Protecting Syrian Refugee Children in Lebanon

By

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In loving memory of all the children who fell during the Syrian crisis. We certainly cannot bring you back, but rest assured we'll seek justice for your heartrending cries.
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Protecting Syrian Refugee Children in Lebanon

Mona Fadi Noureddine

ABSTRACT

The question of refugees in Lebanon is now considered a major obstacle to the development of the country. Syrian refugees constitute the largest number of refugees that have ever come to Lebanon. Among them, children are the most vulnerable category, forced to leave their homes to settle in a country that is not more stable than their own and where they face every day all sorts of violations of their rights. While Lebanon ratified the United Nations Convention on the Rights of the Child (CRC) in 1991 and its optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in 2004 with no reservations, many children's rights are being violated in Lebanon.

This thesis is an evaluation of the application of the Convention on the Rights of the Child (CRC) toward Syrian children refugees in Lebanon. The study begins with a general overview covering International Law and principles related to refugees then proceeds through all the specific rights of children mentioned in the aforementioned Convention. A case study of Lebanon was done through conducting interviews with many Lebanese officials and consulting all reports related to this case in order to collect all national laws, policies and measures that will help assess the application of CRC articles by the Lebanese Government vis-à-vis Syrian children refugees.

The study finds that not all children rights are being fulfilled in Lebanon. The thesis also provides a number of recommendations that could be applied to protect Syrian children from the humanitarian crisis they are living.

Keywords: Refugees, Children, Syria, Human Rights, Lebanon, Convention on the Rights of the Child.
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Chapter One

Introduction

At the beginning of the crisis in Syria on 15 March 2011, Lebanon adopted a policy of opening its borders to all Syrians seeking refuge. The influx of Syrian refugees fleeing the devastation in their country into the Lebanese territories increased with the escalation of violence in Syria.

According to the United Nations Commission of Refugees (UNHCR) data, at the beginning of 2014, the number of Syrian refugees approached a quarter of the country’s pre-crisis population, a situation that made the Lebanese ex-Prime Minister Najib Mikati state in an interview to the British newspaper Telegraph on January 22, 2014: “My country cannot cope with the Syrian refugee crisis. Lebanon is losing the ability to sustain its humanitarian aid to displaced Syrians”.

Lebanon, this small country in the Middle East that has not signed the 1951 Convention related to the status of refugees, has always been a land of refuge to many displaced people such as Palestinians who fled their country in 1948 and whose offspring are living in various camps on the Lebanese territories. Among all refugees, children constitute the most vulnerable category that is continuously subject to a multitude of harms and damages. Lebanon having ratified the UN Convention on the Rights of the Child (CRC) with no reservations is internationally responsible to provide protection to all children living on its territory.
Thus, this thesis studies the Syrian children refugees’ case in Lebanon from a humanitarian and legal perspective. The main focus is on public policies adopted by the Lebanese government toward children in general and more specifically in terms of Syrian refugees. The questions examined are the following; are Syrian refugee children being protected in Lebanon? And are measures adopted by the Government up to the standards of the CRC?

Analysis concentrates on the effectiveness of national laws and policies in protecting Syrian refugee children. Thus, through the case of the Syrian children in Lebanon, this study evaluates the position of Lebanon in terms of children rights and develops many recommendations that could be used by the Lebanese Government to better protect children and fulfill its international responsibilities.

The importance of the chosen topic is its insight on the solution of the Humanitarian crisis of refugees on the Lebanese territories. It looks at the failure of the international community in assisting Lebanon to avoid this crisis from happening. Consequently, this study contributes to both International Humanitarian Law and national policies studies. Therefore this thesis opens a way to find solutions to a better implementation of International law in the countries’ national policies regarding refugees.

In order to answer the above-mentioned research question the nature of the International Humanitarian Law as a protector of the humanitarian rights of refugees (Convention relating to the Status of Refugees and its main principles)
and of children (the Convention on the Rights of the Child) are explored in the thesis. Then a general overview on Syrian refugees in Lebanon is examined through reports and articles. After this, there is an evaluation of the conformity of the Lebanese policies to the CRC according to reports and information gathered via interviews with Lebanese officials. Furthermore, the thesis puts forth recommendations to better protect Syrian refugee children in Lebanon.

The time-period of interest is from 2011 onwards to present February 2015 since the Syrian crisis started in 2011 and it is still ongoing till this day. Specific points in time in this period were looked at, precisely the major political events that affected the living conditions of Syrian refugees in Lebanon, in addition to the shifts of policies adopted by the Lebanese governments regarding Syrians.
In spring 2015, EuroStat recently published its yearly study on population and social conditions showing that “asylum applicants from developing countries rose to almost 110,000 in the European Union by the first quarter of 2014 which is 30% more compared to the first quarter of 2013”.\textsuperscript{1} This century has seen the movements of millions of people especially in the Middle East with the Syrian crisis and the rise of the extremists; children make up 51.5% of the refugee population, according to numbers shared by Save the Children Organization, meaning there are an estimated 840,000 refugee children in the region. Based on these facts, the topic of refugees and especially the protection of the child refugee got a great importance in International politics.

This part of the thesis first discusses the sources of the International Refugee regime, its major principles and their application on the national level. In addition, the chapter will focus in its second part on Children Refugees rights within the International Refugee Regime which will be the base of the case study of Syrian refugee children in Lebanon.

\textsuperscript{1} Biloulas A, \textit{Euro Stat Data in Focus}, Population and Social Conditions, August 2014
A. International Refugee Regime and its Principles

The International Community became aware of the question of refugees after the Second World War and it was recognized by the League of Nations, as an important issue that needed to be addressed.

1. The definition of refugees

In February 12, 1946, the United Nations General Assembly in Resolution No. 8 (I) laid down the principle that the “refugee problem is international in scope and nature”.

In July 28, 1951, 49 states signed the Convention relating to the Status of Refugees which is the most comprehensive instrument relating to refugees. The preamble of this Convention expressly confirms that asylum is a problem of concern to the international community calling for cooperation between states:

“Considering that the grant of asylum may place unduly heavy burdens on certain countries and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international cooperation”.

According to the definition contained in Article 1 of this Convention, the term “refugee” applies in general to “any person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside his country of origin and is unable, or
owing to such fear is unwilling to return to that country or avail himself of its protection”.

The scope of this Convention was obviously limited by the deadline it imposes to the definition of refugee, “as a result of events occurring before 1 January 1951”, referring to the damages of the Second World War. This problem was examined by a Colloquium on the Legal Aspects of Refugee Problem which met in Italy in April 1965 and considered that it was urgent for humanitarian reasons to grant similar benefits by means of international instruments to refugees not covered by the 1951 Convention and this could be done best through a Protocol to the Convention removing the deadline. In 1967 the Protocol was adopted eliminating the temporal and geographical limitations in order to ensure the continued relevance of the Convention.

“For the purpose of the present Protocol, the term “refugee” shall, except as regards the application of paragraph 3 of this article, mean any person within the definition of article 1 of the Convention as if the words “As a result of events occurring before 1 January 1951 and ...” “and the words”... “a result of such events”, in article 1 A (2) were omitted.”

Also the Conference of Plenipotentiaries recommended in its final act that “Governments continue to receive refugees in their territories in order that these refugees may find asylum and the possibility of resettlement.” And according to the Convention of Territorial Asylum adopted in Caracas on March 28, 1954,

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2 Article 1 (2) of the Protocol Relating to the Status of Refugees, 1967
3 Conference of Plenipotentiaries – Final Act – Recommendation D
“Every state has the right to admit into its territory such persons as it deems advisable without through the exercise of this right giving rise to complaint by any other state”.4

The 1951 UN Convention faced critiques from two different directions; “the first group of scholars consider that the Convention focuses on persecution however present-day forced migration is driven by violence lacking a persecutory focus. The second group notes that a dramatic increase in numbers of asylum-seekers has made the Refugee Convention too costly for governments in both social and economic terms.”5

In 1969, due to the increasing numbers of refugees in Africa and desirous of finding ways and means of alleviating their misery and suffering 6, the head of states of the Organization of the African Unity assembled in the city of Addis Ababa from 6 to 10 September and established in the 6th session of the organization, the Protocol of the OAU, (Convention Governing the Specific Aspects of Refugee Problems in Africa), that was incorporated in the 1951 UN Convention on refugees, but expended the refugee convention to encompass a group based conception. The OAU added that a refugee is anyone who:

“Owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual

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6 Convention Governing the Specific Aspects of Refugee Problems in Africa – Preamble – Article 1 - 1969
residence in order to seek refuge in another place outside his country of origin or nationality.”\(^7\)

The OAU through this Convention had the intention to extend the status of refugee to persons fleeing colonial domination and anti-colonial warfare. “Unlike the UN definition which places the emphasis on individual persecution, the OAU concentrates on groups of people who are at risk during a conflict.”\(^8\)

In 1984, the Cartagena Declaration was adopted by a group of Latin American governments which added an additional definition to the concept of refugee;

“Persons who flee their countries because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.”

This sequence of events gradually elaborated the definition of a refugee, however in exchange for their allegiance; citizens expect that their government will guarantee their physical security, vital substance and liberty of political participation and physical movement and that no reasonable person would be satisfied by less. Therefore, “refugees are persons who suffer from the absence of one or more of these basic needs. But since the international regime is too fragile to attend these basic needs for everyone, we cannot consider all persons deprived of these needs as refugees. In fact, three conditions should meet for

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\(^7\) Convention Governing the Specific Aspects of Refugee Problems in Africa – Article 1 (2) - 1969

\(^8\) Halborn, 1975, page. 189
refugee hood, first, a person should be deprived of basic rights, and he should have no remaining recourse to home government and should have access to international assistance."\(^9\)

Therefore, it is very important to distinguish between four concepts; asylum, an asylum-seeker, a refugee and an economic migrant. The Institute of International Law, at its Bath Session in 1950, defined asylum as “the protection which a state grants on its territory or in some other place under the control of certain of its organs, to a person who comes to seek it.”\(^{10}\) According to traditional International Law the right of asylum is “the right of sovereign states to grant asylum within their territory at their discretion.”\(^{11}\) Consequently, states can admit persons who want to enter their territory and they can also refuse to surrender them to another country. Thus “granting of asylum does not legally constitute a wrongful act vis-à-vis other states in particular the state of origin of the person to whom the asylum is granted.”\(^{12}\)

On the other hand, an asylum seeker is the person that has applied for asylum under the 1951 Refugee Convention on the Status of Refugees based on the fact that if he returns to his country of origin he has a well-founded fear of persecution on account of race, religion, nationality, political belief or membership of a particular social group. He remains an asylum seeker as long as his application is pending. Hence, a refugee is the asylum seeker whose application has been successful. Finally, an economic migrant, is the person

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\(^{10}\) 1 Annuaire (1950), p. 167, Article 1
\(^{12}\) P. Weis, Territorial Asylum, Indian Journal of International Law, Page 174
who seeks to enter to a country to find employment in another country. It is worth to note that many economic migrants claim asylum to secure their entry to another country. However, “people who use the lack of economic opportunities as a reason for claiming refugee status are often denied the status.”

The sequence of the refugee relevant conventions has helped producing a better definition and understanding of the concept of refugee. Similarly, theorists had also a great influence on the development of this concept. Many of them such as Kunz, Rogge and Peterson created different ways of refugees’ classification.

2. **Refugees from theoretical perspectives**

Kunz developed a typology (Kunz 1981, page 44) that divided refugees into three distinct groups derived from their attitude towards displacement; the majority identified refugees’ group which includes those opposing to political and social events occurring at home. Events Related refugees’ group which includes those who have left their home area because of active or latent discrimination against the group to which they belong and retain little interest in what happens at home later on. And the third group is the Self Alienated Refugees’ group which includes those who have left their home because of a variety of individual reasons. Kunz notes that the first group is the most likely to participate in a repatriation because those who belongs to it identify themselves with the nation, though not with its government.

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13 Schultheis 1989, Page 9
On the other hand, Rogge (1979, page 55) developed the African Refugee theory where he derived a typology based upon an examination of the activation agent for the refugee migration, the objective of the migration and whether the migrants have refugee characteristics. Rogge’s typology identifies two classes of refugees; Forced and Impelled.

The terms “Forced and Impelled” were introduced to the migration literature by Peterson in 1958 (page 261). According to Peterson, the difference between these two classes is based on the extent of free choice that individuals have when they are involved in a forced migration. Forced means they are expelled from the area by an external force such as the government and they don’t have any choice in the matter of leaving the area. Impelled in contrast, are individuals who have a certain choice and have the opportunity to take the decision to leave or to remain in the area faced to an external threat.

Rogge gives a great importance to the motivation of refugees when their legal status is determined. For him, some types of refugees are more likely to obtain official recognition than others. For example, ecological refugees almost never receive official recognition.

The liberal discourse of human rights holds the rights of refugees as “the rights of all persons in virtue of our common humanity. They function to protect fundamental human interests or access to the objects of our basic human needs
from the neglect, imposition, sovereign domination, or violence of others in the name of their own interests or needs.”

Poststructuralists, on the other hand, criticize the ways that modern liberal democracies construct political identity based on the conception that “the human subject being the universal condition for the possession of human rights radically limits the possibilities of political agency and is necessarily exclusionary.” This theory clearly reflects recent EU policies regarding refugees, for example.

The concepts of refugee hood and international protection were not retained as ideas or notions. Perhaps, the best proof that the international community was concerned by the international protection of refugees would be through the efforts that were made to conclude the 1951 Convention and its protocol, and the hard work that was put to institutionalize these concepts starting with the International Refugee Organization in 1946 then the United Nations High Commissioner for Refugees (UNHCR) that was created by the UN General Assembly in 1950 through the adoption of the UNHCR’s Statute.

3. **The UNHCR (United Nations High Commissioner for Refugees)**

UNHCR was assigned the primary role of leading and coordinating international action to protect refugees and resolve refugee problems worldwide. “Signatory states should cooperate with UNHCR and facilitate its duty of

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14 Griffin, 2001; Pogge, 2008  
15 Peterson, 1990
supervising the application of the 1951 Convention.”

UNHCR’s primary role is to safeguard the rights and well-being of refugees and to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state with the option to return home voluntarily, integrate locally or to resettle in a third country.

Four responsibilities are assigned to UNHCR under paragraph 8 of its Statute and they are all related to the protection of refugees;

“the High Commissioner shall provide for the protection of refugees falling under the competence of his Office by:

a) Promoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto;

b) Promoting through special agreements with Governments the execution of any measures calculated to improve the situation of refugees and to reduce the number requiring protection;

c) Promoting through special agreements with Governments the execution of any measures calculated to improve the situation of refugees and to reduce the number requiring protection;

d) Promoting the admission of refugees, not excluding those in the most destitute categories, to the territories of states;

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16 Lewis C., UNHCR’S Contribution to the Development of International Refugee Law: Its foundations and Evolution, Page 69
e) Endeavoring to obtain permission for refugees to transfer their assets and especially those necessary for their resettlement;

f) Obtaining from Governments information concerning the number and conditions of refugees in their territories and the laws and regulations concerning them;

g) Keeping in close touch with the Governments and inter-governmental organizations concerned;

h) Establishing contact in such manner as he may think best with private organizations dealing with refugee questions; [and]

i) Facilitating the Co-ordination of the efforts of private organizations concerned with the welfare of refugees."

