing quality school services is the effective implementation of curriculum changes, integrating a concept of school 'as a focus for development', and developing a knowledge system 'pertaining to the maintenance of the national identity'.⁸²⁸ UNRWA allows time for

⁸¹⁹ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft). p. 3

⁸²⁰ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

⁸²¹ State Party Report- Third (Convention on the Rights of the Child): Lebanon, CRC/C/129/Add.7, 25 October 2005.

⁸²² State Party Report- Third (Convention on the Rights of the Child): Lebanon, CRC/C/129/Add.7, 25 October 2005.

⁸²³ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

⁸²⁴ Coalition to Stop the Use of Child Soldiers (October 2007). "Lebanon: The Vulnerability of Children to Involvement in Armed Conflict." P. 8

⁸²⁵ Coalition to Stop the Use of Child Soldiers (October 2007). "Lebanon: The Vulnerability of Children to Involvement in Armed Conflict." P. 8

⁸²⁶ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft) p. 4

⁸²⁷ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft) p. 4

⁸²⁸ Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

individual teachers to develop activities to such ends but leaves the context to the teacher. Thus, children are not receiving a uniform message in regards to the basic elements of Palestinian identity, allowing for further disintegration of social cohesion.⁸²⁹

During the 1998-1999 academic year the Lebanese government introduced the first phase of a new curriculum (introduced in three phases). UNRWA adopted these changes in curriculum, which includes subject changes, and secured the funds for the new textbooks and additional human resources. During the next two school years UNRWA implemented the second and third phases of the new curriculum.⁸³⁰ However, as a result of UNRWA's lack of space and resources, not all parts of the Lebanese curriculum are taught. For example, art, music, and sports are often excluded. In addition, the 'double shift' system has reduced school hours.⁸³¹ Accordingly, it is reported that UNRWA schools "lag behind those of national authorities in a number of areas, especially with regard to the quality of the learning environment, training of staff, coverage of curriculum, and technical subjects requiring additional resources".⁸³²

Vocational training provided by both UNRWA and NGOs does not meet the needs of the youth, many of who have dropped out of school early. Youth express frustration that courses are not suited to their skills and do not enable them to find work upon completion.⁸³³ The Coalition to Stop the Use of Child Soldiers noted that, "dropping out of school early and [the] lack of vocational training are factors that significantly increase children's vulnerability to involvement in armed groups in Lebanon".⁸³⁴

In national Lebanese examinations at the third preparatory level in 2004, 53% of UNRWA students passed. The national average for public Lebanese schools is 64%. During the official Lebanese Secondary examination (baccalaureate II) in 2004, 90% of UNRWA students passed compared to 67% of students from private and government schools.⁸³⁵ Though these figures are encouraging, Hillenkamp warns that the "statistics need to be complemented with qualitative data. The calculated rates are often defined by specific definitions and procedures. Often weak students do not register for examinations and therefore do not appear in the statistics as failed in the exams".⁸³⁶

Palestinians have access to university in Lebanon and are registered as foreigners at Lebanese universities. Though officially considered foreigners, since 2005 they have been paying the same fee as Lebanese citizens.⁸³⁷ UNRWA also offers a limited number of scholarships to Middle Eastern universities to outstanding scholastic pupils. It also operates a pre-service teacher training, in-service teacher training, and post-preparatory and post-secondary vocational and technical education programmes in five fields (e.g. UNRWA Sibilin training centre).⁸³⁸ UNRWA training centres do not grant pupils a certification

⁸²⁹ Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

⁸³⁰ Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

⁸³¹ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft). p. 6

⁸³² Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft). p. 6

⁸³³ Coalition to Stop the Use of Child Soldiers (October 2007). "Lebanon: The Vulnerability of Children to Involvement in Armed Conflict." P. 8

⁸³⁴ Coalition to Stop the Use of Child Soldiers (October 2007). "Lebanon: The Vulnerability of Children to Involvement in Armed Conflict." P. 8

⁸³⁵ UNRWA, 2005b, 10 quoted in Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft) p. 5

⁸³⁶ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft). p. 5

⁸³⁷ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft). p. 3

⁸³⁸ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft). p. 4

equal to that of Lebanese schools, which contributes to the *de facto* discrimination that Palestinians face in the labour market.

Children's ability to participate in school affairs is limited. In addition, "learning responsibilities and acquiring life skills is secondary or even missing [from the school environment]"⁸³⁹ In an attempt to address this and other problems, in all UNRWA schools a project entitled "Teaching Tolerance and Conflict Resolution" was initiated. It aimed to promote principles of basic human rights, raised awareness of the importance of tolerance, and train students in non-violent means of conflict-resolution.⁸⁴⁰

Children with Disabilities

According to one study, one-sixth's of graduates from institutions for children with disability could not read or write and half were not promoted from primary school.⁸⁴¹ Notably, 23% of disabled persons between 14 and 26 years of age are unable to read or write.⁸⁴² The LPHU study found that girl-children did better than males: 64% of girls who participated in the study were promoted from primary school compared to 48% of boys.⁸⁴³ Similarly, girls were less likely to be illiterate: 12% of girls who participated in the study were illiterate compared to 19% of men.⁸⁴⁴ Socioeconomic regional disparities appear to have a significant impact of education of disabled children, with children in the northern and southern regions having the highest rates of disability.⁸⁴⁵ In 2001, a study found that institute graduates were discriminated against in the market place; notably, most graduates were unemployed or in part time jobs.⁸⁴⁶ Furthermore, it appears that education standards for disabled children are digressing. LPHU's study reported that persons with disability who were educated during the civil war have a higher level of education attainment than children with disabilities currently⁸⁴⁷

⁸³⁹ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft). p. 6

⁸⁴⁰ Coordination Forum of the NGO's Working Among the Palestinian Community submission to the Committee on Rights of the Child on the occasion of Lebanon's third period report (01/10/2005) "Rights of the Palestinian Child in Lebanon, Third Supplementary Report." [Accessed on 25 Feb. 2008- Summary by CRIN]

⁸⁴¹ Thomas, Eddie and Sylvana Lakkis. "Disability and Livelihoods in Lebanon." Middle East, Eastern Europe and Commonwealth of Independent States and Lebanese Physically Handicapped Union...

⁸⁴² Lebanese Physical Handicapped Union (2003). "Alkhadamat al Souhia: Bayn al-Takashouf wa Ghiab al-Rakaba" [Health services: Between fiscal restraint and the absence of control]. *Waw*, No. 2, p. 22-23.

⁸⁴³ Lebanese Physical Handicapped Union (2003). "Alkhadamat al Souhia: Bayn al-Takashouf wa Ghiab al-Rakaba" [Health services: Between fiscal restraint and the absence of control]. *Waw*, No. 2, p. 22-23.

⁸⁴⁴ Lebanese Physical Handicapped Union (2003). "Alkhadamat al Souhia: Bayn al-Takashouf wa Ghiab al-Rakaba" [Health services: Between fiscal restraint and the absence of control]. *Waw*, No. 2, p. 22-23.

⁸⁴⁵ Thomas, Eddie and Sylvana Lakkis. "Disability and Livelihoods in Lebanon." Middle East, Eastern Europe and Commonwealth of Independent States and Lebanese Physically Handicapped Union.

⁸⁴⁶ Save the Children Sweden (2006). "Children's Rights Situation Analysis." (draft)

⁸⁴⁷ Thomas, Eddie and Sylvana Lakkis. "Disability and Livelihoods in Lebanon." Middle East, Eastern Europe and Commonwealth of Independent States and Lebanese Physically Handicapped Union.

D.3.3 Protection

Corporal punishment is widespread. The University Center for Family and Community Health's report noted that an estimated 40% of school students experience physical violence at the hands of their educators.⁸⁴⁸ A report issued by WHO, the Ministry of Public Health, and the Center for Disease Control and Prevention found that 25% of students who participated in their study had been 'physically attacked' by a teacher.⁸⁴⁹ The Committee on the Rights of the Child expressed concern "that violence used as a means of discipline in the home and at school is culturally and legally acceptable".⁸⁵⁰

Article 186 of the Criminal Code and Law 422 allow for corporal punishment in all schools, within general limitations. Article 186 allows for "disciplinary blows inflicted on children by their parents and school teachers in the traditionally practiced manner". In 2001, the Minister of Education issued a Memorandum prohibiting education staff from "inflicting corporal punishment, insulting, verbally humiliating, and attacking the honour of their students".⁸⁵¹ Thus, corporal punishment is legally allowed but administratively banned.⁸⁵² Technically, the Memorandum is only applicable to public schools.⁸⁵³ However, many of the private schools have taken measures to similarly ban corporal punishment.⁸⁵⁴

There are three main obstacles that prevent Lebanese legislation regarding corporal punishment from compliance with the CRC: 1) the law is discriminatory: Article 554 of the Criminal Code states, "A person who intentionally attacks or hurts another, leading to an impairment of less than ten days, following the victim's complaint, is subject to a maximum sentence of six months or and/or a fine. In the event that the plaintiff gives up his/her right, the prosecution is dropped".⁸⁵⁵ This article is discriminatory on the basis of age as well as visibility of physical injury; 2) the definition in Article 186 is generally unclear. First in regards to the definition of the term "disciplinary blows" ("*douroub al ta'dib*"), it can and has been interpreted as 'categories of disciplinary acts' or 'beating as discipline' (ranging from slapping to kicking or worse). Secondly, because of the phrase "traditionally sanctioned manners", the limits of acceptable physical punishment are not clear; and 3) Lebanese law also has a number of contradictions. The Memorandum, despite its importance, is overridden by laws of the parliament (e.g. the Criminal Code and Article 186). Thus, legally, if a teacher was brought to court under sanction of the Memorandum, Article 186 would take precedence.⁸⁵⁶

⁸⁴⁸ University Center for Family and Community Health, Saint- Joseph University (USJ) – Beirut (June 2006). "Desk Research for: Situational Analysis Study on Children in Need of Protection from Violence, Exploitation, and Abuse in Lebanon." (Ref. N/0 ITB/LEB/2005-5). P. 20

⁸⁴⁹ WHO, Republic of Lebanon— Ministry of Public Health, Centers for Disease Control and Prevention (2007). "Lebanon, 2005 Global School-Based Student Health Survey." [Available at http://www.who.int/chp/gshs/2007_Lebanon_GSHS_Country_Report.pdf (Accessed on 14 April 2008)]. P. 3

⁸⁵⁰ Concluding Observations of the Committee on the Rights of the Child: Lebanon. 8/06/06. CRC/C/LBN/CO/3/. (Concluding Observation/Comments).

