



ngo group for the crc

STATE PARTY EXAMINATION OF LEBANON'S THIRD PERIODIC REPORT

42ND SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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Lebanon ratified the Convention on the Rights of the Child (CRC) in 1991. On 24 May 2006, the Committee on the Rights of the Child (the Committee) examined Lebanon's third periodic report.

Opening Comments

The Secretary General of the High Council on Childhood (HCC) Dr. Mekhael was the head of delegation. He said that Lebanon was committed to values embodied in the CRC but had experienced difficult political, social and economic circumstances. Despite the end of the war, the public debt was high and the national administration weak. The report was coordinated with the public sector and civil society, thus providing an opportunity for dialogue and transparency on the situation of children. Achievements included a National Action Plan, new laws for juveniles in conflict with the law and the ratification of conventions. Certain laws had not been implemented due to financial, administrative and political impediments. Problems included the lack of a comprehensive social development plan on which a national plan for children could be based, insufficient public services and a lack of statistical data. Policies related to the reintegration of marginalized people were still insufficient. National strategies concerning violence and education were being created. The National Committee on Human Rights (NCHR) looked into creating a National Institute for Human Rights.

The country rapporteur, Ms. Al Thani, highlighted the ratification of ILO Conventions 138 and 182 as well as the OPSA. The report was good, analytical and self-critical. Some recommendations were taken into consideration and partially or fully realised, but they had failed to take many others into consideration. The state showed dedication but she stressed that setting up and implementing were two very different things. She worried about the political and economic situation impeding implementation.

Legislation and Confessional System

The Committee asked if there was a comprehensive review for domestic legislation that might be in conflict with the CRC. The delegation said a framework for a review of child legislation had been created since the last review in 1995. There was an amendment of the penal law to make it more compatible with international standards. The Committee asked about the measures to review and harmonise laws, particularly those related to the definition of a child, forced marriage and minimum age for marriage and employment. It said it was aware of the difficulty in creating one national law and status, but asked if the state would consider developing a set of guiding standards to unify the treatment of children. In response, the delegation's concern, the Committee made it clear it respected multi-religious culture and confessional system but that it aimed to ensure that every child on the land is protected and enjoys the rights under the CRC. The Committee suggested raising awareness within religious groups to comply with the CRC. The delegation said personal status laws were not unified, but the state felt there was a need to mainstream the laws, even if there were 18 separate laws. It said an advocacy campaign was launched with religious leaders and all 18 confessional groups respected the rights of the child. However, leaders could not change religious texts. In practice though, the average age of marriage was around 29 for women and 33 for men.

Cooperation with Civil Society

The Committee asked about the process to prepare the report, the difference from the first two, and whether children were involved in the process. The delegation said there was more cooperation, as 85 NGOs and civil society organisations participated in preparing the report. NGO participation helped raise issues not initially present in the report and gave an opportunity to reinforce ties between institutions. Children, including Palestinian ones, participated in the process for the first time. The Committee noted that though NGOs played an important role in drafting the state report, it nevertheless recommended that they also produce an alternative report. Upon completion, the report was mainstreamed and distributed at different levels. NGOs might possibly have felt there was no need for an alternative report, but the state would organise training sessions to show them how to prepare one. The Committee asked if the state financially supported NGOs when they carried out public responsibilities and what kind of exchange and support existed between the two. The delegation replied that there was flexibility in dealings between the public sector and civil society. Any NGO could cooperate with specialised public bodies and many received some financial assistance. If the state did not have the necessary competences, a task was given to civil society.

Child Participation and Best Interest of the Child

The Committee noted the positive attitude towards children, but that social attitudes limited children's views being taken into account. It commended new curricula and a plan of action that promoted the participation and training of children to contribute to decision-making. It asked why measures were not adopted in most schools and for information about the actual situation. The delegation said more municipal and school councils should exist (this was encouraged). It mentioned the need for an institutional mechanism based on democratic criteria to represent children and said youth parliaments should not be seasonal affairs. The Committee asked if there were awareness campaigns for parents to understand the importance of children forming and expressing their own views. This was not addressed. The Committee asked if religious courts heard and considered children's views, as well as how the opinion of a child was taken into account before the separation of the family. The delegation said courts tried to encourage denial of guardianship to a father unfit to

exercise this right, but this was mainly in civil courts. The Committee asked about children listed as ‘born to an unknown father’ and what was done to address this issue, but it received no response.