Thus, in addition to direct assistance and core protection activities, UNHCR “provides assistance in the following sectors through local and international NGO partners: Primary and secondary healthcare, provision of safe shelter, educational support, vocational training, psycho-social support, distribution of items to cover basic needs, financial assistance to vulnerable people, and assistance with safe water, adequate sanitation and hygiene. UNHCR also supports the government in coordinating the inter-agency refugee response.”

17 UNHCR Official Website: http://data.unhcr.org/syrianrefugees/country.php?id=122
UNHCR also has an importance in promoting International Refugee law, it should first promote the conventions for the protection of refugees; second, it should promote the ratification of these conventions; third, it should supervise the application of such conventions and forth it should propose amendments to such conventions. However after 1984, states became preoccupied by controlling illegal immigration than by drafting more treaties regarding the protection of refugees.

4. The principle of Non-Refoulement

UNHCR’s Executive Committee promotes any measures that could protect refugees, yet one of the most important principles that UNHCR seeks to make government respect is the principle of Non-Refoulement.

In fact, this principle was mentioned in the Resolution of the General Assembly of 12 February 1946 that states the following: “No refugees or displaced persons who have expressed valid objections to returning to their country of origin shall be compelled to return to their country of origin.” The UN 1951 Convention has also stated this principle in articles 31, 32 and 33;

“Article 31 – Refugees unlawfully in the Country of Refuge

1. The Contracting states shall not impose penalties, on account of their illegal entry or presence, on refugee who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

2. The Contracting states shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions
shall only be applied until their status in the country is regularized or they obtain admission into another country. The contracting states shall allow such refugees a reasonable period and all necessary facilities to obtain admission into another country."

This article recognizes that a person fleeing from persecution that couldn’t complete the required formalities to enter another country in a legal way should not be penalized by the authorities for his illegal entry.

"Article 32 – Expulsion"

1. The Contracting states shall not expel a refugee lawfully in their territory saves on grounds of national security or public order.

2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting states shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting states reserve the right to apply during that period such internal measures as they may deem necessary."

This article states that measures of expulsion against refugees lawfully in the territory of a Contracting state should only be taken under strictly defined conditions in terms of national security or public order.

"Article 33 – Prohibition of Expulsion or Return ("Refoulement")"

1. No Contracting state shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however be claimed by a refugee whom there are reasonable grounds for regarding as a danger to
the security of the country in which he is, or who, having been convinced by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.”

This article prohibits the return of a refugee to a country where he fears persecution. If this article was read in conjunction with article 31 this would mean that extent to which a refugee is protected would depend upon the fortuitous circumstance whether he succeeded in penetrating the territory of a Contracting state.

The duty of non-refoulement extends beyond expulsion and return and applies to measures such as rejection at the frontier. The first reaction of the UNHCR and of states is necessarily founded on generalities and incomplete knowledge. In this sense, a refugee should be given a short-term protection with consideration given to longer term solutions only after that the immediate protection has been met. If the group needs to be maintained for a prolonged period another approach is required.

Goodwin-Gill considers that “there are essentially two approaches for the identification of those in need of temporary protection;

1. A general policy of refuge in which refuge is denied only in a limited number of exceptional cases (prima facie determination) or;

2. No general policy in which refuge is granted in a limited class or exceptional cases.”

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18 Goodwin-Gill G.S., Non-Refoulement and the New Asylum Seekers, Virginia Journal of International Law – Page 904
In 1981, the Executive Committee of the UNHCR, in its thirty-second session, endorsed a list of sixteen basic human standards which should govern the treatment of refugees and asylum-seekers admitted temporarily in a situation of mass-influx\(^{19}\), but even a temporary solution requires the opportunity to earn living, the access to education, housing and social assistance.

4. **Temporary Protection and States’ Interpretations**

The absence of a supervisory tribunal to oversee the application of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol has meant that states have developed their interpretations of refugee law independently with an immigration control mentality driving refugee policy.

The 1951 Convention also lacks detailed provisions concerning obligations that states owe to one another; “there are no duties in the Convention to relieve other states of the burdens of asylum by providing either financial resources or offers of admission, financing the UNHCR also remains voluntary.”\(^{20}\) Therefore each state has its own perspective regarding protection of refugees falling under the 1951 Refugee Convention and 1967 Refugee Protocol, and every state has the right to make objections to these Conventions, for example, Australia confirmed that the UNHCR had a protecting role of those in broader class but didn’t approve to call them refugees and to grant them full protection. As for the European Union, even though all of its 25 members are parties of the UN Convention relating to the Status of Refugees and its 1967


Protocol, the EU member states developed temporary protection as a response to the mass influxes through the Temporary Protection Directive adopted by the EU Council in July 2001;

“Article 6
1. Temporary protection shall come to an end:
(a) When the maximum duration has been reached;
(b) At any time, by Council Decision adopted by a qualified majority on a proposal from the Commission, which shall also examine any request by a Member state that it submit a proposal to the Council.

2. The Council Decision shall be based on the establishment of the fact that the situation in the country of origin is such as to permit the safe and durable return of those granted temporary protection with due respect for human rights and fundamental freedoms and Member states’ obligations regarding non-refoulement. The European Parliament shall be informed of the Council Decision.”

This move towards a common asylum policy has been to restrict access to the European Union by those who qualify as refugees; “the EU is simply pushing people further away and into dependency on states that have fewer resources with which to cope and where the guarantees provided to the refugees are weaker.”\footnote{Gilbert G., Is Europe Living Up to its Obligations to Refugees? EJIL (2004), 963-987, Page 984}

Statistics on rates of asylum approval show that when rates of asylum applications soar, rates of approval often plummet; “in some instances not only did rates of approval decline but absolute numbers of asylum grants also decreased while the volume of claims escalated.”\footnote{Fitzpatrick J., Revitalizing the 1951 Convention, Harvard Human Rights Journal – Vol.9, Page 242}

Sadako Ogata, the United Nations High Commissioner for Refugees between 1991 and 2001 notes that the “threat to asylum is compounded by the
fact that in many instances, refugees are mingled with people who are moving not in search of safety but of economic prospects”, she adds that “the durable protection and settlement which the 1951 Convention and the 1967 Protocol promote are not realistic options for most host countries in the context of large-scale influxes. Therefore in Africa and Central America, the OAU Convention and the Cartagena Declaration have widened the refugee definition and implicitly recognized that sanctuary can be granted on a temporary basis, until the refugees are able to return home in safety and dignity.” Ogata also mentions the concept of temporary protection in Western Europe, stating that “UNHCR promoted this concept in the context of Yugoslav refugee problem”, and that the “basic principles of temporary protection include admission, respect for Non-Refoulement or prohibition against return to danger, humanitarian standards of treatment and eventual repatriation when conditions in the country of origin so allow.” She considers this concept a “pragmatic and flexible tool which both avoids the practical problems of individual screening in large scale situations and ensures protection to a wider group of persons.”

On the other hand, Goodwin-Gill notes that “states consider themselves as having a limited capacity to grant asylum and also see it as a potential threat to immigration control”, however, he states “it is a mistake to make the leap from non-refoulement to asylum and that unilateral and uncoordinated responses need to be abandoned in favor of a unified response which focuses on root causes, regional solutions, burden sharing, resettlement, and safe return.”

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Goodwin-Gill also suggests principles for avoiding and resolving problems arising from the trans frontier and internal displacement of people in distress, he notes that “although people in distress shall be accommodated in receiving states until such time as they are able to return to their homes in their homelands and they shall be treated with humanity and in accordance with the human rights and fundamental freedoms recognized by general international law, all states shall also cooperate to relieve the burden borne by states receiving people in distress and all states shall cooperate, in accordance with the principles of international solidarity and burden-sharing, in promoting solutions through local integration or resettlement for people in distress, who owing to a well-founded fear of being persecuted for reasons of race, religion national or ethnic origin, social group or political opinion, are unable or unwilling to return to their own country.”


Children, however, are often the most vulnerable and neglected refugees though their needs are much bigger than other groups of refugees. For instance, some of the major issues of importance concerning refugee children are their separation from their parents and the psychological effect that this causes in addition to the risk of being mentally or sexually abused or recruited by an armed group, in addition to concerns related to health, education and many others.
Considering the importance of this subject, the next part of this literature review will focus on children refugees within the International Refugee Protection; is the 1951 Convention sufficient for protecting children refugees or is there other international instruments specific to children? What are they? And what are the refugee children rights?

B. Child Protection & the Interaction of Sources of International Law

In 1990, the United Nations Committee for Refugees reported that the number of the world's refugees increased 52.5 percent between 1984 and 1989, to an estimated 15.1 million displaced persons. At the end of 2013, UNHCR stated that there was 51.2 million forcibly displaced person, 16.7 among them were refugees and 50% of refugees were under 18.

However, while a significant literature exists concerning adults refugees, little has been published describing the special needs of the children.

1. The 1951 Convention and the Child

Starting with the 1951 Convention, the essential code of the International Refugee regime, there is no provision specific to children and no hint that the definition of refugee might be relevant to children which makes “the system for international protection of refugees incomplete confined by relatively narrow definitions and offering no direct path to the asylum or other durable solution.”

The only indication that the refugee might be a child is in article 22 on public

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27 Goodwin-Gill, 199, text before fn 10
education which establishes an obligation to accord to refugees the same
treatment as is accord to nationals with respect to elementary education.

Ciara Smyth considers that “the silence of the 1951 Convention on the
issue of child refugees is surprising given that there was an international
awareness of the existence and plight of refugee children at the time, as
evidenced by the fact that International Refugee Organization (the precursor of
UNHCR) included in its 1946 Constitution the group “unaccompanied children”
under the age of 16 who are war orphans or whose parents have disappeared
as one of the four categories of persons defined as refugees.”

Feminist scholars have also long pointed out that the 1951 Convention
definition is “the product of a particular historical and social moment (post-World
War Two) and protects the central protagonist of that moment: The male activist
fleeing totalitarianism.” Thus “the definition prioritizes the types of public harm,
as persecution by public authorities, that are committed on the basis of aspects
of civil and political identity such as race, religion, nationality, social group and
political group, owing to the public/private divide as exposed by the Feminist
theory, non-prototypical refugees, such as women and children, have found it
difficult to fit within the dominant paradigm.”

On the other hand, Haines sees it differently and considers the 1951
Convention as a human rights instrument capable of protecting refugees, he

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Research in Asylum, Migration and Refugee Law)
notes that “developments in International Law have fundamentally transformed the 1951 Convention from a document fixed in a specific moment in history into a human rights instrument which addresses contemporary forms of human rights abuses.”31

O’Sullivan and Juss elaborate that “the scope for effective protection for child asylum seekers as independent claimants has increased to the extent that some states are now adopting guidelines that incorporate universally accepted child rights principles”. The two scholars acknowledge in this matter the importance of the Convention on the Right of the Child CRC not the 1951 Convention, considering that this happened as a result of the powerful notion of “the best interest” set out in Article 3 of the CRC. They note that “the articulations of measures deemed relevant to the assessment and handling of child claims were framed. Asylum officers are sensitized to the importance of introducing child welfare measures into the procedures is no longer contested. The applicability of the definition of a child has received more subtle and careful attention as the result of the acceptance of a comprehensive mandate than was the case decades ago. Even the notion of child specific persecution is slowly taking shape in court decisions.”32

In theory then it should be no great task to affirm that the rights in the CRC or more specifically serious abuses of those rights are refugee-relevant; indeed this is the mission that has been taken up by the Com. RC, UNHCR, and

the Executive Committee of the High Commissioner’s Programme (UNHCR Excom).

2. **Interaction of International legal instruments**

Before examining the legal instruments of the refugee child protection, it is worthwhile to define the difference between International Law, International Refugee Law, International Humanitarian law, the Law of War and International Human Rights; and explain the necessity of their interaction in this context.

First, International Law is the body that governs the legal relations between and among states or nations. It consists of the rules and principles of general application dealing with the conduct of states and International Organizations in their relations with one another and with private individuals, minority groups and transnational companies. J.L. Brierly defines it as “the body of rules and principles of action which are binding upon civilized states in their relations with one another.” The methods and procedures by which International Law is created are the Sources of Law. Article 38 of the Statute of the International Court of Justice, as adopted in 1945 determined the sources of international law as follows; “international conventions, international custom, as evidence of a general practice accepted as law; the general principles of law recognized by civilized national, and judicial decisions.”

33 Beckman R. & Buttee D., Introduction to International Law, Page 1
36 I.C.J Statute. Supra note 2, art. 38
These different sources of International Law do not exist in isolation. In fact, these sources interact and influence one another; when a particular legal question is raised, all sources must be examined and analyzed.

Second, as already explained in the first part of this literature review, International Refugee Law is the law related to the protection of refugees through defining the responsibilities of states of Asylum towards them. It consists of the 1951 Convention and its 1967 Protocol in addition to the OAU Convention of 1969, the 1957 Agreement Relating to the Status to the Refugee Seamen and the 1952 Protocol No.1 to the Universal Copyright Convention. International Refugee Law is a branch of the Public International Law.

Third, International humanitarian Law (IHL), also known as the law of armed conflict is the branch of Public International Law that regulates the conduct of armed conflicts. It protects people who are not or no longer participating in hostilities and it restricts and regulates the methods and means of warfare available to combatants. IHL is applied with equal force to all parties in an armed conflict and it should “perform its proper function of limiting the scope of hostilities, of protecting the victims of war and of making possible the restoration of peace after the termination of hostilities.”37 It consists of the four Geneva Conventions of 1949 and the two additional protocols of 1977. These conventions and protocols codify the rules protecting the persons in armed conflicts. On the other hand, the law of The Hague, or the Law of War, is the

second division of IHL, that was the result of the Hague Conventions of 1899 and revised in 1907 and that determines the rights and the duties of belligerents in the conduct of operations and it limits the choice of the means of doing harm.

Finally, International human rights law is the body of international law designed to promote and protect human rights at the international, regional and domestic levels. Its function is to judge whether states are fulfilling their duties under internationally agreed upon human rights norms and through monitoring and publicizing to deter future abuse, in short, to change the behavior of states. The norms derive from the International Bill of Rights – the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – as well as the more specialized instruments related to race, gender and children.