⁸⁵¹ Global Initiative to End all Corporal Punishment of Children, *Country report: Lebanon*, updated June 2006 [Available at: www.endcorporalpunishment.org/].

⁸⁵² Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 7

⁸⁵³ Global Initiative to End all Corporal Punishment of Children, *Country report: Lebanon*, updated June 2006 [Available at: www.endcorporalpunishment.org/].

⁸⁵⁴ Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 7

⁸⁵⁵ Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 14

⁸⁵⁶ Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 17

Despite the Memorandum, practice is slow to change. The monitoring system is slow and few cases appear to have been reported.⁸⁵⁷ Corporal punishment is deeply rooted in the cultural and pedagogic process: “Whereas in some areas sticks and big rulers are displayed in classrooms, in others they are just ‘hidden behind the door.’ Indeed, the practice, its roots, and its justifications are still prevalent”⁸⁵⁸

A Save the Children Sweden survey identified the following concerning elements in the educational environment that could contribute to violence in the schools: 1) private schools (which have a higher enrollment rate) are more crowded than public schools and may thus be more prone to the use of corporal punishment;⁸⁵⁹ 2) One-third of the teachers are over the age of 40, hired either during or before the war, and, thus, are not aware of new pedagogic skills and values; and 3) almost 50% of Lebanese school teachers do not have a university education, contributing again to their traditionalist approach to punishment.⁸⁶⁰

Halabi found that justifications for corporal punishment were as follows: “It is argued, that overpopulated private schools that enrol the majority of Lebanese pupils and the educational and pedagogic skills of the aging educational body maintain the practice of corporal punishment at schools. In addition, there appear to be regional variables that determine the frequency and the seriousness of corporal punishment. These variables are tightly linked to the socio-economic context of the pupil and the teacher (see annex)”⁸⁶¹

One study found that children’s perception of corporal punishment may, in fact, encourage it. Interviewed children stated that “mild corporal punishment” was not violence. They only considered it “violence” if there was serious pain inflicted. They also stated that children deserved the violence because of “bad” behaviour. Parents’ reluctance to approach the teacher or other relevant authorities may further send the message to the child that corporal punishment is normal and legitimate.⁸⁶²

The HCC, in coordination with NGOs and international organizations, have recently been working on the development of a national strategy to deal with corporal punishment.

Vulnerable Groups

Palestinian children are subject to the laws stipulated in the Criminal Code, and thus the legal complexities facing Lebanese school in regards to corporal punishment apply to Palestinian children as well.⁸⁶³ Like all Lebanese administrative bureaus, the Lebanese Ministry of Education’s Private Education Department does not have the ability to take preventive or interventionary action inside camps or within schools in the camps.⁸⁶⁴ UNRWA acts as the primary duty bearer in regards to education of Palestinian children.

⁸⁵⁷ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 24

⁸⁵⁸ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 7

⁸⁵⁹ “It is important to note that the practice of corporal punishment is more common in schools where teachers need to have control over an oversized class.” (stated in: Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden.)

⁸⁶⁰ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 5

⁸⁶¹ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 6

⁸⁶² Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 8

⁸⁶³ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 32-33

⁸⁶⁴ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 33

Verbal and physical abuse and harsh treatment by teaching staff in UNRWA schools appears to be practiced on a wide scale, though parents and children are reluctant to take action.⁸⁶⁵ UNRWA has taken technical steps to curb corporal punishment, including issuing new instructions for school teachers and putting in place mechanisms to ensure that it is not practiced. UNRWA has forbidden the use of corporal punishment in all of its schools. It appears that few cases of corporal punishment, however, are reported through the UNRWA established system, despite NGO reports of significant violence in schools (teacher to student, between students, and sometimes student to teacher). NGO reports also indicate that violence in the home, on the street, and in the community further distracts children from their studies. Particularly in the camps, political and social tension result in numerous missed school days and the periodic closure of schools.⁸⁶⁶

Contributing to the poor education environment, overcrowding and the 'double shift' system places considerable pressure on the teacher, exacerbated by the lack of pedagogic resources (laboratories, visual aids, etc). In addition, teachers are often required to perform several tasks, some of which they do not have the appropriate training for. Finally, teachers themselves often experienced abuse and violence in the past/present.⁸⁶⁷ As a result, classroom management is difficult, resulting in a poor learning environment, and the increased use of corporal punishment and verbal abuse.⁸⁶⁸

According to the UN Education Technical Instructions (update 2005), in cases in which physical abuse is reported, education staff are given a written warning. The third warning announces the instant termination of his/her services. In cases of more serious physical punishment, the education staff can be suspended after the second warning.⁸⁶⁹ In cases of corporal punishment which results in hospitalization, the staff member should be immediately suspended until further investigation. As far as this research project found, to date, no UNRWA staff have been suspended nor their services terminated under this procedure.

The Educational Technical Instructions circulated in UNRWA's schools provides a clear definition of corporal punishment detailing the limits of unacceptable disciplinary measures. The Instructions equally detail the preventive, monitoring and disciplinary roles of the Chief of Field Education, school principals and teachers.⁸⁷⁰

Problems instituting corporal punishment restrictions in UNRWA schools include the following:

- 1) **Cultural acceptance of corporal punishment among students:**⁸⁷¹ the vast majority of Palestinian children who were interviewed believed that children deserved physical punishment. They did not believe that slapping and spanking constituted violent behaviour. They define violent behaviour as kicking and/or beating the child. They still maintain that violence is an acceptable disciplinary measure; that the child must deserve it.⁸⁷²

⁸⁶⁵ Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 10

⁸⁶⁶ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft).p. 6

⁸⁶⁷ Handicap International Representative. Personal Interview. 21 April 2008.

⁸⁶⁸ Hillenkamp, Bernhard (2008). "Briefing Note on Education for LPDC by SCS." SCS (Draft).p. 7

⁸⁶⁹ Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 34

⁸⁷⁰ Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 33

⁸⁷¹ Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 34

⁸⁷² Halabi, Zeina. "Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon." Save the Children Sweden. P. 36

- 2) **Cultural acceptance of corporal punishment among education staff:** despite the prohibition of corporal punishment at UNRWA schools, some teachers and principals continue to believe that corporal punishment is a ‘good disciplinary strategy’. Interestingly one study found the following, “When asked about the impact of the law banning corporal punishment, some teachers say that the law is inadequate and contributes to ‘raising a generation of spoiled men’. One teacher admitted that he has only stopped inflicting corporal punishment on his students, as often as he used to, not because he believes it is harmful, but because it has become illegal. Students, he adds, ‘can now complain’ resulting in his suspension”.⁸⁷³
- 3) **Lack of reporting:** cultural internalization of violence as a means of discipline and the complexity of social and political relationships within Palestinian society and between Palestinian society and UNRWA explains the rarity of cases reported. In addition, there are internal conflict resolution mechanisms to deal with the conflict to avoid community tensions and family clashes that could result from such a situation.⁸⁷⁴
- 4) **Bureaucratic Obstacles:** the UNRWA complaint procedure is bureaucratic and slow. The requirement of a written note from the parents alone, can be an obstacle as some parents are only semi-literate. The necessity of obtaining a medical report does not always work in the interest of the child, unless a medical professional sees him/her within hours of the violence.⁸⁷⁵
- 5) **Archiving:** for the Education Technical Instructions to be effectual, even for the few cases reported, there must be an archiving system. The absence of such a system seriously limited UNRWA’s ability to monitor and respond to cases of corporal punishment.⁸⁷⁶

⁸⁷³ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 35

⁸⁷⁴ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 35

⁸⁷⁵ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 36

⁸⁷⁶ Halabi, Zeina. “Corporal Punishment in Lebanon the Role of the Public Administration in Implementing a Ban on corporal Punishment in Schools in Lebanon.” Save the Children Sweden. P. 36

E. Actors

E.1 Duty Bearers

Duty bearers for the protection of children's rights in Lebanon include the Lebanese government, IGOs, international and national CSOs and NGOs, parents, teachers, and other care providers. Though the Lebanese state is the ultimate duty bearer for the CRC, the state's inability at present to fully provide services and protection for the children has resulted in the increased importance of IGOs, CSO and NGOs as duty bearers. IGOs, NGOs, and CSOs are, in many cases, acting as the primary duty bearer for education, health care, and child protection. Despite their significant contribution to the improved situation of the child, the sectarian nature of Lebanese society and inadequate governmental oversight has impacted the coherence and quality of some of these services. In addition, the state's inability to fully monitor the implementation of the CRC has resulted in a critical lack of oversight of teachers and caregivers.