Coordination

The Committee asked about the status and establishment of the High Council on Childhood (HCC). The delegation replied that it was established by a decree from the Council of Ministers and half its membership was civil society. The Ministry of Social Affairs allocated necessary financial and human resources to implement the resolutions. The HCC was independent and was not intended to be parallel to the government, but rather a reference for policies and laws related to children. The Committee asked about the National Plan of Survival, Development and Protection of Children that did not exist in previous reports. It enquired if it was harmonised with the CRC and a World Fit for Children and about the level of commitment of all ministries and if NGOs, academics, trade unions and children would participate. The delegation admitted a delay in the progress due to recent events. Support existed within all ministries, and the technical committees set up under HCC were working according to the CRC recommendations. They hoped for a draft by end 2007. The Ministry of Finance assessed budgetary allocations and their potential impact. The Committee asked about the possibility of the HCC becoming independent to give it more freedom of action due to the multiplicity of confessions.

Budget and Statistics

The Committee asked when the Research, Information and Documentation Centre of the HCC would start working, about its relationship with the Ministry of Statistics, and who was responsible. These questions were not addressed. The Committee expressed concern with the lack of updated and disaggregated data on children, especially those who were marginalized. The delegation admitted a lack of data. It said UNICEF supported a council for child information, but because of internal problems it was unable to implement the promised expansion. Software measuring the MDGs was being used and 173 out of 235 indicators were completed. Information would be available on the HCC website and accessible to ministries and NGOs. The state tried to create a framework for a comprehensive study for data on marginalized children, but due to problems within UNICEF only a small study was carried out. A protocol was signed for cooperation with municipal governments. The state hoped cooperation with NGOs and social services would lead to an information-gathering network. The HCC would make software available or set up a database to disseminate information on the Internet. The Committee noted that government expenditure on social services rose between 1993 and 1998 and asked if this trend continued. It enquired about the kind of aid provided to female-headed households. The Committee asked why there was a lack of budget allocations at local level and if ‘value for money’ audits were conducted since studies had shown a low efficiency in government expenditures. These questions were not addressed.

Violence and Abuse

The Committee mentioned the symposium of experts on corporal punishment in schools, which was set up to find incidence and promote alternatives. It asked about the follow-up and the elements preventing a legal framework from prohibiting corporal punishment. The delegation said a committee, which was formed by the HCC to develop a national strategy for the prevention of violence, was working to reorganise internal rules of schools to implement the total prohibition of violence. The Committee asked if a symposium was set up to examine violence in other situations such as the home and institutions. It also enquired about education campaigns for alternatives, and whether doctors were obliged to report violence. The delegation said a doctor was obliged to inform the proper authorities if someone was in danger and a new law expanded this to NGOs and other professionals. The Committee was not satisfied that doctors were not obliged to report all abuse and expressed concern that every day mistreatment was not covered by the criminal code. It believed professionals should have a duty to indicate a situation to a social bureau before it became more serious.

The Committee enquired about measures to protect children victim of violence. The delegation said professionals received training on recognising and reporting cases of abuse and neglect. The Ministry of Justice helped NGOs that protect children, and provided training for social workers and police. A Child Observatory project, developed within the national child protection strategy, was advancing but needed funding. It would provide a culturally sensitive child protection system within the CRC framework. It would help design and facilitate education, training and support for NGOs and professionals with a core multidisciplinary group to monitor local and national government. The Committee asked if there was a mechanism for children to file complaints and what was the procedure. The delegation mentioned special centres for mistreated children, but said there was still a large gap in adequate monitoring systems. Projects were undertaken by the HCC to give children the right to complaint. A child Ombudsman project created legal and socially acceptable interventions, but it was seen as interfering. Coordination between the Ministry of Justice and NGOs to create a hotline was being discussed, but institutional settings and a lack of inter-sectoral coordination were obstacles.