Based on the above, we can submit that the two most involved bodies in the international protection of children refugees are Refugee law and International Human Rights law since International Human Rights instruments are monitoring bodies with no enforcement mechanisms and Refugee law grants protection to a subset of persons who have fled human rights abuses under the International Refugee Convention. It provides protection to individuals when their states have failed to fulfill fundamental obligations and when this failure has a discriminatory impact.
Anker summarizes this discussion by noting that, “the international community has created two regimes to address human rights abuses: the first one, International Human Rights regime, is to monitor and deter abuse, and the second, International Refugee regime, to provide protection to some of those who are able to cross borders.”38

Furthermore, Ogata talks about this interaction of branches of International law, especially in the matter of refugees in her article “Human Rights, Humanitarian Law and Refugee Protection” where she states that “Human Rights and Humanitarian Law are equally essential to the work of the UNHCR office on behalf of refugees. Respect for human rights is crucial for the admission and effective protection of refugees in countries of asylum”. She adds that “improvements in the human rights situations in countries of origin are also essential for the solution of refugee problems through voluntary repatriation and safeguarding human rights in home countries is the best way to prevent conditions that might otherwise force people to become refugees.” Ogata also states that “refugees are primary victims of war and human rights abuse, therefore an effective strategy to address the problem cannot ignore the underlying causes and the prevention of refugee problems as well as solutions to them requires multifaceted, comprehensive and integrated strategies in which refugee law, human rights and humanitarian law play integral role.”39

This interaction of international legal instruments in addition to the incompleteness of the 1951 Convention in the matter of children refugees’ protection lead to the necessity to focus more on the sources of this protection that could be listed under both branches: human rights and refugee rights instruments.

3. **Sources of Children Refugees Protection**

The interaction of International Law branches allow us to consider other International Human Rights instruments applicable to children refugees such as the 1989 United Nations Convention on the Rights of the Child (CRC) especially that the UNHCR has concluded a Declaration in 2009 under the title of “Guidelines on International Protection Child Asylum Claims under Article 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees” of December 22nd 2009” that elaborates protection guidelines to be applicable to refugee children based on the CRC Convention.

Corinne Lewis considers that “the standards and principles in the 1951 Convention need further elaboration and new legal standards and principles are required.”

40 Therefore the best way to overcome this gap would be through the reliance on other Human Rights Instruments especially in the matter of the children refugees protection; ensuring the protection of children refugees requires adherence not only to the 1951 Convention and its 1967 Protocol but also to other relevant international instruments such as the Universal Declaration of Human Rights; the 1949 Geneva Conventions, the 1966 Human Rights

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40 Lewis C., UNHCR’s Contribution to the Development of International Refugee Law, Page 70
Covenants, the Declaration on the Protection of Women and Children in Emergency and Armed Conflict and the Convention on the Rights of the Child.

This literature review will only focus on the Convention on the Rights of the Child (CRC) and the UNHCR’s Guidelines on the International Protection of Child Asylum of 2009. This is necessary in order to properly analyze them as well as to concentrate our case study on a limited theoretical framework that will help us assess the policies taken and applied by the Lebanese authorities to preserve Syrian children rights.

The Convention on the Rights of the Child was adopted and opened to signature, ratification and accession by General Assembly in the 20th of November 1989, it entered into force on 2 September 1990, in accordance with article 49.

The CRC defines a child as “a person below the age of 18 unless the laws of a particular country set the legal age for adulthood younger.” However the CRC encourages states to review the age of majority if it is set below 18 and to increase the level of protection for all children below 18. The CRC established a protection framework of nearly universal acceptance having been ratified by every state except Somalia, South Sudan and the USA. The CRC is founded on the notions that childhood should receive special care and assistance and that the family is the fundamental group of the society. It mentions refugee children in its article 22 “children have the right to special protection and help If they are
refugees (if they have been forced to leave their home and live in another country), as well as all the rights in this Convention”.

On the other hand, the UNHCR’s Declaration of 2009 clearly admits the importance of the CRC in the protection of the children refugees, noting in its first article: “Although the definition of a refugee contained in Article 1(A) 2 of the 1951 Convention relating to the status of Refugees and its 1967 Protocol applies to all individuals regardless of their age, it has traditionally been interpreted in light of adult experiences. This has meant that many refugee claims made by children have been assessed incorrectly or overlooked altogether”. The Declaration also cites the refugee definition of the UN Committee on the Rights of the Child (CRC): “(...) must be interpreted in an age and gender-sensitive manner, taking into account the particular motives for, and forms and manifestations of, persecution experienced by children. Persecution of kin; under-age recruitment; trafficking of children for prostitution; and sexual exploitation or subjection to female genital mutilation, are some of the child-specific forms and manifestations of persecution which may justify the granting of refugee status if such acts are related to one of the 1951 Refugee Convention grounds. states should, therefore, give utmost attention to such child-specific forms and manifestations of persecution as well as gender-based violence in national refugee status-determination procedures.”

However the UNHCR’s declaration adds that child asylum-seekers are not automatically entitled to refugee status; the child applicant must establish that s/he has a well-founded fear of being persecuted for reasons of race
religion, nationality, membership of a particular social group or political opinion since age is relevant to the entire refugee definition (Art. 4) and even at a young age, a child may still be considered the principle asylum applicant (Art. 8), even in situations where both the parent(s) and the child have their own claims to refugee status, it is preferable that each claim be assessed separately.

The declaration also distinguishes between three statuses of a refugee child (Art. 6); s/he could be accompanied, unaccompanied or separated children; separated children are children separated from both their parents or from their previous legal or customary primary caregivers but not necessary from other relatives. In contrast, “unaccompanied children” are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

4. **The four general principles of the CRC**

The CRC is governed by four main principles\(^1\); non-discrimination, best interest of the child, the child’s right to life, survival and development and the respect for the views of the child. UNHCR’s Guidelines on International Protection Child Asylum Claims submits that these four main principles should cover “all child asylum-seekers, including accompanied, unaccompanied and separated children, who may have individual claim to refugee status. Each child

\(^1\) McAdam J., Seeking Asylum under the Convention on the Rights of the Child: A Case for Complementary Protection, Page 253
has the right to make an independent refugee claim, regardless of whether s/he is accompanied or unaccompanied.”

The principle of non-discrimination appears in Article 2 of the CRC: “The Convention applies to all children. Whatever their race, religion or abilities, whatever they think or say, whatever type of family they come from. It doesn’t matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis”.

In fact,

“the first element of the right of non-discrimination speaks of treating the right holder differently from the other person; the actor treats A one way and B another way depending on the race, sex etc. of each person so there are two actions not just one. Moreover, each treatment is a part of a sequence of actions not just one. Finally, discrimination always begins in a mental event. The actor perceives people as belonging to either a group A or a group B and then assigns different levels of valuation to the well-being of the two groups.”

Abramson speaks of two forms of discrimination; overt discrimination and covert discrimination. Overt discrimination is where the differential treatment is

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42 “Guidelines on International Protection Child Asylum Claims under Article 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees” of December 22nd 2009 - UNHCR
expressly mandated in the law so discrimination would be open or readily seen. Covert means hidden and it occurs when law makers write a neutral looking law with the aim to either give an advantage to a particular group A or impose disadvantage on a particular group.

“The principle of the best Interest of the child appears in Article 3 of the Convention: “The best interests of children must be the primary concern in making decisions that may affect them. All adults do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers”. The Committee on the Rights of the Child has emphasized that “the principle of the best interests must be respected during all stages of the displacement cycle.”

UNHCR’s declaration elaborates this principle and considers that the harm must be assessed from the child’s perspective. This may include an analysis as to how the child’s rights or interests are, or will be, affected by the harm. (Art. 10) Children who are homeless, abandoned or otherwise without parental care may be at increased risk of sexual abuse and exploitation or of being recruited or used by an armed force/group or criminal gang. Street children, in particular, may be rounded up and detained in degrading conditions or be subjected to other forms of violence, including murder for the purpose of social cleansing. Children with disabilities may be denied specialist or routine medical treatment or be ostracized by their family or community. Children in what may be viewed as unconventional family situations including, for instance,

44 Committee on the Rights of the Child 2005 Paragraph 19
those born out of wedlock, in violation of coercive family policies, or through rape, may face abuse and severe discrimination. Pregnant girls may be rejected by their families and subject to harassment, violence, forced prostitution or other demeaning work. And it also recognizes the child-specific forms of persecution that may include under-age recruitment, child trafficking and female genital mutilation (FGM) that is considered in (Art. 30) as harmful and violates a range of human rights. Other examples include but not limited to, family and domestic violence, forced or underage marriage, bonded or hazardous child labour, forced prostitution and child pornography (Art. 18).

Since Refugee law should incorporate international Human Rights, Jane McAdam argues that “the best interests of the child reflecting an absolute principle of International law are highly relevant in determining whether or not a child needs international protection”\(^{45}\). McAdam considers that there should be an additional layer to the Article 1A(2) of the 1951 Refugee Convention that considers the cases involving children which may constitute a complementary ground of protection for children fleeing generalized violence.

The principle of the child’s right to life, survival and development appears in article 6 of the Convention: “Children have the right to live. Governments should ensure that children survive and develop healthily”. And the final CRC principle is the respect for the views of the child that appears in Article 12: “when adults are making decisions that affect children, children have the right to say

what they think should happen and have their opinions taken into account. This does not mean that children can now tell their parents what to do. This Convention encourages adults to listen to the opinions of children and involve them in decision-making -- not give children authority over adults (…)”, however this article recognizes that the maturity of the child should be appropriate to be able to take decisions.

These four principles are not the only rights listed in the Convention but they are the most visible concepts that the CRC is mostly known by. However, Abramson considers that “shifting from the right of non-discrimination to the principle of non-discrimination in the CRC has an important psychological effect on perceptions about the content of Article 2, since an absolute right is a concrete rule that is applied directly to real life situations without any intermediate balancing decisions. Yet, by shifting from a legal right to a moral principle, an author can induce people to believe that the right of non-discrimination allows states to practice race, sex and other forms of discrimination simply because the word principle contains the idea of exceptions. A small change in language replacing right with principle affects the readers understanding of common article 2 without the commentator having to give any reasons or the reader having to engage in any conscious thinking about the matter.”

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Abramson adds that “the Committee of the Rights of the Child has added to the confusion by its vigorous promotion of the so-called four general principles of the CRC”. For him, “these four general principles has now become a central fixture in the CRC literature, therefore, we need to ask some questions; Why did the Committee reduce the CRC to four principles and why these particular four? For instance the article 4, the duty to utilize resources to the maximum extent for economic, social and cultural rights is vital to children given the right or death importance of those rights so why is the Committee not treating article 4 as a general principle? Why does the Committee place so much emphasis on principles when the CRC is about rights?”

Abramson then tries to deduce few answers to the questions he asked, noting that “first, regarding why the Committee chose four general principles and why it picked these four, we can find partial answers by digging into the UN archives we find that the four principles was invented by the members of the original Committee when they were drafting the guidelines for states reports in 1991. The initial draft was framed in terms of subject headings or themes rather than principles with articles 2, 3 and 12 placed under the heading “The Child and the Law”. This heading was then changed to Basic principles and article 6 was added.” Abramson adds, that “since the Convention was so unfamiliar to government officials and the public in those early days, the Committee simplified the CRC through the use of the four principles which unfortunately has led to two problems; first, understanding of CRC rights have not matured. For instance, people remain confused about the difference between a rule and a principle, and
the stress on general principles is undermining the idea of children as right holders. Second, the four general principles have become a vacuous cliché.”

Based on Abramson’s analysis, we will focus in our case study regarding Syrian children refugees in Lebanon on all children rights mentioned in the CRC, not only its four general principles. The following section of this literature review will list all the children rights mentioned in the CRC as well as the additional input provided by the UNHCR’s guidelines of 2009 for the better understanding of these rights in terms of their application to children refugees.

5. Children Refugee Rights within the CRC & the UNHCR’s Guidelines

First, the CRC notes that when governments ratify the Convention they are then obliged to take all necessary steps to ensure that the minimum standards set by the Convention in these areas are being met, even if this means changing existing laws or creating new ones (Art. 4) but the Convention also notes that if the laws of the country provide better protection of children’s rights than the articles in this Convention, then those laws should apply (Art. 41). Article 43 of the Convention describes the duties and the organization of the Committee on the Right of the Child which would be responsible of examining the progress made by states Parties in achieving the realization of the obligations undertaken in the present Convention (Art. 43.1). On the other hand, states must show willingness to make advancements in the field of protecting children rights and it is only expected from them to develop progressively.

Article 44 notes that states parties should submit every five years to the Committee through the Secretary-General of the United Nations reports on the measures they have adopted which gave effect on the rights of the children and the progress on the enjoyment of those rights. These reports should indicate factors and difficulties affecting the degree of fulfilment of the obligations under the present Convention and should contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned. And based on article 45, the Committee may make suggestions and general recommendations based on information received that shall be transmitted to any state Party concerned.

a. **The right of children to live with their parents**;

The CRC notes the right of the children to live with their parents or to get back to their families unless this might hurt the child (Art. 9 and 10), governments should respect the responsibility of parents for providing appropriate guidance to their children (Art. 18), and should give a special care to children who cannot be looked after by their own family (Art. 20).

b. **The right of children to be protected from exploitation and violence**;

The Convention states that governments should take measures to prevent child abduction for financial gain including the sale of children, child prostitution, child pornography and trafficking (Art. 11 & 35), child labour that harm their health and education and will jeopardize their other rights such as the right to education or the right to relaxation and play (Art. 32), drug abuse (Art.
sexual exploitation and other forms of exploitation (Art. 34 & 36), detention and punishment in a harmful way (Art. 37) and all forms of violence (Art. 19).

c. **The right of children to stay healthy**

Based on the CRC governments should offer to refugee children a good quality of health care, the safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy (Art. 24), this article also notes that rich countries should help poor countries achieve this. Children should also be given social security (Art. 26), the right to relax and play (Art. 31), and an adequate standard of living that is good enough to meet their physical and mental needs (Art. 27).