Identifying the duty bearers for the Palestinian refugees is difficult in Lebanon, as everywhere. The Lebanese government acknowledged to the Committee on the Rights of the Child their role as primary duty bearer for Palestinian children in Lebanon. However, they noted that UNRWA is specifically mandated to provide basic services to the Palestinian population.⁸⁷⁷ Notably, UNRWA does not have a protection mandate and has only recently moved towards the integration of human rights standards in its approach (the decision was made on the regional level but does not seem to have been implemented in Lebanon, to date). Thus, it appears that neither UNRWA nor the Lebanese government is fully accepting the role of primary duty bearer, leaving critical needs of Palestinian children in Lebanon unaddressed (such as protection).⁸⁷⁸ Similarly, Palestinian authorities (PLO, Hamas, and other political factions affiliated to OPTs) have not been given the official authority or freedom to fully take responsibility for the protection of children's rights in their communities. Other UN agencies have been slow to supplement or oversee UNRWA's programmes in the camps and gatherings in Lebanon, due largely to the specificity of UNRWA's mandate and structure. The void in protection and service provision has been filled by international and Palestinian NGOs. However, due to the internal conflicts in the camps and competition for donor funding, NGOs have not been able, to date, to establish a unified approach to the protection of children's rights in camps and gatherings. Similarly, parents and community leaders seem to relay on UNRWA for protection of children's rights. Thus, Palestinian children are in a vulnerable situation.

The primary duty bearer for non-Palestinian refugee children in Lebanon should be the Lebanese government. However, the Lebanese state has not officially accepted that responsibility (notable in the fact that they have not signed the 1951 refugee convention). Though this does not affect their legal obligation to protect all children within their borders, practically much of the responsibility currently rests on UNHCR and NGO service providers. It should be noted that though the Lebanese state has not officially taken steps to ensure the protection of refugee children's rights, they appear to be cooperating with UNHCR and other organizations to these ends. UNHCR, however, only accepts responsibility for persons who they have officially recognized as asylum seekers/refugees (though all Iraqis from central and south Iraqi have *prima facie* refugee status). This covers only a portion of displaced persons in Lebanon (estimated 11,000 Iraqis out of an estimated 50,000 and an estimated 500 Sudanese out of

⁸⁷⁷ Nabaa Representative. Personal Interview. 17 April 2008.

⁸⁷⁸ Khalidi, A. and Yasser, S. (2005) argue that the "*chronic refugee status of the Palestinian children poses the question of a formal comprehensive identification of the steward agency (ies) responsible of the welfare of Palestinian refugee children in Lebanon. Is the Lebanese state the sole steward of Palestinian refugee children? . . . Will such multiple stewardships be recognised by the international community?*".

approximately 3,500).⁸⁷⁹ It is unclear who should act as the primary duty bearer for the Iraqi/Sudanese children who have not been recognized. At present, UNHCR and partnering NGOs provide basic services to all refugees, without discrimination.⁸⁸⁰ However, UNHCR only provides legal protection and resettlement for persons who have been recognized. Primary caretakers in the refugee population in Lebanon largely appear to be trying to ensure protection for their children. However, the economic and physical vulnerability of the population coupled with trauma and marginalization in Lebanon may be encouraging/forcing caretakers to violate children's rights (for example, with regard to right to education, regulation of child labour, protection from physical abuse, freedom of movement, right to play, etc).

Similarly, the government is the primary duty bearer for the protection of the rights of children of migrant workers. However, as the majority of them are in Lebanon illegally, the government has not taken steps to ensure that this obligation is actualized. At present, this group of children appears to be receiving the least attention from other stakeholders and duty bearers. Notably, focus group discussions indicate that this group of children may have very little access to basic services (including protection, education, health care, etc).⁸⁸¹ The family structures in this community appear to be notably weak due to the community's transient nature. As a result, many of the children appear to have only one parent and to have a weak social network.⁸⁸² More research is needed on this issue to confirm preliminary findings.

In the following section stakeholders are identified and their activities that directly or indirectly impact children are highlighted. This is not a complete list and should be considered a working tool.

E.2 Stakeholder Analysis

The information in the following overview of stakeholders' activities in Lebanon has been primarily taken from the Lebanon Support (a national NGO coordination forum) webpage and from interviews. Most of the information on Lebanon Support was last updated at the end of 2007. Thus, some of the information may be out of date or incomplete. NGOs that are not listed on Lebanon Support and were not interviewed have not been included. This overview should be seen as a working tool. This preliminary overview suggests that there is significant overlapping in NGO activities in some areas and areas which are receiving little attention. This highlights the need for a comprehensive coordination effort to ensure uniform protection and service provision.

⁸⁷⁹ UNHCR Representative. Personal Interview. 18 April 2008.

⁸⁸⁰ UNHCR Representative. Personal Interview. 18 April 2008.

⁸⁸¹ UNHCR Representative. Personal Interview. 18 April 2008.

⁸⁸² UNHCR Representative. Personal Interview. 18 April 2008.

E.2.1 Lebanon (general)

Focus Areas	Organization	Target Group	Programmes	Location
Lebanon (general)				
Bilateral Cooperation	France	General	Education and health	N/A
	Italy	(focus on pal)	Health and poverty reduction	N/A
	Greece	General	Education and health	N/A
	Spain	Persons with disabilities and Palestinian refugees	Education (targeting disabled) and support to Palestinian refugees	N/A
	Netherlands	Children	Small-scale awareness raising on children's rights	N/A
	US	General	Civil society and media, scholarships to American education institutes	N/A
	Canada	Palestinians	Finances UNRWA and other Palestinian NGOs	N/A
	UK	General	Education and reproductive health	N/A
	EC Delegation	Human Rights	Target's children's rights in grants to CSO's , support to UNRWA for rehab of camps	N/A
	World bank		See Civil Society	N/A
Government Actors- Child Focus	Parliament	General	Not meeting	N/A
	HCC	Children	In collaboration with NGOs, formulates national strategies and plans of action in compliance with CRC	N/A
	Parliamentary Committee for Women and Children	Women children and	Development of necessary legislation of the CRC	N/A
	Ministry of Education	Children	Oversees public schools and develops policy/strategies related to national education	N/A
	Ministry of Social Affairs	General	Mandated to provide assistance to orphans, juvenile delinquents, juvenile prisoners, and other disadvantaged groups, support semi-public education facilities- services are provided in practice through NGOs	N/A
	Ministry of Youth and Sports	General	Concentrated on Sports	N/A
	Ministry of Labour	General	National Unit to Eliminate Child Labour	N/A
	ISF	General	Works with children in conflict with law, child protection (implementing judges protection orders), etc.	N/A
	Military	General	Maintains national internal security, primary law enforcement body. Limited child-friendly approach.	N/A
Development	UNDP	General	Capacity buildings for poverty reduction, support to achieve MDG, regional development (cooperation with government), special development programmes for Akkar region (income generation, job creation, economic empowerment of women, strengthening the municipalities, and working with CSOs), rehab/early recovery of south Lebanon	N/A
	Mennonite Central Committee	General	Conflict resolution/peace building, distribution of school supplies, Sudanese refugee community	N/A
Health care	UNICEF	General	National immunization programme, national education materials for parents and professional caregivers, 'learning programme'- targeting enrolment, improved quality of primary education (partnership with private sector), 'Adopt- A-School' project aimed at address regional disparities between private and public schools.	N/A

	WHO		Drugs and tobacco control, HIV/AIDS prevention, non communicable diseases, injury and accident prevention	N/A
	UNDP	General	Child Care and Development program (infant mortality,	N/A
	Amel Association	Vulnerable regions in Lebanon	Improving and strengthening delivery of services at Amel health care facilities	Beirut, western, Beqaa, Baabda, Marjeyoun, Tyre
Psychosocial support	Amel Association	Children, youth and their families affected by the war	Training of social workers, awareness campaigns to parents, teachers, adolescents, community, and health professions on psychophysical and social health issues, networking of counselling centres and establishment of referral system	Tyre, Baalbek
	Movement Social	Vulnerable children	Education support/recreation, computer training, alternative education for children not in school, educational support in 12 public schools, vocational training,	Beirut, Zahleh, Triploi
	AVTC	Children out of school	Vocational training, technical training, behaviour modification and follow up	Sidon, Tyre
	Mercy Corps	Children in school	Improve education in underserved public schools; Physical rehabilitation and equipping of schools	Beirut, Baalbek, Hermel, Nabatyeh, Akkar, Sidon
Child protection	Kafa	Women and children victims of violence and exploitation	Social support and counselling, legal consultation, court representation, psychological assessment, forensic medical report, helpline, referral, support groups for abused women	General
	UPEL	juveniles	Provides legal and practical support to juveniles in conflict with the law and endangered juveniles-under MOU with government to follow relevant cases and to provide social workers to the court	General
	Maria& Martha, YWCA, Bon Pasteur, Mission de Vie, LEISWAD, AFFEL, Dar El Ghanem, SOS, Dar El Ayam AlIslamia, Mohammed Khaled Foundation	Women and children victims of violence and exploitation	Safe shelters	
	Mouvement Social	Children and women in conflict with the law	Psychosocial support during and after incarceration, vocational training in prisons	
	Lebanese Council to Resist Violence against Women	Women	Eliminate violence against women through counselling, legal reform, research and publication, awareness in Lebanese civil society, and social/economic empowerment for women	Beirut, Baalbek, hermel, Rashaya, Western, Beqaa, Zahleh, Aley, Baabda, Chouf, Jbeil, Keserwan, Metn, bint Jbeil, Hasbeya, Marjeyoun, Nabatyeh, Akkar, Batroun, Bsharri, Koura, Miniyeh, Tripoli, Zgharta, Sidon, Jezzine, Tyre
	ALEF	Victims/potential victims of torture	Monitoring and preventing torture	Beirut, Tyre, Jezzine, Zgharta, Sidon, Tripoli, Miniyeh, Danniye, Koura, Bsharri
	Permanent Peace Movement	Child soldiers	Study, awareness, and advocacy, education, establishment of national network	Beirut, Baalbek, Hermel, Rashaya, Western, Beqaa, Zahleh, Aley, Baabda, Chouf, Jbeil, Keserwan, Metn, bint Jbeil, Hasbeya, Marjeyoun, Nabatyeh, Akkar, Batroun, Bsharri, Koura, Miniyeh, Tripoli, Zgharta, Sidon, Jezzine, Tyre