Civil Rights and Liberties

The Committee regretted the use of the expression ‘illegitimate child’ in the report, as it passed a moral judgement. It expressed concern that all births were not registered and cited a possible weakness in the registration system. The delegation said a child born in hospital was registered. Outside a hospital, if registration was not done immediately, parents had a year to go to court to do it. The Committee expressed concern that Palestinian children born to parents who arrived before 1967, or not registered by the set deadline, could not obtain forms of identification. It was concerned that unregistered children did not have access to health, education and other social services provided by the State and UNRWA. These were not addressed. Ministry officials visited refugee camps and helped facilitate registration. In addition, the Committee was concerned by the procedure to register Syrian children. The delegation said Syrian children needed to be recognised by the Syrian authorities before the Lebanese authorities could register them as foreigners. The Committee asked about a child born to a foreign father, as it seemed that a child only had the right to Lebanese nationality if not recognised by the foreign father. It asked if members of religious tribunals, with the jurisdiction to decide on the legitimacy of a child, received training according to the CRC. These questions were not addressed.

The Committee expressed concern that Article 7 was limited to Lebanese children, and that discrimination still existed on the basis of religion, sex and origin. The delegation replied that it did not mention discrimination. The existing system represented all religious groups.

Health

The Committee noted that the health system depended on the private sector and asked about access to insurance and health services. The delegation replied that the Ministry of Health (MOH) had to cover the uninsured (40% of the population). Palestinian children were covered by their own health services, but could go to hospitals and had the same immunisation rights. The Committee asked about regional disparities in indicators and access to health services. The delegation said there were 925 health centres and even remote villages had small clinics or health units. Where there were no facilities, the state commissioned and provided a local centre. The Committee asked why the change in basic indicators was so low and said it would like to see improvements expedited. The delegation said in reality much progress had been made. A study showed that midwives were responsible for reducing many deaths in camps. The state provided services to successfully eliminate post-natal tetanus. The Committee cited malnutrition, stunting and anaemia as problems. The delegation said malnutrition rates were not high. For anaemia, iron supplements were distributed to health centres. The Committee asked about the accessibility of centres addressing reproduction and sexual education. The delegation said reproductive health indicators were good. Services included educational activities and a national reproductive health programme. The Committee said that while HIV/AIDS was not a large problem, it was concerned about gaps in knowledge of adolescents on

protection. The delegation replied that there was an educational campaign for awareness raising, prevention and condom use.

The Committee asked why the number of road traffic accidents was decreasing but mortality was increasing. The delegation said work was done to reduce injuries. Incidence of domestic injuries was successfully reduced but there was less success in reducing road traffic injuries and deaths, especially among older children due to the non-respect of the law. The Committee asked for information about mental health, especially for children affected by the war. It mentioned an increased suicide rate and asked if in addition to awareness campaigns, mental health professionals detected early warnings and signs. The delegation replied that a mental health association was commissioned to undertake studies and various institutions provided mental health care. The Committee said that smoking and illegal drug and alcohol abuse were on the rise and asked about measures to address this. The delegation said the sale of alcohol and cigarettes was banned near schools. Drug law corresponded with the UN and considered a drug addict as a sick person with the right to rehabilitation. Due to the high cost, NGOs had mainly taken over that role.

Armed Conflict and Refugees

The Committee asked about the measures to move towards the ratification of the OPAC. The delegation replied that efforts were made to mobilise support in parliament, but it was busy with national dialogue, which prevented further cooperation. The Committee expressed concern that landmines in the south might still affect children and asked about their removal. The delegation said there was a programme for the protection from landmines.

The Committee asked about rights and cooperation with respect to refugees. The delegation replied that the matter was entrusted with UNRWA and in some cases UNHCR. The state welcomed cooperation and technical assistance for Iraqis and Palestinians, but funding was limited. The Committee asked about the ability of all children to benefit from education. The delegation said the Palestinian child had the right to enter official schools. Those not registered at birth had the right to enter with a certificate from a city official. The Committee asked about conditions in camps. While they do not come under the authority of the state, it was however responsible to help provide suitable conditions for all children on its territory (in accordance with the CRC). The delegation said the state was studying the matter, and while it wanted to find a solution, the integration of refugees and providing them with an identity went beyond certain capacities. Local integration was against their national interest.