Similarly, the UNHCR’s declaration mentions the economic, social and cultural rights of children which impose obligations on states parties and which are of immediate effect (Art. 34). These obligations include avoiding taking retrogressive measures, satisfying minimum core elements of each right and ensuring non-discrimination in the enjoyment of these rights.

d. **The right of children to an identity and to education**

The CRC notes the right of children to a preserved identity (Art.8) and the right to education and the primary education should be free with a respect to children’s dignity and without the use of violence, in addition to that young people should be encouraged to reach the highest level of education of which they are capable. (Art. 28), children should have the freedom of expression, the right to get and share information in a way that is not damaging to them or to
others (Art. 13) they have the freedom of thought, conscience and religion as long as they are not stopping other people from enjoying their rights (Art. 14), they have the right to get information that is important to their health and well-being (Art. 17), to know their rights (Art. 42), and the right to learn and practice their culture, language and religion (Art. 30).

e. **The right to a special care to children affected by war**

The CRC gives a special attention to children affected by war or those who have been neglected, abused or exploited in addition to children with disabilities and urges governments to give them a special care and protection to help them recover and reintegrate into society (Art. 23, 38 & 39), it also notes that children under 15 should not be forced or recruited to take part in a war or join the armed forces (the Convention's Optional Protocol on the involvement of children in armed conflict raises the age for direct participation in armed conflict to 18).

f. **The right of children not to be held criminally responsible**

The CRC notes that governments are required to set a minimum age below which children cannot be held criminally responsible and to provide minimum guarantees for the fairness and quick resolution of judicial or alternative proceedings (Art. 40).

g. **Protection of children refugees during internal flights & relocation alternatives**
In addition to the above mentioned rights, UNHCR’s declaration discusses the possibility of internal flights or relocation alternatives that were not mentioned in the CRC. It states that an assessment of the issue of internal flight alternative contains two parts: the relevance of such an inquiry and the reasonableness of any proposed area of internal relocation (Art 53). Age and the best interests of the child are among the factors to be considered assessing the viability of a proposed place of internal relocation (Ar. 55). Internal flight or relocation alternatives, for instance, would not be appropriate in cases where unaccompanied children have no known relatives living in the country of origin and willing to support or care for them and it is proposed that they relocate to live on their own without adequate state care and assistance (Art. 56).

States should take into consideration that the lack of effective state protection in one part of the country of origin may be an indication that the state may also not be able or willing to protect the child in any other part of the country (Art. 54) and if the only available relocation option is to place the child in institutional care, a proper assessment needs to be conducted of the care, health and education facilities that would be provided and with regard to the long-term life prospects of adults who were institutionalized as children (Art 57).

h. Involvement of children in armed conflicts.

The CRC raises the issue of the involvement of children in armed conflicts in its Optional Protocol that calls for the ending of recruitment and use of child soldiers and ensuring that they are provided with appropriate assistance to
successfully return to civilian life. The CRC defines a child soldier as any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes. It does not only refer to a child who is taking, or has taken, a direct part in hostilities.48

i. **Street children’ rights to develop and to be protected**

The declaration elaborates about street children it defines them as a particular social group of children living and/or working on the streets and considered as the most visible of all children, often identified by society as social outcasts. They share the common characteristics of their youth and having the street as their home and/or source of livelihood. Those children may share past experiences such as domestic violence, sexual abuse and exploitation or being orphaned or abandoned. (Art. 52. I). The declaration notes that the denial of street child’s right to an adequate standard of living (including access to food, water and housing) could lead to an intolerable predicament which threatens the development and survival of that child. Similarly, a denial of medical treatment may amount to persecution. (Art. 35)

j. **The right to a special support to unaccompanied and separated children**

UNHCR Guidelines give great importance to unaccompanied and separated child applicants and defines separated children as those separated

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from both parents or from their previous legal customary primary caregivers, but not necessarily from other relatives. However, unaccompanied children are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

Efforts need to be made by the state as soon as possible to initiate tracing and family reunification with parents or other family members. There will be exceptions, however, to these priorities where information becomes available suggesting that tracing or reunification could put the parents or other family members in danger, that the child has been subjected to abuse or neglect and/or where parents or family members may be implicated or have been involved in their persecution (Art 68). An independent qualified guardian needs to be appointed immediately, free of charge in the case of unaccompanied or separated children.

Children who are the principal applicants in an asylum procedure are also entitled to a legal representative. Such representatives should be properly trained and should support the child throughout the procedure (Art. 69). Children should be able to express their views especially in the context of asylum procedures therefore children should be provided with all necessary information in a language and manner they understand about the possible existing options and the consequences arising from them. This includes information about their right to privacy and confidentiality enabling them to express their views without coercion, constraint or fear of retribution (Art. 70).
It is worth to mention in this section the work of Ressler, Boothby and Steinbok (1988) where they elaborate three recommendations in addressing the problems of unaccompanied children outside their countries of origin; the first recommendation states that “unaccompanied children in countries other than their own are entitled to care, protection, and representation regardless of their legal status”\(^{49}\). The second recommendation notes that “settlement and resettlement of unaccompanied children in emergencies may be appropriate if (1) they are eligible under applicable asylum, refugee, or immigration law, or (2) they are in the care of a family unit which is being settled or resettled, or (3) adequate placements cannot otherwise be arranged.”\(^{50}\) And the final recommendation notes that “placements for unaccompanied children settled or resettled outside their countries of origin should ensure the children’s best interests.”\(^{51}\)

Ressler, Boothby and Steinbok (1988) also discuss the resettlement policies and elaborate three models; the assimilation policy, the acculturation policy and the multicultural policy. For them, “the assimilation policy is the policy that disperses refugees throughout the host society based on the assumption that refugees will benefit from quickly becoming members of the majority culture. In this model, it would be demanded from refugees to give up old cultural patterns and to embrace a new identity as members of the majority culture. Unaccompanied children in this model would be placed in majority family care.


\(^{50}\) Ibid – Page 338

\(^{51}\) Ibid – Page 342
On the other hand, an acculturation policy encourages clustering of refugees within the host society based on the assumption that refugees need to maintain their own cultural heritage while learning to function in the host society. In this model, refugees should preserve their personal identity but also long to adapt to the new society. Unaccompanied children are placed, in this model, in clustered majority family care culturally similar family care or community-based group care.

Finally, the multicultural policy separates refugees from the host society based on the assumption that refugees are displaced people who do not want to become members of the new society. It would be demanded from these refugees to conserve their native patterns and to limit their integration into the new society. Unaccompanied children are placed in institutions children’s villages based on this policy.52

Ressler, Boothby and Steinbok recommend the acculturation policy since it most accords with the best interests’ standard. Unlike the assimilation model and the use of majority family care, unaccompanied children would be placed with adults and live among peers who speak the same language and share the same culture and practice the same customs and traditions. For them, “this familiarity eases the suffering that results from severe cultural change and provides for the smoother continuation of personal identity, in contrast with the

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multicultural model, which relies upon institutional forms of care that can isolate unaccompanied children from the host society."\textsuperscript{53}

These three models provided by Ressler, Boothby and Steinbok in addition to the aforementioned rights listed with the C.R.C and the UNHCR’s declaration of 2009 will provide a clear theoretical frame for the comparison of the Lebanese policy regarding Syrian children refugees to the international protection standards of children refugees. However it would be useful to mention that the C.R.C has been criticized by many scholars for several reasons. The next section will present the C.R.C’s limitations based on these critiques.

6. Scholarly critiques of the CRC

In its general guidelines for periodic reports the UN Committee on the Rights of the Child asks states parties to indicate in their reports the status of the CRC in domestic law; (a) with respect to recognition in the Constitution or other national legislation of the Rights set forth in the Convention. (b) With respect to the possibility for the provisions of the Convention to be directly invoked before the courts and applied by national authorities. (c) In the event of a conflict with national legislation. The main obligation of states parties regarding the CRC is to respect and ensure the rights recognized therein by requiring governments to undertake “all appropriate measures” to this end. (Article 4 of the CRC)

The CRC adopts a broad and flexible approach which does not stipulate the specific means by which it is to be implemented in the national legal order.

\textsuperscript{53} Ressler E. M., Boothby N. & Steinbok D. J., Unaccompanied Children: Care and Protection in Wars, Natural Disasters and Refugee Movements, New York Oxford University Press 1988, Page 345
However, “to what degree national courts or other tribunals on administrative authorities can play a part in this relies mostly on the question of whether the provisions of the CRC are directly applicable in the proceedings before those national courts. The answer to this question depends in turn on the effect of the CRC within the national legal system.”

Therefore, the only international implementation mechanism provided for in the CRC is the system of periodic reporting by states parties. However, the CRC does not provide the interstate or individual complaints (communications or petitions). Some commentators submit that “the possibility of such complaints would have raised the difficult problem of determining whether the alleged violated obligation was one of an immediate or progressive nature, based on the fact that the CRC contains civil and political rights, and economic, social and cultural rights, besides reports have to be submitted every five years.”

The children rights listed in the CRC can be classified in different ways. One of these ways is the 3Ps typology that classifies the rights into 3 classes;

1. Protection the child against discrimination and all forms of neglect and exploitation.
2. Provision of assistance for their basic needs.
3. Participation of the children in the decisions affecting their lives.

Ciara Smyth, on the other hand, proposes the typology on the usual classification of rights into civil and political rights and economic, social and cultural rights but she adds a third category of rights namely: protection rights. For her, “there’s a great difference between the civil and political branch of rights that is regarded as refugee relevant and has an extra territorial dimension such as the concept of non-refoulement, freedom of thought, conscience and religion, freedom of association and assembly etc… and the economic, social and cultural rights where the idea of them having an extra territorial dimension has been resisted”. She notes that “this distinction between these two types of rights is to maintain a clear demarcation between the refugee and the economic migrant.”

Regarding civil and political rights, Smyth notes that the bias towards these types of rights in refugee law disadvantages children because children are often perceived as not having a civil and political status. This is a legacy of the traditional resistance to the idea of children as rights holders. However 21 of the rights listed in the CRC can be classified as civil and political rights (freedom of expression, freedom of thought, conscience, and privacy etc…). The fact that children have these rights confirms not only their civil and political status but also that those children suffer from violations of these rights.

On the other hand, 16 of the rights contained in the CRC can be classified as economic, social and cultural rights and 23 of the rights in the CRC do not fit

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into the traditional classification. Therefore, Smyth has classified them as protection related rights and are child specific such as protection from physical, mental and sexual violence, special protection for the child deprived of family, refugee and asylum seeking child protection from exploitation and sexual abuse etc… However, the fact that these are not civil and political rights may prevent decision makers from perceiving them as refugee relevant. Therefore, we can admit the problem/limitation that not all rights of the child in the CRC are likely to be recognized as relevant to international protection.

Therefore the UNHCR had tried to address this by stressing the importance of the socio-economic rights to determining whether the child has an international protection need; “children’s socio-economic needs are often more compelling than those of adults, particularly due to their dependency on adults and unique developmental needs. Deprivation of economic, social and cultural rights this may be as relevant to the assessment of a child’s claim as that of civil and political rights. It is important not to automatically attribute greater significance to certain violations than to others but to assess the overall impact of the harm on the individual child.”

K.J. Partsch, then again, discusses the differences between the rights of the child to freedom of association and the right to freedom of peaceful assembly. He notes that both rights are dealt with, within the CRC, in one single article (Article 15). However, Partsch submits that “there are differences between the two rights that can justify not combining them in one article; the

57 UNHCR Guidelines on Child Asylum Claims: Paragraph 14
right to freedom of association including the right to private informal contacts for social, cultural political commercial or other economic purposes and the right to form or join permanent associations may present a greater danger to public safety or security and invite different regulations for public health, order or morals than an ad hoc gathering for only a short time in the exercise of the right to freedom or peaceful assembly because of different reasons justifying different restrictions upon them, national Constitutions frequently differentiate between the two rights".  

The limitation clause contained in Article 15 (2) of the CRC notes that “No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of the national security or public safety, or public order, the protection of public health or morals or the protection of the rights and freedoms of others.” The phrase in conformity with the law supposes that restrictions must not necessarily be set forth in a law in a formal sense but may instead be undertaken independently by administrative authorities on the basis of general statutory authorization. In this respect, article 15 provides less protection to the right of the child to freedom of association since by formulating this right the CRC drafters have allowed this wider discretion as regards restrictions to its exercise. Also the phrase “necessary in a democratic society” was criticized during the course of drafting of article 21. It was argued that it's

impossible to have a single understanding of democracy common to all countries.

The term “necessary” in the phrase “necessary in a democratic society” indicated that the restrictions are allowed only when they are inevitable. The Committee has further observed that the purpose for which restrictions can be imposed are defined as the protection of national security or public safety, public order, public health or morals or the rights and freedoms of others. A.C. Kiss states in this respect that “restrictions necessary for the protection of national security could be understood to refer to restrictions deemed necessary for the protection of territorial integrity and political independence against foreign force or threats of force.”

Nowak refers in this concern to “universally accepted fundamental principles consistent with respect of human rights on which a democratic society is based.” However, restrictions necessary for the protection of the rights and freedoms of others raise the issue of conflicts between rights and options permitted to the state in choosing between individual rights or in establishing preferences or priorities among them. Especially that this phrase does not indicate which rights or freedoms in question but it might well authorize states to prefer other recognized human rights, for example, the right of privacy over the right of freedom of expression. Yet, Henkin considers that “the limitations themselves are governed by law, not by the whim of the state parties. Thus

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60 M. Nowak, UN Covenant on Civil and Political Rights: CCPR Commentary pp. 208-209, 394 (1993)
whether a particular limitation on, for example, the exercise by a child of his/her right to freedom of association is permissible under the CRC is a question of international law, and the state’s action can be scrutinized and challenged as a violation of the CRC."61 It has also been submitted in this regard, that the principle of the best interest of the child embodied in article 3 of the CRC can act as a mediating principle that can assist in resolving conflicts between rights where these arise within the overall framework of the CRC.

Another prolonged debate took place on paragraph 9 during les travaux preparatoires regarding the words “before as well as after birth”, some delegations insisted on their opinion that the CRC should not ignore the importance of the issue of the rights of the unborn child. However in a spirit of compromise, it was agreed to include in paragraph 9 of the CRC preamble the citation from the 1959 UN Declaration on the Rights of the Child concerning the unborn child.

Alston notes in this respect that “although a preamble paragraph can form a part of the basis for the interpretation of a treaty, it must be added that the preamble does not possess any obligatory force on its own and it would be inconsistent with the general principles of treaty interpretation to suggest that a provision in the preamble to the CRC, which is not reflected in the operative part

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of its text can be relied upon, on its own to extend very considerably the natural and ordinary meaning of the actual terms used in the CRC itself." 62

Similarly, Lopatka submits that an analysis of the text of the CRC as a whole indicates that it deals only with the rights of the born child. Legal protection of the rights of a child conceived but not yet born does not fall under the Convention. He adds that “the Convention does not give an exhaustive answer to the question: When does the life of the human being begin? It is at the moment of conception? Or when the embryo becomes a fetus? Or perhaps, even as late as the moment of birth?” Lopatka then notes that “Owing to lack of answer in article 1 of the Convention a rather evasive formula has been adopted: For the purpose of the present Convention, a child means every human being below the age of eighteen years old.”63 Likewise, McGoldrick considers that “however the CRC is interpreted in respect of abortion. This does not necessarily rule out any degree of protection under the CRC for the unborn from medical experimentation, for example.”64

The issue of the end of childhood is also a major element in the definition if a child. The CRC drafters decided who is to be considered a child for the purposed of the CRC in its article 1 and to set the upper age limit at eighteen years. According to the present Convention a child is every human being who has not attained the age of majority in conformity with the law of his/her state.

This reference to the earlier attainment of majority clearly permits states parties to provide in their national law that majority is attained at an age earlier than eighteen years old.