	Restart	Detainees	Psychological support for detainees and their families, rehab. For victims of torture, prevention against torture	Beirut, Baalbek, Hermel, Rashaya, Western, Beqaa, Zahleh, Aley, Baabda, Chouf, Jbeil, Keserwan, Metn, bint Jbeil, Hasbeya, Marjeyoun, Nabatyeh, Akkar, Batroun, Bsharri, Koura, Miniyeh, Tripoli, Zgharta, Sidon, Jezzine, Tyre
	CLDH	Victims of arbitrary detention/torture and their families	Assistance to victims of arbitrary detention/torture and their families, assistance to families of persons subjected to forced disappearance, improve lawyer skills, rehab for victims of torture	
	Amel Association	Youth	Human rights education, compilation of human rights texts related to women and children for target audiences	Beirut
Emergencies	Care International	Women and children affected by conflict (2006)	Humanitarian aid and dietary supplements for women and children in conflict affected areas	Tyre
	DRC	Conflict affected/displaced	Strengthen Development centres to ensure better service for vulnerable families and communities	Beirut, Baalbek, Tyre
	UNHCR	Conflict affected	Support for Social Development Centres to provide population with increased support (focus on vulnerable-displaced and returnees)—including training and building referral system in protection network	
	IOM	Conflict affected	Psychosocial assistance and rehabilitation of shelters	Baalbek, Herme
	Enfants du Monde	Children affected by violence	Psychosocial support for children, including human rights education to children and families, child protection centres, training on mental health, guide regarding mental health	Bint Jbeil
Child/youth Participation	UNDP	Youth	Youth participation in local municipalities	
	Permanent Peace movement	Youth	Youth and parent human rights education, youth conference and councils, advocacy for inclusion of youth in public policy debates,	Beirut, Baalbek, Hermel, Rashaya, Western, Beqaa, Zahleh, Aley, Baabda, Chouf, Jbeil, Keserwan, Metn, bint Jbeil, Hasbeya, Marjeyoun, Nabatyeh, Akkar, Batroun, Bsharri, Koura, Miniyeh, Tripoli, Zgharta, Sidon, Jezzine, Tyre
	WVI	Youth	Peer to peer: Youth career counselling services/ensuring and encouraging youth to be agents of change	Tripoli, Beirut
	Mouvement Social	Youth	Encourage cross sectarian cooperation between youth, youth involvement in advocacy work	
	Lebanese Transparency Association	Youth	Promoting good governance and fighting corruption—Youth Anti-Corruption Awareness project released an anti-corruption awareness publication (2005) call “Youth against Corruption”	

Civil Society	UNDP	CSOs and NGOs	Partners with CSOs, NGO Resource and Training unit for CSOs, carried out a conference promoting cooperation between CSOs and IGOs in early recovery, promoting CSOs to address root causes of conflict/conflict prevention	
	Aid Lebanon	Youth	Civil education provided in two centres coupled with social worker training, civic forum for youth, and a youth camp focused on civic, human rights and democracy education	Tyre, Marjeyoun, Nabateyah, Jezzine, Sidon
	WVI	Youth	Networking NGOs and capacity building	
	World Bank	Youth	Themes for 2006-2009 in Lebanon: good governance and youth participation- project entitled "Youth in Governance" (with UNDP, UNICEF, LTA, and UK)- provides grants for NGOs working in this area and CSOs working towards civic engagement.	

E.2.2 Palestinian Refugees

Focus Areas	Organization	Target Group	Programmes	Location
Palestinian Refugees				
Education	UNRWA	Youth	Provides primary and secondary education to Palestine refugees in camps	Camps
	Nabaa	Youth	Literacy for children out of school, remedial classes, vocational training, support for UNRWA education, inclusive education	
	Najdeh	Youth	Vocational training, popular education program (literacy), education and health care grants to special hardship cases, involvement of mothers in education, 7 KGs, summer activities	Camps and gatherings
	MCC	Youth	Vocational training	Sidon
	NRC	Youth	Education resource centre, psychosocial, monitoring schools, parent/community activity, training, vocational training, awareness on education support	Camps and gatherings
	NAVSS	Youth	Vocational training	Camps and gatherings
	NPA	Youth	Vocational training, on the job training, loans to improve employment opportunity for youth	Camps and gatherings
	Beit Atfal Association	Youth	Vocational training, sponsorship, classes for kids out of school, computer training	Camps and gatherings
	ALEF	Children and adolescent in Palestinian communities/Palestinian communities	Networking of human rights clubs in schools, human rights awareness raising, training club facilitators, social activities with and for secondary students, parents, professors, and school directors	Camps and gatherings
Recreational activities	Beit Atfal Association	Youth	Arts and sports	Camps and gatherings
Awareness Training	Najdeh	Parents	Awareness raising about education and establishment of parents committees	Camps and gatherings
	NPA	Palestinian children	Children's rights awareness of violence in community, campaign on women's rights, advocacy for children's rights in society	
Counselling/ Psychosocial support	NRC	Youth	Psychosocial support	Camps and gatherings
	Nabaa, Najdeh, NPA, Handicap International	Youth	Provides group counselling, psychological support, individual support for mothers and children	Camps and gatherings
	Child Protection Network	Youth	Counselling/ protection/family support/psychosocial activities with youth	NBC and Bedawi
In-kind Assistance	DRC	Unregistered Palestine refugees	NFI distribution	Beirut Baalbeck Tripoli, Tyre

	UNRWA	Special Hardship cases		
Legal aid	DRC	Unregistered Palestine refugees	Legal assistance	Beirut, Baalbek, Tripoli, Tyre
Protection	Najdeh	Victims of domestic violence (women)	Training of trainers, mental and psychological assistance, legal assistance, counselling, support programmes for high risk victims, improved reporting system, improved referral system	Palestinian camps and gatherings
	NPA	Women	Combating violence against women	
	Nabaa	Victims of abuse	Monitoring, intervention, assessment, follow up on children who are victims of abuse, advocacy in community, support for abused women	Palestinian camps
	Lebanese Council to Resist Violence against Women	Women	Eliminate violence against women through counselling, legal reform, research and publication, awareness in Lebanese civil society, and social/economic empowerment for women	Palestinian camps and gatherings
	ALEF	Victims of torture	Monitoring and preventing torture	Camps and gatherings
Advocacy	Frontiers	Refugees and migrant workers	Human rights, advocacy, awareness campaign, capacity building, empowerment, inclusion	Camps and gatherings
	NPA	Palestinian refugees	Advocacy for Palestinian rights	
	DRC	Unregistered Palestinian refugees	Raising awareness on undocumented persons and their conditions	Beirut, Baalbek, Tripoli, Tyre
Emergencies	Naaba	Children affected by NBC	Psychosocial support to children affected by conflict in NBC, safe spaces	
	(Child protection network)	Children and families affected by conflict in NBC	Provision of psychosocial care, KGs, remedial classes, family counselling, advocacy, research,	NBC, Bedawi
	Handicap International	Disabled persons affected by conflict in NBC	Assistance to conflict affected persons	NBC

E.2.3 Non-Palestinian Refugees

Focus Areas	Organization	Target Group	Programmes	Location
Non-Palestine Refugees				
Education	NRC	Iraqi children	catch-up learning	
	Save the children	Iraqi children	Education support	
	Restart	Iraqi children	Education support	Beirut, Baalbek, Hermel, Rashaya, Western, Beqaa, Zahleh, Aley, Baabda, Chouf, Jbeil, Keserwan, Metn, bint Jbeil, Hasbeya, Marjeyoun, Nabatyeh, Akkar, Batroun, Bsharri, Koura, Miniyeh, Tripoli, Zgharta, Sidon, Jezzine, Tyre
	INSAN	Refugee children and children of migrant workers	Provides non-formal education to prepare children for school/facilitates entry into Lebanese school system (approximately 80 students)	Nabaa
	Caritas/CRS	Iraqi refugees	Vocational training, sponsorship for education, remedial classes	Beirut, Metn
	Chaldean charity Association	Iraqi children	Remedial classes	
	Amel Association		Remedial classes, non-formal and skilled education, vocational training	Beirut
Recreational activities	Amel Association	Iraqi children	Awareness, focus groups, painting, drama, college activity	
	NRC		Recreation activities for children, youth and adults	
	Caritas		Summer camps	
	Save the children		Summer camps: painting and sculpture	
Child labour	Amel Association	Iraqi working children	Train working children with new skills that allow them to work in safer environments, awareness campaign for NGO staff, families, and refugee community	Beirut
Awareness/ Training	NRC	Iraqi children and parents/ community	Parent/community activities, teacher training, vocational training for women	
	Amel	Iraqi women	Vocational training	
	Restart	Iraqi refugees	Awareness, capacity buildings, transport	Beirut, Baalbek, Hermel, Rashaya, Western, Beqaa, Zahleh, Aley, Baabda, Chouf, Jbeil, Keserwan, Metn, bint Jbeil, Hasbeya, Marjeyoun, Nabatyeh, Akkar, Batroun, Bsharri, Koura, Miniyeh, Tripoli, Zgharta, Sidon, Jezzine, Tyre
Health Care	International Medical Corps	Iraqi refugees (focus on disabled)	Primary health care, assistance to Iraqis with disabilities, health education, provision of health related items	
	CRS/Caritas		Medical support, provision of medicines, assistance to prisoners	
	Medecins du Monde		Assistance to prisoners	
	Amel	Iraqi refugees	Medical consultations and primary health care services	Beirut