Street Children

The Committee asked about street children who became beggars and expressed concern that they were treated the same way as children who were delinquent. It asked if attempts were made to find families, rehabilitate and reintegrate these children. The delegation said this was not a problem. It occurred seasonally and the majority of children were not Lebanese. Street children were dealt with under the Ministry of Justice. The state believed strict sanctions were not the ideal solution. An institute was established near Beirut to care for street children, many of who had disabilities. Psychological, educational and vocational training were provided. Unidentified children were issued temporary identity until parents were identified.

Education

The Committee expressed concern about low attendance in schools and asked about the measures taken to improve it. The Committee asked about second chances for children who never attended school or who dropped out. The HCC provided some counselling to dropouts. An improvement programme for the 1st and 2nd cycles was under review. The Committee asked for information about vocational education and training. The delegation replied that new programmes were implemented to link the workforce and labour. The Committee asked how school fees and materials were paid for poor children. The delegation said that in certain cases an understanding was reached,

but the student might have to pay for equipment or uniforms. Education was free until 10, but the aim was for free education throughout secondary school. A draft law was in the works to raise the age progressively to 15 then 18. The Committee expressed concern with the lack of well-trained teachers, especially in rural areas. The delegation said during the war, teacher-training colleges were closed. 9 teacher-training colleges were being reopened to improve the quality of education.

The Committee asked the extent to which the Ministry of Education controlled the curriculum at private schools. The delegation said the curriculum was decided upon by the state and private schools had to present a budget to it, but could choose their own books. The state subsidised many free private schools, seeing it as a more economical solution. Students there usually came from families with financial problems. The Committee asked how the state intended to improve pre-primary care. The delegation replied that a third year of kindergarten was being set up and a national programme allocating 50 kindergartens in villages or suburbs was underway. The state wanted all pupils to have a free dental check-up at school. The Committee asked about the role of the private sector with regard to education as well as other areas, and expressed concern that the private sector might be outside the control and monitoring of state bodies. It asked if there was a comprehensive policy to ensure private institutions complied with a minimum standard of quality and what could be done to monitor this. The delegation replied that monitoring and standards existed, but a country that had lived through war needed some time for the regulatory role of the state to take shape. It was in the process of adopting and creating criteria and mechanisms for private sector interventions. The Committee asked about raising the age of compulsory education to 15. There was no response.

Alternative Care

The Committee expressed concern with the number of children in institutions and asked how the placement decision was made, and how many were in situations where they could return to the family. The delegation said that children in institutions were often from poor backgrounds, but no figures were given. The Committee said that children in institutions were more likely to be victims of abuse. It also wanted to stop poverty from being a reason for institutionalisation. The delegation said the state had already taken measures to combat any risks that these children were subjected to. The Committee asked about the efforts made to reintegrate children either with their family or with a foster family. The delegation said that no foster care would be provided without the approval of parents. The delegation said the HCC had contacted the Ministry of Social Affairs to convince them to re-regulate terms and conditions for contracting institutions. The Committee requested information on progress made by children in institutions, but received no response. The Committee expressed concern that the large number of children in institutions suggested that guardianship and the Islam practice of Kafala were not widely used. The Committee asked how the Islam practice of Kafala was assessed in light of the CRC. These subjects did not receive a response.

The Committee asked for numbers and adoption procedures for civil, religious, national and international adoptions. The delegation replied that adoption usually took place through a social organisation, mainly two Christian institutions, with approval from a civil or religious court (Christian - since Islam prohibits adoption). A child was given the name of the adoptive father and was entitled to the rights of a legitimate child. All forms of adoption were rare, but after a study the state would start promoting adoption and other alternatives to institutions. The Committee asked if the state would ratify The Hague Convention to assure that adoption was not used as a means for trafficking children. It expressed concern that a lack of clear legislation made adoption for the purpose of trafficking easier. The delegation said to prevent adoption becoming child trafficking, which happened during the war, a penal law prohibited trafficking and made it punishable by imprisonment. The Committee asked if adopted children had a right to know their paternity. The delegation replied that the law did not prevent an adopted child from looking for his biological parents, but the civil courts had the right to suspend contact with the parents.