According to Altson, the drafters of the CRC did so “in order to maximize the protection offered by the CRC and to ensure that the rights set forth therein would uniformly apply to as large a group age as possible.” However, Altson adds that “the need was felt for some flexibility considering that the age of eighteen years is not necessarily consonant with the large age of majority in various countries and that the application of the rights recognized in the CRC to a person who is no longer a minor could be incompatible with his/her legal status. It was therefore decided to qualify the upper limit of eighteen years by the earlier attainment of majority under the law applicable to the child.”

However, McGoldrick considers that “a minimum age limit for the declaration of majority by national laws should have been included.” Porterfield and Stanton also notes that “to permit each state party to decide at what age childhood ends and when adulthood begins could destroy the international uniformity of the CRC and could lead to unequal treatment of children based on their national domicile.” For them, “a more precise definition of adulthood than majority would have been served the goals of the CRC.” Hodgkin and Newell similarly consider that “article 1 of the CRC should not be interpreted as allowing states parties to establish ages that are incompatible with the provisions, aims

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65 Altson P., note 61 at P.2-4
66 McGoldrick D., note 63, P.133
and objectives of the CRC, including the principle of the best interests of the child embodied in its article 3.\textsuperscript{68}

The following part of this thesis is a case study divided into two chapters analogously with the literature review. The first chapter will look into the application of the theories mentioned in the literature review regarding the general situation of Syrian refugees in Lebanon in addition to the measures taken by the Lebanese government regarding their protection. And the subsequent chapter will focus more on the category of Syrian children refugees in Lebanon based on the rights mentioned in the literature review. Each right will be dealt with separately in order to come up with a clear conclusion on the degree of protection provided by the Lebanese state to the Syrian children refugees.

Chapter Three:
Syrian refugees and Syrian children protection in Lebanon

In the most recent report on displaced Syrians in Lebanon, the United Nations High Commission for Refugees (UNHCR) underlined that it brings aid to over 1,132,601 Syrian refugees who settled in different regions in Lebanon. This is the highest number of Syrian refugees that any country has received in the world.

The number of registered Syrian refugees according to UNHCR has increased from 3,798 individuals at the end of November 2011 to 1,132,601 individuals by the end of October 2014 among them 9,856 are still waiting. A large number of the refugees currently present are not officially registered because they fear their names being transmitted to the Lebanese authorities, and thereafter to the Syrian authorities.

Syrian refugees, like some Lebanese in local communities, are becoming increasingly vulnerable, despite the large-scale inter-agency response to date. Nearly half of those affected by the Syrian crisis are children currently growing up vulnerable, deprived and with acute needs for basic services and protection.

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69 UNHCR – Registration Trends for Syrians in Lebanon – Statistics as of: 30 October 2014
71 UNHCR, Lebanon Update, Situation in North Lebanon, 11-17 February 2012
72 UNHCR – Registration Trends for Syrians in Lebanon – Statistics as of: 30 October 2014
The following part of this thesis is a case study that will present the current situation of Syrian refugees in Lebanon and will discuss Lebanese international responsibilities towards Syrian children.

A. Syrian Refugees Situation in Lebanon

1. General Statistics

There are currently 1,782 villages hosting Syrians in Lebanon; however refugees are settled mostly in Bekaa valley. By end of October 2014, the number of refugee families in Bekaa was estimated at up to 88,263, that is 399,124 individuals. These families are living in Zahle, Baalbek, West Bekaa, Rachaya and El Hermel. The second best destination is the North with 69,258 families which is 282,130 individuals. Mount Lebanon comes in the third place with 278,525 individuals, then the South with 132,732 individuals and finally Beirut with 30,234 individuals. The following table demonstrates the distribution of Syrian refugees (individuals and families) registered in Lebanon;

Distribution of Syrians in Lebanon
The statistics published by UNHCR on refugee registration trends allow us to follow the distribution of registered refugees according to their place of origin. The vast majority of refugees come from Homs (21.4%) then Aleppo (20.1%) then rural Damascus with (14.1%). With regard to the registered population, the following table shows the distribution of individual refugees according to the place of origin.

<table>
<thead>
<tr>
<th>Distribution of Syrians in Lebanon</th>
<th>P persons</th>
<th>H households</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beirut</td>
<td>30234 P</td>
<td>8582 H</td>
</tr>
<tr>
<td>Mount Lebanon</td>
<td>278525 P</td>
<td>69180 H</td>
</tr>
<tr>
<td>North</td>
<td>292130 P</td>
<td>69258 H</td>
</tr>
<tr>
<td>Bekaa</td>
<td>399124 P</td>
<td>88263 H</td>
</tr>
<tr>
<td>South</td>
<td>132732 P</td>
<td>29436 H</td>
</tr>
<tr>
<td>Total Lebanon</td>
<td>1122745 P</td>
<td>264719 H</td>
</tr>
</tbody>
</table>


**Distribution of Syrian Refugees registered in Lebanon according to place of origin (%)**
It is no surprise that the Syrian refugees have avoided the Lebanese coast due to the high cost of living and the high price of accommodation. However wealthy Syrian families have chosen to reside in Beirut and Mount Lebanon and they are staying in rented furnished flats. Some of them have even bought properties in Beirut.\textsuperscript{74}

The majority of refugees have been living in flimsy shelters or in temporary accommodation with Lebanese families due to a lack of financial resources, however. In the first months, Syrian refugees thought the situation was temporary so some of them had financial resources that allowed them to rent houses. However, with time, their resources decreased and now they are no

\begin{table}[h]
\begin{center}
\begin{tabular}{|l|l|l|}
\hline
Place of origin & Individuals & Total \% \\
\hline
Homs & 239,956 & 21.4 \\
Aleppo & 226,073 & 20.1 \\
Rural Damascus & 17,942 & 1.6 \\
Idleb & 145,608 & 13 \\
Hama & 81672 & 7.3 \\
Dar’a & 78,555 & 7 \\
Araqqa & 61,457 & 5.5 \\
Damascus & 51,688 & 4.6 \\
Al-Hasakeh & 28,275 & 2.5 \\
Deir Ez-zor & 23,694 & 2.1 \\
Qunaitra & 9,889 & 0.9 \\
Lattakia & 4,578 & 0.4 \\
Tartous & 3,081 & 0.3 \\
As-Sweida & 858 & 0.1 \\
Others, N/A & 9,421 & 0.8 \\
\hline
\end{tabular}
\end{center}
\end{table}


\textsuperscript{74} Les refugies Syriens affluent, les appartements meubles en plein boom (Syrian refugees flock, boom in furnished apartments) by Soraya Hamdan, L’Orient Le Jour, 11 August 2012
longer able to rent houses so they rely on NGOs that provide housing, education and sometimes employment.

Refugees need food, clothing and basic household and hygiene items. They need reliable supplies of clean water, as well as sanitation facilities. Children need a safe protective environment and a chance to play and go to school. Adults need employment options in case of long-term displacement. During winter, refugees also need warmer clothing and stoves and fuel for heat and cooking.

Numerous families gather in collective shelters, such as incomplete construction, abandoned buildings, spare rooms, garages or tent settlements on vacant land that have formed 1,421 informal settlements across the country, according to key statistics published by the Lebanese government in December 2014. These places often lack showers, garbage collection, kitchens and water purification systems. Conditions are often crowded and unsanitary. Camps are also on the move; when fighting started at Qalamoun the tents moved south. When fighting started in Qusair, the tents moved again, thousands of them, almost overnight.75

The flows of Syrian refugees towards Lebanon have included (for the most part) women and children. The following table shows that the 53.9% of Syrian refugees in Lebanon are children, 43.3% are adults between 18 and 59 years of age and 2.7% are adults above 60 years of age. The detailed

distribution by age shows that the percentage of females (52.9%) is higher than the percentage of males.

**Distribution of Syrian Refugees registered in Lebanon by age and gender (%)**

<table>
<thead>
<tr>
<th>Age &amp; Gender</th>
<th>0-4</th>
<th>5-11</th>
<th>12-17</th>
<th>18-59</th>
<th>60+</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>108,297</td>
<td>119,841</td>
<td>69,423</td>
<td>278,577</td>
<td>17,504</td>
<td>593,702</td>
</tr>
<tr>
<td>Male</td>
<td>112,725</td>
<td>126,533</td>
<td>69,198</td>
<td>207,531</td>
<td>13,056</td>
<td>529,043</td>
</tr>
<tr>
<td>Total</td>
<td>221,022</td>
<td>246,374</td>
<td>138,621</td>
<td>486,108</td>
<td>30,560</td>
<td>1,122,745</td>
</tr>
</tbody>
</table>


2. **Syrian refugees in Lebanon: An overview**

Lebanon, along with Jordan and Syria, has hosted the largest proportion of the Palestinian refugee populations since 1948 ahead outside of the Palestinian territories. This pre-existing refugee problem affects every decision made in Lebanon towards current refugee flows.76

Lebanon has not signed the 1951 Refugee Convention77 or Protocol78 and it has no refugee law per se. Its actions towards the refugees from Syria are governed mainly by ad hoc guidelines applied since the beginning of the crisis. Its refugee law is founded almost totally on its Memorandum of Understanding with UNHCR, which underlines that refugees in Lebanon are not entitled to stay permanently, but must be resettled.

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77 Lebanon is not alone in having not signed the 1951 Convention as only few countries in the Middle East have signed onto this convention to date.
78 2014 Country Profile-Lebanon, supra note 28
Until January 2015, Lebanon maintained open borders for the influx of refugees since the beginning of the Syrian crisis, although UNHCR reported that the influx of Syrian refugees has had a negative impact on Lebanon’s “previously strong economic growth rates”.79 The Government of Lebanon has also allowed Syrians to access the education and health systems. According to UNHCR “the Government of Lebanon has played a very active role in facilitating the coordination and planning of the response.”80

However, Syrians are facing severe protection gaps due to lack of a clear and formal policy on entry, stay and legal process.81 One of the main problems the Syrians are facing in Lebanon is the failure to agree on the installation of camps, which has led to a crisis in the availability of shelter.

Another important problem that Syrians are facing is the failure of national courts to observe human rights treaties relevant to the treatment of refugees though constitutionally, International Law takes precedence over domestic law and though Lebanon has signed most other human treaties relevant to the protection of refugees; the International pact on civil and political rights, the Convention against torture and other punishments or cruel, inhumane or degrading treatment and the convention relative to children’s rights (CRC)."82 Lebanon also subscribes to the custom international humanitarian law framework particularly to the Jus Cogens that group the general principles of

79 2014 UNHCR Country Profile-Lebanon, supra note 28. UNHCR states that the significant presence of Syrian refugees in Lebanon has had an effect on the country’s political, economic, and social stability, as well as on the country’s infrastructure and labor market.
80 2014 UNHCR country operations profile: Lebanon – Overview - November 7, 2014
81 International Communities’ Response, supra note 156, at 14
82 2014 Country Profile-Lebanon, supra note 28
international law and that based on the Vienna Convention of 1969 such a norm “is accepted and recognized by the international community of the states in its unity as norms to which no infringement is permitted and which can only be modified by a second norm of international law having the same character”.

In fact, the Lebanese authorities do not recognize Syrian refugees as such; they consider them ‘displaced people’ since by law, refugees have their own juridical status, which rests on the international law of refugees and in particular on the Geneva Convention of 1951 relative to refugee statute.

Contrarily to the latter, displaced people do not benefit from any specific legal regime even though they benefit from certain clauses of international humanitarian law. “It is, in the first instance, the governments concerned and the local authorities that must bring them aid and protect them, although the international community often intervenes in order to compensate for the lack of means or goodwill of the states.”

Another important problem that Syrians are facing in Lebanon is the sectarian breakdown of the government in Lebanon which is affecting indirectly the rights of refugees in general. Hezbollah, the Shiite Muslim party in Lebanon and the strongest political party in the country, is officially taking sides with the Syrian regime. Other political parties mainly Sunni and Christian are strong adversaries of the Syrian regime.

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Historically speaking, since the end of the 1970s and even after the withdrawal of the Syrian army from the country in April 2005, Syria preserved its influence in Lebanon. Some Lebanese parties opposed the Syrian regime and they formed the bloc of 14 March; a Lebanese political coalition grouping political figures and movements which have taken part of the Cedar revolution following the assassination of the former prime minister Rafic Hariri on 14 February 2005. The bloc's main parties are the Future Movement, the Lebanese Forces, the Kataeb and the Cornet Chehwan Meeting. On the other hand, the bloc of 8 March is comprised of the parties that are partisans of the Syrian regime such as the parties of Amal, Hezbollah, Al-Marada, the Syrian Socialist Nationalist Party, Tashnak and the Free Patriotic Movement.

Many confrontations have taken place between inhabitants of the Tripoli districts of Bab Al-Tabene that are mainly Sunni and hostile towards the Syrian regime and Jabal Mehsen inhabitants that are Alawi and in favour of the Syrian regime. These confrontations resulted in several deaths including those of many innocent civilians. These clashes demonstrate the profound division of the Lebanese political parties regarding the Syrian crisis, which affects the treatment of Syrian refugees in Lebanon.

Lebanon is not new to such confrontations; in fact it experienced a 15-year civil war before a political agreement was reached among the fighting factions in October 1989 in the city of Taef in Saudi Arabia. This war has left a devastating damage to the infrastructure and on many other levels.
Currently the Council of Ministers which is the main holder of executive power in the country has pro-tem status. It is a caretaker government that works principally as a coordinator of services and a security gatekeeper.\textsuperscript{84} However, only the Lebanese government seems functioning in the country; Lebanon has been without a president since May 25, 2014 to date\textsuperscript{85}. The parliament is facing a similar fate; the parliament’s term, which was set to expire on June 20, 2013, has been extended twice due to a general inability to hold parliamentary elections\textsuperscript{86} which is linked to a regional crisis that is worsening every day.\textsuperscript{87}

This fact puts great pressure on the UNHCR and civil society organizations in protecting and assisting refugees and accentuates the importance of good relationships between governmental organs and NGOs. UNHCR provides the necessary assistance to refugees holding temporary circulation permits in order to avoid that those refugees be forced to violate the national laws or constitute a burden on the Lebanese Government.

3. **Actors involved in addressing the Syrian Refugee Crisis in the country**

   - Ministry of Social Affairs:

\textsuperscript{84} See Michael Kagan, The UN “Surrogate State” and the Foundation of Refugee Policy in the Middle East, 18 UC DAVIS J. INTL. L & POL’Y 2 (2014)
\textsuperscript{85} Lebanon has been without a President since May 25, 2014 till the date of this writing January, 2014 in light of the seemingly immense difficulty of electing a new one. Some predict that the Baabda Palace, the presidential residence, will remain vacant and its lights turned off for many months.
\textsuperscript{86} Lebanon’s parliament voted on Wednesday November 5\textsuperscript{th}, 2014 to extend its own mandate until 2017 citing security concerns linked to the civil war in neighboring Syria, but critics including the European Union condemned the move as unconstitutional. (Reuters, Lebanese parliament extends own term till 2017 amid protests - November 5, 2014 - http://www.reuters.com/article/2014/11/05/us-lebanon-parliament-idUSKBN0IP18T20141105)
The Ministry of Social Affairs (MoSA) manages the efforts of NGOs operating in Lebanon. In March 2013, a Crisis Management Unit was founded within MoSA with 12 permanent staff including experts in security, health, and shelter issues, which are relevant to Syrian refugees concerns. MoSA does not make policy changes regarding Syrian refugees. Only the Council of Ministers can make these key decisions.