Counselling	Restart	Iraqi refugees	Psychosocial support	Beirut, Baalbek, Hermel, Rashaya, Western, Beqaa, Zahleh, Aley, Baabda, Chouf, Jbeil, Keserwan, Metn, bint Jbeil, Hasbeya, Marjeyoun, Nabatyeh, Akkar, Batroun, Bsharri, Koura, Miniyeh, Tripoli, Zgharta, Sidon, Jezzine, Tyre
	CRS/Caritas	Iraqi refugees	Psychosocial support	Beirut, Metn
	Amel Association	Iraqi refugees	Social counselling	Beirut, Tyre
In-Kind assistance	CRS/Caritas	Iraqi refugees	Shelter for female headed households, food and non-food items, secondary tuition fees and expenses for schools, child care	Beirut, Metn
	CCA		Distribution of condoms	
	MCC	Sudanese refugees	Assistance to Sudanese refugee community through church attended by Sudanese refugees	Beirut
	MECC		Distribution of condoms	
Legal Aid	UNHCR	Refugees	Refugee protection/asylum seekers, resettlement, assistance, legal aid, education, health care, prevention/response to GBV, partnership with local NGOs helping refugees	
	IOM	Refugees	Repatriation for detainees	
	MECC	Refugees	The MECC is the Lebanese representative of the United Nations High Commissioner for Refugees (UNHCR). It counsels refugees and provides them with assistance	
	Caritas	Refugees	Legal advocacy, support, monitoring in partnership with UNHCR	
Protection	UNHCR		Resettlement abused/threatened women and children; referral of abused women and children	
	Frontiers	Iraqi /refugees and migrant workers	Capacity buildings, human rights, advocacy, empowerment and inclusion	Beirut, Baalback, Hermel, Sashaya, Western, Beqaa, Zahle, Aley Baabda, Chouf, Jbeil, Hasbeya, Marjeyoun, Nabatyeh, Akkar, Batroun, Bsharri, Koura, Miniyeh, Tripoli, Zgharta, Sidon, Jezzine, Tyre

E.2.4 Migrant Workers

Focus Areas	Organization	Target Group	Programmes	Location
Migrant Workers				
Education	INSAN	Refugee children and children of migrant workers	Provides non-formal education to prepare children for school/facilitates entry into Lebanese school system (approximately 80 students)	Nabaa
	The Afro-Asian Migrant center and Pastoral case of Afro-Asian Migrants	Migrant workers	Sponsors a small number of children of migrant workers to go to school related to church	
Recreational activities	INSAN	Refugee children and children of migrant workers	Students who attend the centre are taken on extracurricular trips and engaged in activities after school	Nabaa
	The Afro-Asian Migrant center and Pastoral case of Afro-Asian Migrants	Migrant workers	publishes, with the assistance of migrant workers, a quarterly newsletter entitled Solidarity, every Sunday evening, a film is projected at the center, and the modest entry fee is used to purchase food for detained migrants, migrants are also allowed to use the AAMC premises to organize parties or other social activities, where they can cook their own food.	
Awareness Training	INSAN	Refugee children and children of migrant workers	Work with parents on issues such as domestic violence, psychosocial support to their kids, etc	Nabaa
	Caritas	Victims of Exploitation and abuse and trafficked persons	March 2007- awareness raising campaign targeting Lebanese society, focused on preventing mistreatment and trafficking	
Health Care	Caritas	Migrant workers	Offers free medication to impoverished migrant workers, dispensed through several mobile clinics, deals with insurance companies, so that they will provide policies to those workers under Caritas' care	
Counselling	INSAN	Refugee children and children of migrant workers	A volunteer psychiatrist comes to the centre one a weeks and meets children who teachers identify as high risk and follows up with families	Nabaa
Legal Aid	Parliamentary Committee on Migrant workers	Migrant workers	ISF, ... have been involved in drafting a law for the protection of migrant workers (awaiting approval by Parliament)	
	ILO	Migrant workers/working children	Advocates on behalf of migrant workers and working children, monitors/research of conditions	
	IOM		Deported migrant workers to countries of origin during the 2006 war	
	The Afro-Asian Migrant center and Pastoral case of Afro-Asian Migrants	Migrant workers	Assisting prisoners and helping migrant workers in need of legal aid, lodges migrant who have run away for employers	

	PCAAM	Migrant workers	Provision of juridical assistance to migrants who have been abused or who are in trouble, seven lawyers - six Christians and one Muslim - to help provide legal assistance. The lawyers generally work for free. The organizations under the PCAAM umbrella also organize Sunday outings and oversee radio broadcasts in several African and Asian languages.	
	Centre d'Etudes Stratégiques pour le Moyen-Orient	Migrant workers	Raising awareness about foreign workers' rights, informing foreign workers about their rights, participated in drafting a law, and legal assistance and physical protection in case of ill-treatment	
	Caritas	Migrant workers	Caritas helps migrants return home, if it is able to do so, even at times helping pay for the ticket. If migrants are sick, the center will sometimes see to it that the Caritas organization in their own country takes care of them upon their return. Caritas will also help settle migrant workers in a third country, if they have obtained papers to enter the country, but have no funds to reach there. The center also has a prison aid program to take care of migrants who have been detained.	
Protection	Laksehta	Migrant workers	Visit detained migrants twice weekly, provides a refuge for women who have run away from their places of employment, assistance in finding employment, mediate between the women and their employers, places the women in hospitals or, even, asylums, as needed	Dora
	Caritas	Victims of exploitation and abuse	Signed an MOU with Ministry of Interior to identify and refer potential trafficking victims to the Caritas safe house	
	Catholic Migration Commission	Victims of exploitation and abuse	Signed an MOU with Ministry of Interior to identify and refer potential trafficking victims to the Caritas safe house	
	INSAN	Abused and vulnerable children	INSAN has a safe house for vulnerable children in this community	

E.2.5 Disabled Children

Focus Areas	Organization	Target Group	Programmes	Location
Children with Disabilities				
Education	UNRWA	Palestinian children	Provides education for vast majority of Palestine refugee children living in camps	Camps
	Disabled Revival Association	Palestinian children	Improved learning process for disabled children, improved school enrolment	Camps and gatherings
	MPDL	Palestinian children	Advocacy for participatory learning and action to promote children with disabilities to go to school, vocational training	Camps
	WVI	children	Inclusion of children with disabilities in schools	
	Al Karamah Association for Disabled in Lebanon	Lebanese Children	Reading and writing	Sidon
Recreational activities	Al Karamah Association for Disabled in Lebanon	Adolescent girls and youth	Embroidery and handcrafts workshops, field trips, glass carving workshops, graphic design, and photoshop	Beirut, Baalbeck, Zahleh, Tripoli, Sidon, Tyre
Awareness Training	Al Karamah Association for Disabled in Lebanon	Children	Awareness campaigns and guidance conferences to parents	Tripoli, Beirut, Baalbeck, Sidon, Tyre
	LWAH	Children	Awareness re disabled children through theatre, family support and family training	Beirut, Baalbek, Hermel, Rashaya, Western, Beqaa, Zahleh, Aley, Baabda, Chouf, Jbeil, Keserwan, Metn, Bint Jbeil, Hasbeya, marjeound, Nabatyeh, Akkar, Batroun, Bsharri, Koura, Miniyeh, Tripoli, Zagharta, Sidon, Jezzine, Tyre
Health care	Disabled revival Association	Palestinian children	Medical consultation and therapy	Camps and gatherings
Counselling Psychosocial support	LWAH		Psychosocial rehabilitation, psychotherapy, psychomotor therapy, social programs (early intervention- family support)	Beirut, Baalbeck, and south Lebanon
In-kind Assistance	Al Karamah Association for Disabled in Lebanon	Elderly and disabled persons	Distribution of diapers	Tripoli, Beirut, Baalbeck, Sidon, Tyre
	MPDL	Palestinian children	Shelter rehabilitation and home adaptation	Camps

Legal aid				
Protection				
Access to buildings	LPHO	Disabled persons	Working with engineer syndicates to ensure disabled access to reconstructed buildings (post war)	
Participation	LPHO	Youth	Mobilizing disabled youth to improve employment options, including provision of vocational training	
Emergencies	LWAH	Persons disabled from NBC	Emergency support and humanitarian aid to disabled displaced from NBC	NBC, Bedawi

F. Risk assessment

The following risk assessment is based on findings from other post-conflict countries. This should be understood as an incomplete, working tool and should be further discussed and modified by relevant actors prior to identifying future programming needs.