Children with Disabilities

The Committee said the state report indicated that there were many children with disabilities, but few were included in general education. It asked how 57% of children with disabilities avoided going to school and what happened to them. The delegation said a committee was set up, but there was a problem with reintegration. They were unable to do much to reintegrate them, because of an absence of qualified personnel in the field of special needs. There were also problems with the cost of the necessary equipment. The state managed to reintegrate some children with disabilities and regulations now required every new school to be built with facilities for the disabled. The Committee asked about the process to obtain a disability card. Only 1,500 children held cards, though the real number was much higher. Attempts were made to encourage application but cultural dimension made it difficult.

Juvenile Justice

The Committee asked about a law protecting children in conflict with the law. The delegation said that care was taken to protect the secrecy of children's records so they did not affect them in the future. The Committee said that sanctions such as community service followed the CRC, and asked about other alternatives used. The delegation said judges responsible for youth encourage alternative sanctions in coordination with international organisations and municipalities. It agreed the judicial process for children should be removed from prisons and ordinary courts. The Committee expressed concern with a law that said in the case of an offence carried out by a minor and an adult, a child was subject to the same procedures and encouraged separate procedures. The delegation said that some adults used children to diminish their own sentence. The Committee asked about the timeframe for the period of preventative detention. It expressed concern about conditions in detention centres that could hinder future reintegration. The delegation said detention could be extended to a maximum of 4 months. The Committee asked if this was pre-trial detention but this was not clarified. The Committee asked for information on honour crimes and penalties and prevention measures. The delegation said that consciousness had increased, and in a decade no minor was prosecuted. In the past, honour crimes enjoyed complete absolution, but could now be subject to appropriate legal provisions. The Committee asked about the rehabilitation of children. The delegation said that civil society organisations offered vocational training and provided a certificate that did not indicate the child was in an institution or prison.

The Committee asked if a judge considered the child's view. It asked if abandoned children could file a complaint and what were the mechanisms. The delegation said there were special rooms in police stations and other legal entities where a child subjected to sexual abuse could be listened to and registered in discretion. The delegation said a juvenile court system was the subject of legislation being drafted with the help of a UNICEF study. For transparency and reconciliation, juvenile courts would not remain police based and would work with the Ministry of Justice. A social debate and technical details from UNICEF prevented further implementation.

Sexual Exploitation and Child Labour

The Committee noted an increase in prostitution and trafficking of children as young as 12 and asked about measures to address this issue. The delegation said a protocol was being signed with the Ministry of Justice and internal security to prevent the trafficking of women. The Committee asked about instances where domestic workers were forced to prostitute themselves. The Committee expressed concern that not all forms of trafficking were criminalized. The delegation said that following the case of someone putting a child up for sale; it was criminalized in a bill with a sentence of up to five years.

The Committee noted that the number of households in extreme poverty had increased and expressed concern that one cause of child labour was increased poverty levels, especially in the poorest areas. It was concerned that domestic labour was not contained in the labour code since it could be one of the worst forms of child labour. The delegation said that poverty at national level

had diminished and that parliament was trying to put the labour code in line with international conventions, which would include protection of domestic labour. At the time, there were no provisions prohibiting the use of girls under 16 as servants. The Committee asked about a target date for the updated labour code and if the human and material resources to enforce standards were available. The delegation could not offer a date but said that targets were in the near future for the worst types of work, but there was a lack of inspectors.

Closing Remarks

The Committee commended the level of commitment in light of political difficulties. It recommended a continued review of legislation to bring it into harmony with the CRC and wanted to see a strengthened role for the HCC. It believed an independent monitoring system was needed, whether a National Human Rights or an Ombudsman. It noted the considerable dependence on the private sector for health and education and expressed concern with accessibility and disparities that could arise. The delegation thanked the Committee for its work. It assured that any recommendations would be taken into consideration as a reference for future plans.