- **General Security Office of the Ministry of the Interior**

  The General Security Office is the government organ that Syrian refugees are most likely to interact with from the moment they cross the border. The GSO screens borders, and takes care of the admission and regularization of the status of foreigners. The GSO is also in charge of detention and deportation. It has power to make a policy relevant to the status of Syrian refugees. For example, in June 2013, the GSO issued circular allowing Syrian citizens temporary living in Lebanon, to renew their documents without leaving Lebanon.88

- **UNHCR (The United Nations High Commissioner for Refugees)**

  The UNHCR aids all non-Palestinian refugees in Lebanon. It is one of eleven UN agencies that collaborate in executing the UNHCR-led Regional Response Plan for Syria. UNHCR “is committed to all government’s policies and

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decisions\textsuperscript{89} and it has four registration centers in Lebanon; one in Zahle for the region of Beka’a, in Tyre for the south, in Beirut, and in Tripoli for the north.\textsuperscript{90} UNHCR, along with partner UN agencies, provides basic health and social services to all registrants.

UNHCR relies on its government donors to assist Syrian refugees in Lebanon. In May 2013, UNHCR’s Bekaa registration center established a call center in order to increase hotline capacity and improve the scheduling of appointments. The Tripoli registration center was relocated to accommodate the large number of refugees who come forward to register on a daily basis. UNHCR also gave a great importance to children by establishing a child-friendly space at the new center where children could play and mothers can breastfeed privately.

In the South, UNHCR and the Lebanese Armed Forces coordinated to provide transportation to recently arrived refugees from the border town of Sheba’a to the registration center in Tyre.\textsuperscript{91}

UNHCR proceeds first by the vulnerability assessment using a household questionnaire in order to identify vulnerabilities in the refugee population and then based on that, establishes key indicators to help target assistance. UNHCR

\textsuperscript{89} \textit{Al-Nahar} newspaper – “Lebanese minister: We will not force Syrians to Leave” – October 28, 2014. Translated by al-monitor.com

\textsuperscript{90} Syrian Refugee Regional Response Plan: Lebanon, supra note 149, at 2.

\textsuperscript{91} UNHCR – The UN Refugee Agency: Lebanon Inter-Agency Response: Syrian Refugees May 2013 – Page 3
exerts significant efforts in the matter of protection particularly vulnerable women and separated children in need of support.  

UNHCR also distributes to refugees, cloth vouchers, quits, blankets, kitchen sets, mattresses, recreation kits for children and household items. It provides, in coordination with UNICEF and other international and local NGOs, non-formal education to refugee children; activities are conducted in public schools during afternoon shifts as well as in community centers where students are provided with educational programmes in addition to psychosocial and recreational activities. One of the psychosocial activities is the LEGO bricks project organized by UNHCR and funded by the LEGO Foundation that is based on the core principles that all children, including the forcibly displaced, have the right to play and education. Local aid workers like, Kim Heshme at the Beirut Youth Center, have been trained to guide the children in activities using LEGO bricks donated by the foundation.  

UNHCR prioritizes the provision of primary healthcare as a means to deter serious problems among Syrian refugees in Lebanon therefore it is supporting hospitals insuring the admission of patients with critical health conditions to contracted hospitals with 75 per cent cost coverage and it is providing medical assistance to injured individuals and organizing health awareness sessions that include topics related to mental health, general health, 

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94 UNHCR – LEGO bricks help build confidence for Syrian children in Lebanon – 16 October 2014
http://www.unhcr.org/543fc1306.html
Gender-Based Violence (GBV) and early marriage.\textsuperscript{95} UNHCR is also giving mental health consultations and ensures that the most critical cases are counselled on a regular basis.\textsuperscript{96} 

Finally, UNHCR provides a technical support to establish transit sites to host Syrian refugees and it continues to sign contracts with host families for the rehabilitation of their houses in return to hosting refugees.\textsuperscript{97} It is an important partner in water, sanitation and hygiene (WASH) initiatives.\textsuperscript{98} 

However, UNHCR response faces many obstacles in Lebanon; first, the security situation that sometimes deteriorates leads to temporary suspension of UN operations. Rocket attacks in Hermel, tensions between the rival neighborhoods of Bab el-Tebbeneh and Jabbal Mohesen in Tripoli, and most importantly the ISIS danger in Ersal cause the interruption of humanitarian access to regions with volatile security environments.\textsuperscript{99} 

- NGOs (Non-Governmental Organizations)

The Law on Associations in Lebanon allows the free formation and operation of non-profit non-governmental organizations in Lebanon. According to the Lebanese law an NGO is defined as “a group composed of more than one

\footnotesize\textsuperscript{95} UNHCR – The UN Refugee Agency: Lebanon Inter-Agency Response: Syrian Refugees May 2013 – Page 6
\footnotesize\textsuperscript{96} UNHCR – The UN Refugee Agency: Lebanon Inter-Agency Response: Syrian Refugees May 2013 – Page 7
\footnotesize\textsuperscript{97} UNHCR – The UN Refugee Agency: Lebanon Inter-Agency Response: Syrian Refugees May 2013 – Page 7
\footnotesize\textsuperscript{98} UNHCR – The UN Refugee Agency: Lebanon Inter-Agency Response: Syrian Refugees May 2013 – Page 8
\footnotesize\textsuperscript{99} UNHCR – The UN Refugee Agency: Lebanon Inter-Agency Response: Syrian Refugees May 2013 – Page 5
individual that combines their knowledge and effort in a permanent fashion to achieve a goal which does not include the distribution of profit. NGOs operating in Lebanon must register with either the Ministry of Interior or the MoSA.  

Currently there are fifty-four NGOs operating in Lebanon that work for the Syrian refugee population under the Regional Response Plan led by UNHCR. Any registered NGO in Lebanon has the right to take part of the refugee response plan “with no governmental barriers to its operation and activities.”  

In fact, though their difference in structure and role, the Lebanese Government considers all international organizations, international non-governmental organizations and local non-governmental organization as partners in its response plan. Child Protection Specialist at UNICEF, Abir Abi Khalil, notes that “UNICEF has a fluid partnership relation with the Lebanese state. The government doesn’t cause any obstacle to our work. Our main problem is with the structure and weakness of the state that affects our work during emergencies. Political crisis in Lebanon affects our work since instead of having one voice facing the emergency, we have many voices and many opinions that slower our action and affects the rights of refugees but I cannot call this an obstacle caused by the government. [However] “the government doesn’t have the capacity to monitor the activities of NGOs and INGOs working for Syrian refugees and to assess what they claim to

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100 NGO Law Monitor – Law on Associations Lebanon
http://www.icnl.org/research/monitor/lebanon.htm

101 Interview with Child Protection Specialist at UNICEF Lebanon Abir Abi Khalil on December 15th, 2014
be doing, which causes, most of the time, the duplication of services and the non-efficient cover of all vulnerable people.”

4. Legal documents

According to the Lebanese Constitution, international treaties are paramount to national law and judges have the leeway to invoke international instruments in their rulings.

a. Memorandum of Understanding 2003 (MOU)

Since Lebanon has not signed the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol and since it is not a party to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness, there is no legislation in Lebanon recognizing the situation of refugees and any refugees who enter Lebanon would be considered as illegal aliens under applicable law.

However, UNHCR is operating in Lebanon based on the Memorandum of Understanding (MOU) that was signed between the General Security Office (GSO) in the Ministry of Interior and UNHCR in 2003 which records that Lebanon is not an asylum country and that the term “asylum seeker” means a “person seeking asylum to a country other than Lebanon.” On the other hand, through the (MOU), Lebanon accepts UNHCR Refugee Status Determination (RSD) procedures and the UNHCR’s protection role in the expectation that

102 Interview with Child Protection Specialist at UNICEF Lebanon Abir Abi Khalil on December 15th, 2014
refugees recognized by UNHCR will be resettled within a six-month period that can be extended once every three months.\textsuperscript{104}

Nevertheless, based on the report submitted by the office of UNHCR in Lebanon to the Office of High Commissioner for Human Rights in April 2010, UNHCR notes that “the MOU was not designed to respond to a situation of such a large number of refugees and asylum seekers, as were generated by the conflict in Iraq. In fact, Lebanon only temporarily tolerates the presence of refugees under UNHCR mandate, pending their resettlement to third countries.” This clearly means that the MOU was certainly not designed to tolerate the presence of the big number of Syrian refugees.

\textbf{b. International Treaties related to Refugee Treatment}

As already mentioned, Lebanon is not a party to the 1951 Refugee Convention or its 1967 Protocol and this is due to the fact that Lebanon opposes the resettlement of Palestinians.\textsuperscript{105} However, Lebanon is a party to some human rights treaties that create some Lebanese obligations to Syrian refugees. These treaties are;

- The 1965 International Convention on the Elimination of All Forms of Racial Discrimination that prohibits Lebanon from exercising any form of racial discrimination.

\textsuperscript{105} UNHCR Webpage http://www.unhcr.org/4ca34be29.pdf
- The 1966 International Covenant on Economic, Social and Cultural Rights, that commits Lebanon to work toward the granting of economic, social, and cultural rights to individuals, including labour rights and the right to health, the right to education, and the right to an adequate standard of living.

- The 1966 International Covenant on Civil and Political Rights that commits Lebanon to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial.

- The 1979 Convention on the Elimination of All Forms of Discrimination Against Women which prohibits Lebanon from exercising any distinction, exclusion or restriction on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women.

- The 1984 Convention Against Torture that requires Lebanon to take effective measures to prevent torture, and forbids the state to transport people to any country where there is reason to believe they will be tortured.

- The 1989 Convention on the Rights of the Child which requires Lebanon to respect all civil, political, economic, social, health and cultural rights of children set by the Convention.

- The Arab Charter of Human Rights which requires Lebanon to respect the right to liberty and security of persons, equality of persons before the law, protection of persons from torture, the right to own private property,
freedom to practice religious observance and freedom of peaceful assembly and association.

c. Bilateral Agreement between Syria and Lebanon in 1994

Lebanon and Syria signed a bilateral agreement in 1994. This agreement has been in force since then and governed all procedures in the matter of entry of Syrians in Lebanon. It remains till now the source of Syrian nationals' treatment in Lebanon. Based on this agreement, nationals from each country can enter the other without a visa by showing their national identification card; it is not required to produce a passport, and have the right to work and live in the other country based on specific rules.

5. National legislation and procedures regarding Syrian refugees

Lebanon does not make a distinction between refugees and other immigrants; they all fall under the Law Regulating the Entry, Stay and Exist from Lebanon that entered into force in 1962 and that recognizes the obligation of non-refoulement; article 26 states that “any foreign national who is the subject of a prosecution or a conviction by an authority that is not Lebanese for a political crime or whose life or freedom is threatened, also for political reasons, may request political asylum in Lebanon.” In addition to that, article 31 of the law states that “when a political refugee is deported from Lebanon, he or she will not be returned to a country in which his or her life or freedom is threatened.”

106 Migration Policy Center – Migration Profile: Lebanon June 2013
http://www.migrationpolicycentre.eu/docs/migration_profiles/Lebanon.pdf
107 Order No. 319 Regulating the Status of Foreign Nationals in Lebanon; http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4c3c630f2
However, though these articles prove Lebanon’s commitment to the principle of non-refoulement, the Lebanese Government has declared that the Syrian refugee crisis is regulated by the decisions of the Council of Ministers, not the law. In fact, in an interview with the Minister of Social Affairs, Rachid Derbas, the Minister has stated that “the Government is turning a blind to many violations of Lebanese Laws committed by Syrian refugees. In addition to that, nothing was mentioned in the Bilateral Agreements signed by Lebanon and Syria on the possibility of a large number of refugees coming from Syria to Lebanon and the measures that need to be adopted in this case to prevent the country from falling apart. Therefore, it is obvious that the crisis should be regulated through Ministerial decisions.”

In 2011, UNHCR requested the Lebanese authorities to issue registration certificates to Syrian refugees so they would be able to move easily in the country. The Lebanese government started to deliver these certificates to all refugees registered with UNHCR. In August 2014, the Lebanese government passed a decree that provides for the renewal of residency permits free of charge and the regularization of persons displaced from Syria who had overstayed their visas including those who crossed illegally into Lebanon, without paying a fine until December 2014. This has helped Syrian nationals who had fled Syria since March 2011 to regularize their residency in Lebanon and to have access to civil registration processes, such as obtaining birth certificates for their newborns, as per Lebanese laws and regulations.

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108 Interview with the Minister of Social Affairs, Rachid Derbas on Tuesday February 24th, 2015.
Lebanon has kept its five formal border-crossing points open since the beginning of the crisis in March 2011. Theoretically and based on the Bilateral Agreement between Lebanon and Syria, Syrians entering Lebanon and possessing valid identification, including a national identity or a passport, should be provided with residence permits in the form of a stamp valid for six months and can be renewed for free for another six months after that Syrians will have to return to Syria for a minimum of 24 hours and then come back to Lebanon and apply for a new residence permit free of charge.

However, practically, Syrians should first have a departure permit from Damascus for 1200 Syrian Pounds which is equivalent to around USD 8, then will receive a transit visa stamp at the border valid for two weeks and costing USD 12. When the transit visa expires, Syrians could obtain a 3 month residence permit for USD 33 renewable for up to a year for free, but due to the conflict in Syria, it was risky for Syrians to return. Therefore, the General Security has allowed Syrians to prolong their permits without leaving Lebanon for a fee of USD 200 per person which does not apply to anyone under the age of 15 years old.

There are many unwritten restrictions on the entry of Syrians to Lebanon that effectively reduce the number of those who can obtain these permits. On the other hand, many Syrians have chosen to enter Lebanon without border inspection because they were unable to pay the exit fees or for any other reason. These Syrians can only regularize their status if they had identification.

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109 UNHCR Country profile 2014
documents by submitting a “Petition for Mercy” and paying a penalty of around USD 600. However, there are no specific guidelines for the exercise of discretion by the General Security office, and applicants cannot be represented by counsel therefore this petition is uncertain.\textsuperscript{110} On the other hand, those who do not possess identification documents do not receive any residence permits from the General Security office, despite the fact that the 2003 MOU between Lebanon and UNHCR requires the state to protect all individuals seeking this protection.