		Impact on at Risk Children					
Risk	Level of Impact	Palestinian children	refugee	Non-Palestinian refugee children	Children of migrant workers	Children with disabilities	Children from low-income families
Civil war	High	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Engagement in conflict Exposure to conflict Increase in domestic violence Decreased access to protection Violence within the camps Trauma Increase in substance consumption 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Engagement in conflict Exposure to conflict Increase in domestic violence Decreased access to protection Vulnerability to arrest Trauma Increase in substance consumption Increased risk of prostitution/trafficking 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Exposure to conflict Increase in domestic violence Decreased access to protection Trauma Exposure to landmines/cluster munitions 	<ul style="list-style-type: none"> Increase marginalization Deterioration of basic services Increase in school-dropout Exposure to conflict Increase in domestic violence Decreased access to protection Trauma Exposure to landmines/cluster munitions 	<ul style="list-style-type: none"> Increase marginalization Deterioration of basic services Increase in school-dropout Exposure to conflict Increase in domestic violence Decreased access to protection Trauma Exposure to landmines/cluster munitions 	<ul style="list-style-type: none"> Increase marginalization Deterioration of basic services Increase in school-dropout Engagement in conflict Exposure to conflict Increase in domestic violence Decreased access to protection Trauma Increase in substance consumption Increased risk of prostitution/trafficking
Conflict with Israel	High	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Engagement in conflict Exposure to conflict Increase in domestic violence Decreased access to protection Violence with in the camps Trauma Exposure to landmines/cluster munitions 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Exposure to conflict Increase in domestic violence Decreased access to protection Trauma Exposure to landmines/cluster munitions 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Exposure to conflict Increase in domestic violence Decreased access to protection Trauma Exposure to landmines/cluster munitions 	<ul style="list-style-type: none"> Increase marginalization Deterioration of basic services Increase in school-dropout Exposure to conflict Increase in domestic violence Decreased access to protection Trauma Exposure to landmines/cluster munitions 	<ul style="list-style-type: none"> Increase marginalization Deterioration of basic services Increase in school-dropout Exposure to conflict Increase in domestic violence Decreased access to protection Trauma Exposure to landmines/cluster munitions 	<ul style="list-style-type: none"> Increase marginalization Deterioration of basic services Increase in school-dropout Engagement in conflict Exposure to conflict Increase in domestic violence Decreased access to protection Trauma Increase in substance consumption Increased risk of prostitution/trafficking
Continued political stalemate	Medium	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Politicization of youth Exposure to violence Decreased access to protection Increased exposure to social violence 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Politicization of youth Exposure to violence Decreased access to protection Increased exposure to social violence Vulnerability to arrest and deportation 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Exposure to violence Decreased access to protection Increased exposure to social violence Vulnerability to arrest and deportation 	<ul style="list-style-type: none"> Increase marginalization Deterioration of basic services Increase in school-dropout Exposure to violence Decreased access to protection Increased exposure to social violence Vulnerability to arrest and deportation 	<ul style="list-style-type: none"> Increase marginalization Deterioration of basic services Increase in school-dropout Exposure to conflict Increase in domestic violence Increase risk of neglect or institutionalization 	<ul style="list-style-type: none"> Increase marginalization Deterioration of basic services Increase in school-dropout Politicization of youth Exposure to conflict Increase in domestic violence Increase risk of neglect or institutionalization
Change in government	Low-Medium	<ul style="list-style-type: none"> Potential increased marginalization Potential increased restriction in rights Violence within the camps 	<ul style="list-style-type: none"> Potential increased marginalization Potential increased restriction in rights 	<ul style="list-style-type: none"> Potential increased marginalization Potential increased restriction in rights 	N/A	<ul style="list-style-type: none"> Potential for decreased interest in improvements in rights of children with disabilities 	<ul style="list-style-type: none"> Potential increase marginalization Potential decreased access to services Potential politicization of youth
Radicalization of the youth	Low	<ul style="list-style-type: none"> Increased marginalization Increased restriction in rights 	<ul style="list-style-type: none"> Increased marginalization Increased restriction in rights 	<ul style="list-style-type: none"> Increased marginalization Increased restriction in rights 	N/A	N/A	<ul style="list-style-type: none"> Increased marginalization Increased restriction in rights

		<ul style="list-style-type: none"> Increased school dropout Engagement in conflict Increased vulnerability to arrest Increase in substance consumption 	<ul style="list-style-type: none"> Increased school dropout Engagement in conflict Increase in substance consumption Increased vulnerability to arrest 			<ul style="list-style-type: none"> Increased school dropout Engagement in conflict Increase in substance consumption Increased vulnerability to arrest
Increased social tensions	Low-medium	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased number of working children Politicization of youth Decreased access to protection Increased exposure to social violence Increased vulnerability of arrest Violence within the camps 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased number of working children Politicization of youth Decreased access to protection Increased exposure to social violence Increased vulnerability of arrest and deportation 	<ul style="list-style-type: none"> Increase marginalization Deterioration of basic services Increase in school-dropout Decreased access to protection Vulnerability to arrest 	<ul style="list-style-type: none"> Increase marginalization Deterioration of basic services Increased number of children out of school Increase in domestic violence Increase risk of neglect or institutionalization 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased number of working children Politicization of youth Decreased access to protection Increased exposure to social violence
Deteriorating economic situation	Medium	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased number of working children Increased risk of social violence Violence within the camps Increased risk of early marriage Increase in children in conflict with the law Increase in substance consumption 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased number of working children Increased risk of social violence Increased risk of early marriage Increase in children in conflict with the law Increase in substance consumption Increased risk of prostitution/Trafficking 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased number of working children Increased risk of social violence Increase in children in conflict with the law 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased risk of social violence 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased number of working children Increased risk of social violence Increased risk of early marriage Increase in children in conflict with the law Increase in substance consumption Increased risk of prostitution/trafficking
Food crisis	High	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased number of working children Hunger/malnutrition Social violence Increased risk of early marriage Increase in children in conflict with the law 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased number of working children Hunger/malnutrition Social violence Increased risk of early marriage Increase in children in conflict with the law Increased risk of prostitution/trafficking 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased number of working children Hunger/malnutrition Social violence Increase in children in conflict with the law 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Hunger/malnutrition Social violence 	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased number of working children Hunger/malnutrition Social violence Increased risk of early marriage Increase in children in conflict with the law Increased risk of prostitution/trafficking
Increased flow of Iraqi/ Sudanese refugees	Medium	N/A	<ul style="list-style-type: none"> Increased marginalization Deterioration of basic services Increase in school-dropout Increased number of working children Hunger/malnutrition 	N/A	N/A	N/A

			<ul style="list-style-type: none"> ▪ Social violence ▪ Increased risk of politicization of youth ▪ Increased vulnerability to arrest and deportation 			
Increased social/political discrimination against Iraqi refugees	Medium	N/A	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Deterioration of basic services ▪ Increase in school-dropout ▪ Increased number of working children ▪ Social violence ▪ Increased risk of politicization of youth ▪ Increased vulnerability to arrest and deportation 	N/A	N/A	N/A
Instability in camps	Medium	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Deterioration of basic services ▪ Increase in school-dropout ▪ Social violence ▪ Increased risk of politicization of youth ▪ Increased vulnerability to arrest ▪ Increase in substance consumption 	N/A	N/A	N/A	N/A
Conflict between Pal. Faction and Lebanese military	Medium	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Deterioration/restriction of basic services ▪ Increase in school-dropout ▪ Social violence ▪ Exposure to violence ▪ Increased risk of politicization of youth ▪ Increased vulnerability to arrest 	N/A	N/A	N/A	<ul style="list-style-type: none"> ▪ Increased risk of politicization of youth
Increase in conservative religion	Medium	<ul style="list-style-type: none"> ▪ Restriction in girls access to education ▪ Restriction in girls freedom of movement and speech ▪ Increased risk of early marriage ▪ Increased social polarization 	<ul style="list-style-type: none"> ▪ Restriction in girls access to education ▪ Restriction in girls freedom of movement and speech ▪ Increased risk of early marriage ▪ Increased risk of honour violence/ killing ▪ Increased social polarization 	<ul style="list-style-type: none"> ▪ Increased marginalization 	N/A	<ul style="list-style-type: none"> ▪ Restriction in girls access to education ▪ Restriction in girls freedom of movement and speech ▪ Increased risk of early marriage ▪ Increased risk of honour violence/ killing ▪ Increased social polarization
Earthquake	Low-Medium	<ul style="list-style-type: none"> ▪ Injury ▪ Decreased access to services 	<ul style="list-style-type: none"> ▪ Injury ▪ Decreased access to services 	<ul style="list-style-type: none"> ▪ Injury ▪ Decreased access to services 	<ul style="list-style-type: none"> ▪ Injury ▪ Decreased access to services 	<ul style="list-style-type: none"> ▪ Injury ▪ Decreased access to services

<p>Increased prevalence of HIV/AIDS</p>	<p>High</p>	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Increased risk of neglect and/or institutionalization ▪ Increased risk of one-parent and child-head households ▪ Increase in school-dropout ▪ Increase in working children 	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Increased risk of neglect and/or institutionalization ▪ Increased risk of one-parent and child-head households ▪ Increase in school-dropout ▪ Increase in working children 	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Increased risk of neglect and/or institutionalization ▪ Increased risk of one-parent and child-head households ▪ Increase in school-dropout ▪ Increase in working children 	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Increased risk of neglect and/or institutionalization ▪ Increased risk of one-parent and child-head households ▪ Increase in school-dropout 	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Increased risk of neglect and/or institutionalization ▪ Increased risk of one-parent and child-head households ▪ Increase in school-dropout ▪ Increase in working children
<p>Avian flu</p>	<p>High</p>	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Increased risk of quarantine ▪ Increased risk of neglect and/or institutionalization ▪ Increased risk of one-parent and child-head households ▪ Increase in school-dropout ▪ Increase in working children 	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Increased risk of quarantine ▪ Increased risk of neglect and/or institutionalization ▪ Increased risk of one-parent and child-head households ▪ Increase in school-dropout ▪ Increase in working children 	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Increased risk of quarantine ▪ Increased risk of neglect and/or institutionalization ▪ Increased risk of one-parent and child-head households ▪ Increase in school-dropout ▪ Increase in working children 	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Increased risk of quarantine ▪ Increased risk of neglect and/or institutionalization ▪ Increased risk of one-parent and child-head households ▪ Increase in school-dropout ▪ Increase in working children 	<ul style="list-style-type: none"> ▪ Increased marginalization ▪ Increased risk of quarantine ▪ Increased risk of neglect and/or institutionalization ▪ Increased risk of one-parent and child-head households ▪ Increase in school-dropout ▪ Increase in working children

G. Recommendations

Three sets of recommendations have been identified (though interrelated): children's identification of their needs taken from focus groups discussion conducted for the purpose of this paper, recommendations for Save the Children Sweden constructed from focus group discussions, interviews, and the literature, and Committee on the Rights of the Child's recommendation to the Lebanese government.

H.1 Children's Recommendations⁸⁸³

Focus group discussions were held with:

- 1 group of **Lebanese children** in Herme— 4 boys and 11 girls between the ages of 11-13,
- 2 groups of **Palestinian children** in Nahr el-Bared camps— 6 children between the ages of 6-11 and 4 boys and 4 girls between the ages of 16-18,
- 2 groups of **Iraqi children** located in Herme and Nabaa— 3 boys and 3 girls between the ages of 9-13 and 4 girls and 7 boys between the ages of 8-14, respectively, and
- 1 group of **children of migrant workers and Sudanese refugees** in Nabaa— 5 girls and 7 boys between the ages of 8-15.