The Norwegian Refugee Council conducted a report on the limited legal status of Syrians in North, Bekaa and South of Lebanon and noted that “a majority of Syrians with expired permits fear leaving their shelters because of the possibility of being arrested so there freedom of movement would be limited and they would be always at risk of detention without mentioning their eventual limited access to financial resources and social and health services and the fact that they may not obtain birth or marriage registration, which could result in statelessness.”\textsuperscript{111}

In April 2014, Lebanon decided to close its borders to Palestinians from Syria.\textsuperscript{112} In June 2014, Interior Minister Nouhad Machnouk issued a statement that “warned Syrians registered with UNHCR to refrain from returning to Syria or risk losing their refugee status in Lebanon”. Syrians that will re-enter Lebanon

\textsuperscript{110} The Consequences of Limited Legal Status for Syrian Refugees in Lebanon - NRC Lebanon Field Assessment Part Two: North, Bekaa and South. - NRC Lebanon - March 2014
http://www.nrc.no/arch/__img/9176603.pdf
\textsuperscript{111} The Consequences of Limited Legal Status for Syrian Refugees in Lebanon - NRC Lebanon Field Assessment Part Two: North, Bekaa and South. - NRC Lebanon - March 2014
http://www.nrc.no/arch/__img/9176603.pdf
\textsuperscript{112} Lebanon: Palestinians Barred, Sent to Syria – Human Rights Watch – May 2014
http://www.hrw.org/news/2014/05/05/lebanon-palestinians-barred-sent-syria
will be received as Syrian nationals and will no longer benefit from UNHCR services.113

General Security, the agency tasked with operating border checkpoints in Lebanon, estimates “that between 5,000-8,000 Syrians leave Lebanon every day and the same number of them also arrive in Lebanon daily. But since the Lebanese security body lacks identification mechanisms, the number of registered refugees crossing the border remains unclear”.114

After Mashnouk’s statement the Cabinet’s ministerial committee tasked to manage the refugee file, chaired by Prime Minister Tammam Salam, agreed to not only revoke refugee status upon re-entry into Lebanon, but to only permit entry to those coming from Syrian areas near the Lebanese borders that witness persistent armed conflict. The ministerial committee for the affairs of Syrian refugees and displaced people enacted an operational plan to address the influx of displaced people, restrict their numbers and sort out the displaced from the non-displaced according to the International criteria. The committee is formed from the Minister of Social Affairs, Rashid Derbas, Interior Minister Nouhad al-Mashouq and Foreign Minister Gebran Bassil.

Speaking to As-Safir newspaper, Derbas clearly pointed out that through these decisions; the government “has decided to have a policy toward the Syrian

In the past, there was no policy.\textsuperscript{115} Based on Derbas’s statement, Lebanon has remained without a policy regarding Syrian refugees since March 2011 and the decision to adopt a policy was taken in June 2014 which means after three years and three months. Derbas admitted in an interview that “the government was slow in its reaction to the flight of refugees into Lebanon and this could be due to some circumstances that faced the previous government.”\textsuperscript{116}

In September 2014, the government announced its intention to limit the entry of refugees and to tighten measures on the borders. President of the Council of Ministers Tammam Salam stated at the meeting of the International Support Group for Lebanon that was held in New York, on September 26, 2014, that “Lebanon has demonstrated a commitment to all international norms and the generous response of the whole country to this unprecedented crisis is a new page of principles in the records of humanity.” But on the other hand, he added, “the situation of refugees in Lebanon is becoming uncontrollable as the flow has hardly abated and Lebanon is struggling, with limited success, to mobilize the means to redress the economic hardship it has caused. According to the World Bank, the Syrian crisis has cost Lebanon over 7 billion dollars in additional annual public expenditures, lost fiscal revenues and deterioration of infrastructure.” Salam then announced that “the time has come to resort to a variety of simultaneous and converging policies. Therefore Lebanese authorities

\textsuperscript{115} As-Safir Lebanese Newspaper, Lebanon adopts policy to deal with Syrian refugees – June 3, 2014
\textsuperscript{116} Interview with the Minister of Social Affairs, Rachid Derbas on February 24\textsuperscript{th}, 2015
will be tightening border controls and applying strict rules to obtain an exact tally and to define who may qualify to remain in Lebanon as a refugee.”

UNHCR spokeswoman in Lebanon Dana Suleiman noted that “UNHCR [has] noticed the decline of numbers of Syrians arriving in Lebanon in recent months”. She added that “there’s no other country in the world accepting such numbers of refugees, when comparing to Lebanon’s size and population. Lebanon is facing a difficult reality with this number of refugees, in light of its limited infrastructure and capacities, as well as the problem of funding.”

In October 2014, Lebanon decided to close its borders except for humanitarian cases that allow the government to admit arrivals as refugees. The Minister of Social Affairs became the authority that will determine exceptional cases. Any person who is not classified as displaced and wants to enter Lebanon will not be allowed to do so, provided that the customary conditions are met. If this person is displaced, General Security will be the primary authority determining his or her situation based on well-known standards, such as considering if the person is injured or wants to join his or her family or children. If it is an exceptional case, the person will be allowed to enter and shall then register with UNHCR. The latter, in turn, will not register the name unless the

118 UNHCR Spokeswoman Dana Suleiman to Al-Nahar Newspaper - Lebanese Minister: We will not force Syrians to Leave – (October 28, 2014)
minister of Social Affairs signs the person’s file after having reviewed the case personally.\textsuperscript{119}

By the end of 2014, Lebanon had introduced unprecedented entry restrictions for Syrians imposing visa-like requirements that were announced by Lebanon’s General Security Directorate. Under these new regulations which took effect on January 5, 2015, Syrians can apply for six types of entry visas: tourist, business, student, transit, short stay and medical.

Tourists will need to provide valid passports, identification papers, cash worth USD 1000 and a hotel reservation. They will get a visa for the duration of their hotel reservation only. Business visitors will have to present supplementary papers showing that they have business interests in Lebanon and will be granted a maximum one-month stay in Lebanon.

Syrians who own properties in Lebanon should also present documents proving ownership. Students should provide official admission letters that prove their enrollment in Lebanese schools or universities.

Transit visas will permit a stay for only two days and will be given to Syrian travelers and to applicants to foreign embassies who had closed their offices in Syria and relocated to Lebanon, through Lebanese ports and airports.\textsuperscript{120}

\textsuperscript{119} \textit{Al-Nahar} Lebanese Newspaper – Lebanese Minister: We will not force Syrians to Leave – (October 28, 2014) – Translated by Al-monitor.com

The Lebanese General Security Directorate clarified that “the new procedures differ from those for visas. Passports would be marked only with dates of entry and exit to exert control over Syrian refugee activities in Lebanon.” Minister of Social Affairs also explained that “these restrictions are part of a new security strategy; however, Lebanon has not closed its borders to Syrians. Nor do the new measures mean that Syrians already in Lebanon will be deported.”

A Beirut-based correspondent for The Washington Post, Hugh Naylor, considered that “Lebanese officials [have] appeared to refrain from using the term visas when describing the new policy for fear of upsetting the Syrian government.” On the other hand, the Syrian ambassador to Lebanon, Ali Abdul Karim Ali, considered in a television interview that “this [the new Lebanese border] measure is not appropriate” adding that “Damascus had not been informed in advance of the decision.” Ali asked the Lebanese government “for coordination on the new procedures.”

UNHCR noted that “the Lebanese government has every right to implement its own border procedures and policy.” However, UNHCR’s main concern is that Lebanon continues to provide entry to the most vulnerable

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http://www.washingtonpost.com/world/syrian-refugees-become-less-welcome-in-lebanon-as-new-entry-rules-take-effect/2015/01/05/7e412f59-b357-4af4-95a4-5edf3df7af06_story.html
122 The Washington Post “- Syrian refugees become less welcome in Lebanon, as new entry rules take effect” – January 5, 2015
refugee cases."¹²⁴ UNHCR spokesman, Ron Redmond, told Al-Jazeera, that “UNHCR wants a clarification from the government on some points, specifically what this means for those seeking extreme humanitarian entry”, he added that “UNHCR has witnessed a 50 percent reduction in the number of refugees coming across, with some months witnessing a drop of 75 percent. This could be because they’ve been turned back, or it could be because they’ve heard how difficult it is to try and cross.”¹²⁵

6. Lebanese Crisis Response Plan 2015-16

On Monday December 15th, 2014, Lebanese Crisis Response Plan 2015-16 was published. The LCRP development process started in early 2014 and was guided by a multi-partner core group including the government of Lebanon, civil society and national and international NGOs. The Lebanese government defines the LCRP as “an achievable, integrated strategy for Lebanon’s unique context. It seeks more cost-effective solutions for humanitarian aid delivery as needs continue to deepen.”¹²⁶ In this respect, the Government of Lebanon’s Crisis Cell is the highest national authority for all international partners supporting the crisis response inside Lebanese territory in accordance with Lebanese laws and regulations as well as applicable international law. The

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¹²⁴ UNHCR’s Senior Regional spokesman, Ron Redmond, to Washington Post - Syrian refugees become less welcome in Lebanon, as new entry rules take effect – January 5, 2015
¹²⁶ Lebanon Crisis Response Plan 2015-16 – Preface – page 1
Ministry of Social Affairs is mandated by the Crisis Cell to oversee the Government’s response to the crisis in Lebanon.\(^{127}\)

The Lebanese state identifies itself in the LCRP as “not a state party to the 1951 Convention Relating to the Status of Refugees, nor to its 1967 Protocol. However, Lebanon implements some provisions of the Convention on a voluntary basis and considers that granting the refugee status to individuals lies within its margin of discretion. Lebanon clearly reaffirms on all occasions that it is neither a country of asylum, nor a final destination for refugees, let alone a country of resettlement and reserves the right to take measures aligning with international law and practice face to the current situation.\(^{128}\)

On the other hand, the United Nations considers the mass influx of civilians from Syria to Lebanon as a refugee movement and considers that most of these Syrians are seeking international protection and are likely to meet the refugee definition. However, since the launch of the latest funding appeal on December 15, 2014 and considering that the term refugees carries specific political connotations in the Lebanese context, the Lebanese government is only accepting and using the below terminologies;

- **Persons registered/seeking to register as refugees with UNHCR:**
  
  Refers to Syrian nationals who have been registered as refugees by UNHCR or who have approached UNHCR for registration.

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\(^{127}\) Lebanon Crisis Response Plan 2015-16 – Delivering the LCRP – Page 32

\(^{128}\) Lebanon Crisis Response Plan 2015-16 – LCRP 15 December 2014 – Page 1
• **De facto refugees or Syrian de facto refugees:** Refers to Syrian nationals entering the country since March 2011 whether registered, pending registration or unregistered.

• **Displaced from Syria:** Refers to all persons fleeing from Syria into Lebanon since March 2011, inclusive of Palestine refugees from Syria and Lebanese returnees.

• **Mass influx of refugees:** Used in any context that describes the scale of influx of persons in Lebanon fleeing the conflict in Syria.\(^{129}\)

Here, it is useful to clarify the difference between the terms “de facto” and “de jure”; “de facto” is used to characterize a status that must be accepted for practical purposes but is illegal or illegitimate. “De facto” is the contrary of “de jure” which means rightful, legitimate, just, or constitutional.\(^{130}\) Thus, Syrian refugees in Lebanon are considered by the Lebanese government “de facto” refugees since their refugee status is enforced by practical reasons and without lawful title since Lebanon did not sign the 1951 Convention and is not an asylum state.

The Lebanese government’s position is that “repatriation of de facto refugees from Syria is the preferred durable solution for this crisis, while abiding by the principle of non-refoulement and recognizing that conditions for safe return could precede a political solution for the conflict in Syria. Salam noted at the meeting of the “International Support Group for Lebanon” that “it is now

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\(^{129}\) Interview with Miriam Azar, Emergency Communication Specialist at UNICEF in Lebanon, December 17th, 2014

evident that there is no effective alleviation of this issue without serious burden-sharing, as we have requested on several occasions that is by the relocation of significant numbers of refugees in third countries in a collective commitment by the international community.”\textsuperscript{131}

Lebanon has adopted a policy paper in October 2014 setting three main priorities for managing the displacement situation:

1. Reducing the number of individuals registered in Lebanon with UNHCR as refugees from Syria.
2. Addressing the rising security concerns in the country and in municipalities.
3. Sharing the economic burden by expanding the humanitarian response to include a more structured developmental and institutional approach benefiting Lebanese institutions, communities and infrastructure. It also encouraged third countries to offer more resettlements and humanitarian admission opportunities for \textit{de facto} refugees from Syria.”\textsuperscript{132}

The Lebanese government estimates the number of Syrians both registered and unregistered with UNHCR to be as much as 1.5 million, in a country of just 4 million Lebanese. This fact has caused economic losses of USD 7.5 billion according to the 2013 WB/UN estimates. Lebanon is now calling

\textsuperscript{131} Statement by H.E. Mr. Tammam Salam President of the Council of Ministers of the Republic of Lebanon at the meeting of the “International Support Group for Lebanon” – New York – Friday, September 26, 2014
\textsuperscript{132} Lebanon Crisis Response Plan 2015-16 – Executive Summary – Page 3
for USD 2.14 billion funding required to implement the LCRP which is designed to basically;

1. Ensure humanitarian assistance and protection for the most vulnerable among the displaced from Syria and poorest Lebanese.
2. Strengthen the capacity of national and local service delivery systems to expand access to and quality of basic public services.
3. Reinforce Lebanon’s economic, social, environmental and institutional stability.\(^{133}\)

The response will be implemented on two phases. During the first phase through mid-2015, the LCRP will promote the above mentioned objectives and the second phase will follow a mid-year consultation with government to integrate the initiatives into the response.\(^{134}\)

The Lebanese government has also published the official overall donor humanitarian contributions from 2011 till 1\(^{st}\) of December 2014.

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\(^{133}\) Lebanon Crisis Response Plan 2015-16 – Dashboard – Strategic Objectives – Page 5

\(^{134}\) Lebanon Crisis Response Plan 2015-16 – Executive Summary – Page 4
Based on the above charts, Lebanon received USD 44 million in 2011, then it has received quadruple the amount the year after. In 2013, Lebanon received the biggest amount of contributions since the beginning of the Syrian crisis with USD 1.039 billion and finally in 2014, the amount of contributions decreased to USD 874 million. However for the coming two years, Lebanon needs USD 2.14 billion to implement the LCRP, an amount that is nearly equal to the total of contributions to date.

The second graph “RRP Funding Trend” shows that Lebanon has received 90% of the amount it has requested in 2012, 72% of the amount it has requested in 2013 and 46% of the amount it has requested in 2014, which means that the amounts of funds Lebanon has received are decreasing gradually with the passing years compared to the funds requested, and Lebanon will likely not receive a big part of the funds requested for 2015-16.