Children were asked if they were aware of the children's rights. Lebanese children were most able to identify their rights. Iraqi children were aware of children's rights to a lesser degree. Children of migrant workers and Sudanese children had barely any knowledge of children's rights. Based on these findings, it appears that additional attention should be given to ensure that children's rights information is disseminated to Iraqi and Sudanese children and children of migrant workers.

When asked to identify the rights most important to them children responded as such:

- **Lebanese children:** the right to life, the right to peace, the right to family and friends, and the right to education;
- **Iraqi children (x2):** the right to be protected from violence, the right to a home, right to clothing, right to eat, right to sleep, right to drink milk, right to have breakfast, right to school, right to life;
- **Palestinian children (x2):** No discussion of CRC;
- **Children of migrant workers/Sudanese children:** the right to play, the right to basic needs (food, water, a house), and the right to go to the toilet.

Efforts should be made to ensure that these rights are protected and central to programming. Notably, one group of Iraqi children (who prioritized the right to protection from violence and the right to a home) stated that they did not have access to these rights currently.

Save the children should prioritize and further investigate the needs of children, as identified by them:

- **Lebanese children highlighted the following issues:**
 - o *Safety at school:* 4 out of 15 children stated that they felt unsafe at school and 13 out of 15 children witness or experienced corporal punishment at school;
 - o *Safety at home:* 6 out of 15 children felt unsafe at home and 4 out of 15 children said that they were hit at home;
 - o *Age appropriate responsibilities:* 9 out of 15 children were regularly required to take care of younger siblings, cook, clean, and/or stay home alone; and
 - o *High risk behaviours among youth:* 5 children have smoked/smoke argyle, 3 children have smoked cigarettes, 1 child smokes a pipe, 5 children knew of kids who took drugs and/or drank alcohol.

⁸⁸³ Refer to Annex 3 for minutes of FGD

- **Palestinian children from Nahr el-Bared camp** identified the following problems currently facing them and youth in Nahr el Bared, generally:
 - o Age 6-11:
 - *Safety in schools*: they stated that if they said bad words at school, they were hit;
 - *Psychological stress*: feeling scared at night and dreaming of buildings falling on them—they drew dead bodies and people fleeing the old camp during the FGD;
 - *Desire for bicycles*: to replace the ones they lost in the old camp; and,
 - The desire for *reconstruction of the old camp and the return to Palestine*.
 - o Age 16-19:
 - Smoking , drinking, inability to see friends, fighting, increased gangs, crime, drugs, problems in friendships, sibling conflict, suicidal thoughts, decrease in self-confidence (linked to military/humiliation), soldiers’ treatment of girls, psychological impact of living surrounded by destruction, parental conflict, and conflict with parents.

- The older group of **Palestinian youth** (age 16-18) identified the following solutions to their problems:
 - o Awareness, electricity, school/education, ability to return to a favorite location, ability to go to areas without destruction/damage, play grounds, clubs (separate for boys and girls), computer room and laboratory at school, sports, and the ability to return to their old school in Nahr el-Bared (destroyed during the conflict).

- **Iraqi children** identified the following issues for themselves and other Iraqi children:
 - o *Safety on the streets*;
 - o *Safety at school*: 3 out of 6 children attending regular school felt unsafe at school;
 - o *Safety at home*: 2 out of 17 children voluntarily stated that they were beaten at home and 3 out of 17 indicated that they did not feel safe at home;
 - o *Freedom of movement*: 1 out of 17 children said that she was not allowed to leave home without male accompaniment and at least 10 out of 17 said that they stayed at home during their free time;
 - o *Sadness*: 6 out of 17 children said that they always felt sad inside and cried a lot;
 - o *Work*: 3 out of 17 children had worked since their arrival in Lebanon;
 - o *Difficult relationship with Lebanese*: 2 out of 17 stated that Lebanese persons on the street said mean things to them.

- **Iraqi children** suggested that the following actions would improve their current conditions: tennis courts/the ability to play tennis, access to a football field and people to play with, and play spaces.

- **Children of migrant workers and Sudanese children** articulated the following needs:
 - o *Safety at school*: there was a general agreement that corporal punishment was used in the school that children attended, particularly on younger children, and 3 of the 12 children mentioned bullies at school (apparently race-related violence);
 - o *Safety at home*: out of 12 children 4 children verbally stated that they were unhappy at home, 1 child could not identify/draw home, 8 children marked on their drawing that they were unhappy at home;
 - o *Restricted movement*: most of the children stated that they only played at home;
 - o *Friends*: out of 12 children 10 stated that they did not have friends in their building of residence, 6 children stated that they had friends at school/NGO centre, and 4 stated that

they did not have any friends at all, needed friends to feel happy, and/or that they did not have anyone to play with;

- *Community*: out of 12 children 4 stated that there was a lot of violence in their neighborhood and 3 mentioned experiencing race related violence/aggression in the street;
 - *Psychosocial needs*: children were asked to draw an x on their drawing of their community where they felt unhappy—out of 12 children, two children wanted to mark their own body stating that they were unhappy with themselves. Another child suggested that some children may be experiencing suicidal thoughts.
- **Children of migrant workers and Sudanese children** identified the following solutions: parent support/trust, to have friends, to have parents, and/or play stations.

H.2 Recommendations for Save the Children Sweden

Based on interviews with stakeholders and partners, research findings, and focus group discussions with children, the following actions are recommended in the coming programming period.

H.2.1 Direct Support

- ❖ In conjunction with the government and other stakeholders, establish a national human rights education program in which teachers are provided with context specific material and training. Establish a monitoring system in schools to ensure that human rights education is being integrated into the curriculum.
- ❖ Drawing on the experience of NGOs (Save the Children Sweden in particular) and UN agencies (UNICEF) in other situations of instability, to encourage civil society engagement, accountability to the public (particularly their constituencies), and dialogue about issues related to child protection, advocate for and enable political groups to develop child protection policies, including extremist factions in the camps and elsewhere in Lebanon. Disseminate the protection policy to all stakeholders and support political factions in realizing this policy (through advocacy, monitoring, training and social organization).
- ❖ Decrease tension in Nahr el-Bared camp by providing the military with human rights training, awareness raising (specifically regarding treatment of women/girls) and conflict resolution skills. Facilitate the establishment of a monitoring system, with other relevant stakeholders (the protection cluster), to document incidents of maltreatment of Palestinian youth in NBC by the military.
- ❖ Ensure that all SCS projects consider the special needs of children with disabilities.
- ❖ Noting that the Iraqi community (a majority of which are single—many of who are reportedly marrying Lebanese women) and the migrant community have begun to have children in Lebanon, it is critical that they have access to information regarding birth registration, nationality, and family status laws. Disseminate related laws to vulnerable communities and support efforts to regularize children. Bear in mind that children of Iraqi refugee men, regardless of the nationality of the mothers, will not have Lebanese nationality and will be refugees, begin to develop long term intervention strategies for a population that is likely to significantly increase in the next 5 years.
- ❖ Support and enable ‘safe play areas’ that encourage Lebanese and Palestinian youth and children of migrant workers to engage each other.
- ❖ Continue to support and participate in efforts to ensure that laws pertaining to children are in accordance with the CRC, namely holistic, nondiscriminatory, in the best interest of the child and that they allow for participation. Fully ensure that the ‘unifying law’ adequately addresses existing legal failings. This may necessitate supporting/carrying out further research on key issues.
- ❖ Establish democratically elected youth committees (including children with disabilities and girls) in Palestinian camps and gatherings that meet to discuss issues, to identify key needs in the Palestinian camps, to propose action and reform to Popular Committees/elders/faction leaders/UNRWA, and to regularly coordinate with the Shadow Youth Parliament.

- ❖ Bearing in mind that children of migrant workers appear to be one of the most marginalized and vulnerable groups of children, strengthen their future coping system by supporting their development of social-capital through community support groups, peer to peer counseling, youth support groups, etc.

H.2.2 Capacity Building (civil society and state)

- ❖ Establish a comprehensive protection framework and a multilateral cooperation between all NGOs (particularly in relation to UPEL) working in the child protection field. Attention should be given to regular monitoring of child protection activities, ranking of children's institutions and coordination with NGOs working in Palestinian camps and gathers and with other vulnerable groups (children with disabilities, refugee children, children of migrant workers, etc.). It is also critical that a level of uniform competency is established among social workers working in this field. This could involve regular training, a state-mandated test, and licensing.
- ❖ Establish a protection framework, based on advocacy, for non-Lebanese communities in Lebanon (particularly Palestinian refugees and non-Palestinian refugees) which ensures a standard level of service provision/competency, regular monitoring of child protection activities, and total coordination with all actors working in this sector (including relevant UN agencies and the state). In the absence of a functioning state system, there is a critical need to develop a common and independent database for endangered children and children in conflict with the law, a protection monitoring system and a referral system (with regular monitoring of NGOs and institutions).
- ❖ Encourage the government and universities to establish specialization for judges and lawyers in the field of juvenile justice. Suggest to the government that the best judges and lawyers should be permanently assigned to the juvenile court. Facilitate child protection policies by disseminating information about international and national child protection law to all levels society and the government.
- ❖ Streamline psychosocial interventions (particularly in post-conflict areas) to ensure that children are receiving a single, realistic message and that children are involved in identifying and implementing possible measures to improve their immediate condition.
- ❖ Support UNRWA's development of a protection mandate in Lebanon by providing UNRWA teachers and social workers with training (particularly in regards to the impact of violence on children and key signs to look for to identify child abuse) and psychosocial services. Develop an alternative child protection reporting system to which social workers, teachers, children, and caretakers can report abuse and violence, anonymously if necessary.

H.2.3 Research Analysis

- ❖ Establish a central research point for all information related to vulnerable children in Lebanon to enable the humanitarian community and state actors to have a comprehensive understanding of critical needs. To support this activity complete a series of research projects, addressed to existing gaps in information. Research subjects could include trafficking of women and girls, child prostitution, abuse and honour violence in the Iraqi community, the situation of children migrant workers, the situation of children working and/or children living on the streets, early marriage, youth and drug usage, and freedom of movement for vulnerable women and girls.

- ❖ Conduct research on the current functioning of the community-based child protection network in the Palestinian camps and map possibilities for intervention.
- ❖ Conduct research specifically focused on the impact of the political environment on youth, in terms of youth's participation in civil society as well as its life impact. Focus specifically on the impact of increased social polarization and the threat of confessional conservatism (e.g. increase in early marriage in Palestinian camps) to explore potential interventions.

H.2.4 Advocacy

- ❖ Develop a child protection statement and advocate for schools across Lebanon to sign the statement (including a prohibition on corporal punishment). Disseminate the statement to civil society and develop an advocacy campaign around the document.
- ❖ Within the donor community and the humanitarian community in Lebanon, advocate for an inclusive approach to humanitarian service provision (including reconstruction efforts in post-conflict areas), notably ensuring the inclusion of non-Palestinian and Iraqi refugee children, children of migrant workers, and children with disabilities. Ensure that all SCS programs and partners are providing assistance to all communities in Lebanon (including non-Lebanese communities). This is particularly important in regards to NGOs providing child protection services.
- ❖ Continue to advocate for Lebanon's ratification of the CRPD and for increased social awareness about discrimination against children with disabilities. Continue to advocate for and support efforts focused on establishing inclusive education in Lebanon, particularly as concerns access to schools and social discrimination against children with disabilities.
- ❖ Encourage the government and the Lebanese civil society to address the root causes of Palestinian frustration (employment, education, housing conditions, etc.).
- ❖ Advocate for the re-adoption of sexual health education in the curriculum, particularly regarding sexual abuse and STDs.

H.3 Recommendations from the Committee on the Rights of the Child (2005)⁸⁸⁴

22. *Though welcoming the establishment of the Higher Council for Childhood, the Committee recommends a review of the various central and local administrative structures in order to ensure an effective coordination of policies and programmes on matters of child rights and child welfare.*

23. *The Committee welcomes the initiative for a comprehensive review of legislation in light of the principles and standards of the Convention on the Rights of the Child. In this regard, the Committee recommends that the minimum age of criminal responsibility, for marriage and for child labour be reviewed.*

24. *The Committee recommends that a permanent and multidisciplinary mechanism be developed for coordination and monitoring of the implementation of the Convention, both at national and local levels, in urban and rural areas. The Committee encourages the State party to give further consideration to the establishment of an Ombudsperson for Children or any equivalent independent complaint and monitoring mechanism. The Committee further encourages the promotion of closer cooperation for this purpose with Lebanese non-governmental organizations, to which it expresses its appreciation for the valuable work they perform in the field of the rights of the child.*

25. *The Committee recommends that further steps be taken by the State party to define child-related social indicators and to develop systematic means of gathering data on an ongoing basis to facilitate a comparison of progress with regard to child-related initiatives over a period of time.*

26. *The Committee recommends that the Government strengthen its efforts aimed at promoting advocacy and creating awareness and understanding of the principles and provisions of the Convention in light of its article 42. In the spirit of the United Nations Decade for Human Rights Education, the Committee further encourages the Government to give consideration to the incorporation of the rights of the child in school curricula. The Committee also suggests that the Government develop public campaigns with a view to addressing effectively the problem of persistent discriminatory attitudes, in particular towards girls.*

27. *The Committee recommends that further programmes be aimed at training personnel working with children, such as social workers, police, public health workers, and legal and judicial officers.*

28. *The Committee encourages the Government to pursue its efforts to ensure full compliance of its national legislation with the principles and provisions of the Convention, including non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12). In light of articles 2 and 3, the Committee strongly recommends that legislative measures be adopted with a view to ensuring respect for the rights of girls, especially in relation to preventing early marriage.*

29. *The Committee recommends that the State party strengthen the existing overall priority which is given in the national budget to child-related programmes in accordance with article 4 of the Convention.*

30. *In relation with the growing role of private educational and health institutions, the Committee recommends that a stronger emphasis be placed on public education and the social welfare system by the Government with a view to ensuring that all children subject to the jurisdiction of the State party enjoy these fundamental rights, as well as to prevent any risk of discrimination.*

⁸⁸⁴ Direct quote from CRC

31. *The Committee recommends the development of a more comprehensive social policy which would include the implementation of the National Plan of Action for Child Survival, Protection and Development. Such a policy would emphasize the importance of human development. The Committee recommends that further steps be taken towards decentralization of social services so as to afford children outside the capital open and easy access to basic social services and education.*

32. *The Committee welcomes the steps taken to reform the school system and to improve the quality of education, including a thorough review of the curricula. It recommends measures to fully realize the provisions of the Convention relating to free and compulsory primary education for all children.*

33. *In view of the principles contained in article 29 (1) (d) of the Convention, which stipulates that the education of the child shall be directed to "the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national, religious groups and persons of indigenous origin", the teaching of values is an important dimension that should be incorporated in the curricula at all levels of schooling. School curricula materials should be revised accordingly.*

34. *The Committee recommends that the ban of the commercial marketing of infant formula be implemented and that breast-feeding be promoted among mothers in health facilities. It further suggests that a health insurance card be issued for children whose parents are not entitled to social security benefits.*

35. *The Committee suggests that the State party undertake a comprehensive study to examine the implications of the principle of the "best interests of the child" in relation to laws and their implementation as well as to administrative practice in all relevant fields.*

36. *The Committee believes that opportunities for the cultural development of children are critical and recommends that measures be taken to give children access to child literature and media. The need for playgrounds and child-friendly parks should be considered in city planning.*

37. *The Committee welcomes the policy of not allowing corporal punishment in schools or other official institutions and recommends a thorough review of the problem of domestic violence, including the possibility of stricter legislation against all forms of abuse against children in the spirit of article 19 of the Convention, as well as supportive social measures to assist families in crisis.*

38. *The Committee suggests that further efforts should be undertaken to disseminate information about the risks of consanguineous marriages, including through the media and health education programmes.*

39. *The Committee suggests that special programmes be developed for children with disabilities in order to define social, psychological, physical and other needs as well as to educate parents about ways of dealing with them. Further efforts are recommended to encourage schools to ensure the participation of these children in all activities.*

40. *The Committee suggests that the State party, in cooperation with United Nations Relief and Works Agency, seek ways of addressing the socio-economic problems among Palestinian refugees that affect children negatively.*

41. *The Committee recommends that the State party consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.*

42. *The Committee recommends that the State party give careful consideration to placing greater emphasis on psycho-social recovery and reintegration of "passive victims" of violence and the armed conflict in Lebanon.*

43. *The Committee recommends that in the light of article 32 of the Convention on the Rights of the Child, further steps be taken to protect children from hazardous work, including through the adoption of stricter legislation, ratification of all relevant International Labour Organization Conventions and the appointment of a sufficient number of child labour inspectors.*

44. *The Committee recommends that the State party envisage undertaking a comprehensive reform of the juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and relevant United Nations standards in this field such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be given to the consideration of deprivation of liberty only as a measure of last resort and for the shortest period of time, to the protection of the rights of children deprived of liberty, to due process of law, and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee would like to suggest that the Government of Lebanon consider seeking international assistance in the area of the administration of juvenile justice from the Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations (Vienna).*

45. *The Committee recommends that relevant international agencies and institutions, as well as other Governments, develop cooperation with Lebanese authorities and voluntary organizations, in the reconstruction effort after the many years of war devastation. Displaced persons and refugees should be given priority in such international cooperation.*

46. *The Committee recommends that the report submitted by the State party, the summary records of its consideration and the concluding observations of the Committee be disseminated as widely as possible within the country.*

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Focus Group Discussions

6 Iraqi children (age 9-13). Herme. Focus Group Discussion. 24 April 2008.

11 Iraqi children (age 8-14). Nabaa. Focus Group Discussion. 23 April 2008.

15 Lebanese children (age 11-13). Herme. Focus Group Discussion. 24 April 2008.

6 Palestinian children (age 6-11). Narh el Bared Camp. Focus Group Discussion. 15 April 2008.

8 Palestinian children (age 16-18) Narh el-Bared camp. Focus Group Discussion. 16 April 2008.

12 Sudanese children and children of migrant workers (age 8-15). Nabaa. Focus Group Discussion. 23 April 2008.

Annex 1

Focus Group Discussions: CRSA 2008

Consultant: Anna Elyse Ressler

To ensure that vulnerable children have an opportunity to express their particular concerns and to identify needs, FGD were held with groups of children from the following areas (chosen by vulnerability- as possible within short time period): Lebanese children from the Bequaa valley, Palestinian children (Nahr el Bared Camp), Iraqi children, and migrant/other refugee children. FGD were being organized by partner organizations.

The FGD were designed to provide children with the opportunity to draw their community, identifying locations that are the most important in their daily lives. The facilitator asked them the following questions:

- Do you know what the Convention on the Rights of the Child is?
- What is your favorite right? Which right is most important to you?
- Where do you play? When do you play? What do you play?
- Where do you feel safe/unsafe? Why?
- Where do you feel happy/unhappy? Why?
- Who do you talk to when you feel sad or scared?
- What do you wish your community had that it doesn't?
- What do you need to feel happy? What would make you feel safer?

Due to the limited time available for FGDs with children and the possible trauma that some of the groups may be experiencing, if and when possible/appropriate a known and trusted facilitator from the center/NGO was asked to be present during the discussion. The Save the Children consultant and her translator lead/observe the FGD.