In a country where basic living costs are high and many key services are privately delivered, 29 percent of Syrian displaced in Lebanon are unable to meet their minimum requirements through their own household expenditures and do not have social safety nets. These extreme poor are more vulnerable to homelessness due to incapability to pay rent, illness and malnutrition due to insufficient diets and unhygienic conditions pushing them to adopt negative coping strategies that are mostly affecting children such as child labour and child marriage.

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However Lebanon officially states through its Crisis Response Plan 2015-16, that it depends on a strategic response to protect vulnerable young people from the pull of criminality and preserve their human potential through expanding formal and non-formal education, skill-building, psycho-social support for those in need and building community referral and response mechanisms for at-risk girls and boys.\textsuperscript{136}

The next part of this thesis will discuss Syrian children situation in Lebanon in 2013 and 2014, and the Lebanese response to it, which will be assessed based on International Law instruments, mainly the C.R.C and the UNHCR Guidelines of 2009 already elaborated in the literature review.

The situation will be analyzed based on International Organizations reports, the LCRP, interviews with Lebanese officials, journal articles and the last observations formulated by the Committee on the Rights of the Child regarding children rights in Lebanon in June 8\textsuperscript{th}, 2006. Sections will be divided upon their appearance in the aforementioned report.

\textsuperscript{136} Lebanon Crisis Response Plan 2015-16 – Response Strategy – Page 23
Chapter Four:

Syrian Refugee Children in Lebanon

Lebanon officially declared in 1993 that “it abides with the principle of first call for children, which binds the government to assign high priority to the allocation of resources, at all times, to the essential needs of children.” In fact, despite the political crisis and armed conflict in the country since 1975 that left devastating damage especially on the social level, Lebanon ratified the United Nations Convention on the Rights of the Child (CRC) on May 14th, 1991 and the Optional Protocol on the sale of children, child prostitution and child pornography, in 2004, and has not lodged any reservations to CRC nor to the Optional Protocol. On February 11, 2002, Lebanon also signed (but has not yet ratified) the Optional Protocol on the involvement of children in armed conflict.

Since then Lebanon has experienced an improvement in the situation of children. In 1994, the Higher Council for Childhood was established then many child rights-mandated governmental bodies were established within the Ministry of Justice, Ministry of Interior and Municipalities, and the Ministry of Labour. The existing Lebanese laws comply, in general, with most of what is required under the Convention, and the Lebanese government adopted many amendments in its attempt to comply with the balance of such requirements.

The CRC obliges the state party to protect all children on its territory with no discrimination between a national child and a foreigner. In fact, articles 53 to

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57 of the CRC explicitly deal with the rights of refugees in a state party. Since Lebanon ratified the CRC with no reservations, it has an international responsibility, as previously discussed in the literature review, to protect refugee children. Furthermore, based on the principle of non-discrimination, protection of refugee children in Lebanon should not be limited to the Convention’s articles dealing with refugees only, but all the articles of the Convention should be applied to protect children refugees in Lebanon.

This section is a case study that will evaluate the application of the Lebanese government of the CRC regarding Syrian children in Lebanon. Besides, since Lebanon has not submitted any state reports to the CRC since 2004, we will have to rely on interviews with concerned Lebanese officials in addition to NGOs reports and statistics. By the end of this chapter, we will be able to assess the degree of Lebanon’s fulfilment of its international obligations in this matter.

1. Overview

More than three years have passed since the beginning of the Syrian crisis. However, in January 2015 “a snow storm called “Zina” took the life of 10 year-old Hiba Abdel Ghani.” The Syrian refugee girl, who came from Homs seeking protection in Lebanon, was caught by the storm in the Eastern Bekaa camp region.

138 In Lebanon, snow storm makes Syrian refugees' life even worse – Finland Times – January 8, 2015
http://www.finlandtimes.fi/weather/2015/01/08/13124/In-Lebanon,-snow-storm-makes-Syrian-refugees-life-even-worse
Conditions of the Syrian refugees in Lebanon have been described by Ninette Kelly, Representative of the UN High Commission for Refugees, as a “human catastrophe”. The Lebanese government has been blamed for its slow reaction to the refugee crisis and “international donors have been reluctant to channel aid through an administration seen as inadequately accountable and transparent.”

In situations like these, children’s needs do not get first priority. However, refugee children are subject to a multitude of and threats and harm to their development, well-being and survival and could be the most damaged category of all refugees.

According to mental health doctors, “the degree of deprivation and how long it continues obviously affects the severity of damage to a child’s development” and “child refugee may face very different circumstances based on whether they are alone as unaccompanied minors, with non-related individuals, or with some or all of their family members.” In addition, “the lack of nutrition affects children more rapidly and more seriously than adults, and children are also more likely than adults to develop infections disease under

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flight conditions, since they have not yet developed resistance as have adults.”143

In reality, Syrian children in Lebanon are facing the severe displacement impacts on many different levels. A big number of them born in Lebanon do not have birth certificates; when a Syrian child is born in Lebanon, his or her parents should register their birth in Syria or go through a long registration in Lebanon. Syrian parents with no identification papers cannot register their children which make the new-born undocumented. In addition, many refugee families are choosing to send their school-aged children to work to bring money instead of enrolling them in school.

Syrian refugee children are working in fields and farms and are in many cases subject to exploitation and abuse. “Female children are facing trafficking, discrimination, mistreatment, domestic violence and early marriage for reasons of security.”144 “Many refugee families are forcing their daughters to marriage since they believe they will be safer being married than to go through the harsh condition their families are going through.”145

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Lebanese Government and International Organizations

“In 2013, during the snowstorm Alexa, five Syrian children froze to death.” Talking to *Al-Akhbar* newspaper, ex-Minister of Public Health Ali Hassan Khalil refused to take any blame for the deaths, considering that, “as a ministry, it is not its legal responsibility to provide medical care for Syrian refugees, nor do it has the capabilities to do so.” Instead, he noted that “the responsibility falls on the UN agencies and international donors that have not given the Lebanese government a single Lebanese pound to relieve the refugees.”

Similarly, ex-Minister of Social Affairs, Wael Abou Faour, in an interview with *Al-Akhbar* newspaper, “had no qualms about admitting that he is nothing more than the person who requests aid from an employee of the United Nations because the Lebanese state was unable to make a decision to build

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146 In 2013, the snowstorm Alexa took the life of Uday Mohammed Ghazi, a 3-month-old Syrian refugee in the Baben refugee camp in Ersal, eastern Lebanon; Mahmoud Raad, a 3-month-old Syrian refugee who was living in a wood shack in Akroum, Akkar, northern Lebanon; Abdullah Shazli, a 9-month-old Syrian refugee in Hai al-Hariryeh, Deir Zanoun, Bekaa, eastern Lebanon; Mohammed al-Saghir, a 10-month-old Syrian refugee who was living in a tent on a farm in the western Bekaa, eastern Lebanon and Shahd al-Sharid, a 21-month-old Syrian refugee who was staying in a room in a building under construction in Bar Elias, near Zahleh, eastern Lebanon.


148 Ali Hassan Khalil was the Minister of Public Health from 13 June 2011 till February 2014 in the Cabinet of Najib Mikati. Hassan Khalil is currently (January 2015) Minister of Finance in the Cabinet of Tammam Salam.


151 Wael Abou Faour was the Minister of Social Affairs from 13 June 2011 till February 2014 in the Cabinet of Najib Mikati and he is currently (January 2015) Minister of Public Health in the Cabinet of Tammam Salam.
temporary camps for refugees.” But he then added that “it is not the state alone to be blamed since all donations are given to international NGOs to do with it as they please not to the Lebanese government, however when there is failure, the government is held responsible by people.”

Abou Faour noted that “the government tries to come up with a mechanism for coordination among the NGOs, but it cannot succeed when most of NGOs working for the relief of refugees are dealing with this issue like it is a business.”

The tendency of the Lebanese government to put the blame on NGOs working without being monitored and the roots of this problem were noticed by the Committee of the CRC in its 2006 observations. The Committee on the Rights of Child warned against the trend of contracting out services to non-governmental organizations, noting that this practice weakens accountability of the government and external monitoring by civil society.

Seeing that the CRC applies to all children on the Lebanese territories, several actors on the field have extended their services to Syrian refugees and many others were newly established after the beginning of the Syrian crisis. However, though the government was considered “flexible by NGOs and it did

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155 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 4 Paragraph 21
not create any obstacles in the face of their work,“\(^{156}\) the lack of monitoring, which is a government responsibility, led to a situation where all the parties in question blamed each other. In addition to that, based on the previously mentioned statement of the Minister of Social Affairs Rachid Derbas; “Lebanon has only recognized that there was a humanitarian crisis and a need to set a policy in June 2014.”\(^{157}\)

According to Miled Abou Jaoude, Head of Partnerships at the NGO, Save the Children,

“Lebanon does have some regulations regarding contracting services to NGOs and INGOs; these organizations based on the Lebanese law need to give a notice to the Ministry of Interior Affairs some INGOs receive special authorizations from the government especially during emergencies to be able to import their needed logistics. Every year an inspector is sent from the Ministry of Interior Affairs to monitor and audit the financial status of these organizations.”\(^{158}\)

However, Abou Jaoude notes that

“there are no standards of quality of the services provided by these NGOs and that’s what the Ministry of Social Affairs has been asking for since the

\(^{156}\) Interview with Child Protection Specialist at UNICEF Lebanon Abir Abi Khalil on December 15th, 2014
\(^{157}\) *As-Safir* Lebanese Newspaper, Lebanon adopts policy to deal with Syrian refugees – June 3, 2014
\(^{158}\) Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16\(^{th}\), 2015
beginning of the crisis; a quality criteria similar to ISO system used to monitor food quality in restaurants.\textsuperscript{159}

**Lebanon and the CRC**

Lebanon considers that it has demonstrated a commitment to all international norms and a generous response. However, the statement of the Prime Minister Tammam Salam at the meeting of the “International Support Group for Lebanon” in September 2014 clearly shows that Lebanon is aware of its incapacity to protect refugees therefore it decided to impose restrictions to their entry. Theoretically instead, Lebanon, being a state party to the CRC, is responsible to provide protection to all children on its territory including Syrian children refugees.

Lebanon submitted its first report to the Committee on the Rights of the Child in 1994, its second report was submitted in 1998 and the third and last was in 2004. The Committee then published its related Concluding Observations on June 8th 2006. Lebanon was required to submit its fourth and fifth periodic reports combined in 2011 but it did not. Lebanon should also submit a sixth report in 2015.

According to Miriam Azar, emergency communication specialist at UNICEF, “Lebanon is now drafting its sixth report in coordination with UNICEF and it’s expected to be submitted to the Committee by June 2015.”\textsuperscript{160}

\textsuperscript{159} Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015

\textsuperscript{160} Interview with Miriam Azar, Emergency Communication Specialist at UNICEF on December 15\textsuperscript{th}, 2014
Lebanon officially considers that its legislative texts are in conformity with the stipulation of the Convention on the Rights of the Child.\textsuperscript{161} In fact, the Lebanese definition of a child is “any person who has not yet reached the age of eighteen,”\textsuperscript{162} which is the same definition adopted by the Convention on the Rights of the Child (CRC). However, this question won’t stop on national legislative texts neither on the definition of child but on the application of these texts and on the fulfillment of international responsibilities regarding all children.

2. Application of National and International Children Rights

The Committee observations of 2006 have dedicated a special section to the condition of refugee children in Lebanon; it notes the “gap in their legal protection since Lebanon has not signed the 1951 Convention Relating to the Status of Refugees.”\textsuperscript{163}

Since then, no progress was noticed in the matter of drafting any texts protecting refugees or children refugees; in fact, this category has always been subject to the whims of the successive governments and their Ministerial decisions.

On the other hand, according to Miled Abou Jaoude, Head of Partnerships at Save the Children; “based on the Ministry of Social Affairs’ action plan, the Ministry has started implementing the Best Interest

\textsuperscript{162} Lebanese Civil Code, issued March 9, 1932 Article 4 which states that the age of majority is 18 years old
\textsuperscript{163} Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 17 Paragraph 71
Determination Process that aims to protect asylum-seeking children based on their best interest. Therefore, with the collaboration of UNICEF and UNHCR, child protection working group has been established to monitor the best interest of refugee children in Lebanon."\textsuperscript{164} However, Abou Jaoude considers that “this working group is so overloaded and is unable to provide support to all refugee children.”\textsuperscript{165} But he also states that “Save the Children was not informed by any case of deport of refugee children back to Syria since the beginning of the crisis.”\textsuperscript{166}

**Non-refoulement**

Recently, there is no evidence of refoulement back to Syria of Syrian refugees even if they are caught with no proper documentation. “It is not clear at which point in time the General Security stopped handing over Syrian nationals to Syrian authorities.”\textsuperscript{167} However, the practice of not returning Syrian refugees to Syria remains at the discretion of the government, which is changing all the time. “Lebanon does not apply a uniform standard regarding detention of individuals who illegally enter the country.”\textsuperscript{168}

According to the Minister of Social Affairs, Rachid Derbas, “The Lebanese government [has] never returned any child minor back to Syria even if they were detained for committing unlawful acts and it never returned any Syrian juvenile...
after being released from detention centers.”169 However according to Fehmi Karami, advisor to the Minister of Social Affairs for childhood issues, “if Syrian minors cross Lebanese borders illegally and get arrested, they would be referred to the court and would be subject to a trial; in this case the Judge investigates whether the child was obliged to cross Lebanese borders illegally to be protected from a threat that could put his life in danger or not, if yes, the child would be considered innocent and will be released directly. If not, the child would be sentenced of alternative means like blame or social services but would never be placed in a detention center for crossing the borders illegally.”170

After adopting its new border policy in December 2014, “Lebanon still allows the entrance of unaccompanied and separated Syrian children with no restrictions since they are considered by the government as “the exceptional category” including people with disabilities or those in need of a special health treatment not found in their country.”171 According to the Minister of Social Affairs, Rachid Derbas, “the government is currently surveying all de facto refugees living in Lebanon since the borders were not controlled before; it’s trying to take control by not allowing more de facto refugees from crossing the borders unless for humanitarian reasons and emergency cases and most of these cases are children to be reunited with their parents.”172

169 Interview with Minister of Social Affairs Rachid Derbas, February 24th, 2015
170 Interview with Fehmi Karami, Advisor to the Minister of Social Affairs in childhood issues, February 24th, 2015
171 Dana Sleiman, UNHCR spokeswoman, in an interview with “Al Ousbou’a fi Saa’a” (The Week in an Hour) – New TV - January 25, 2015
172 Interview with Minister of Social Affairs Rachid Derbas, February 24th, 2015
Based on the Lebanese Crisis Response Plan for 2015-2016, the government considers that “it had played a positive role in ensuring protection of de facto refugees from Syria, in particular by upholding the principle of non-refoulement, and continues to be active in the coordination of protection activities.” But it adds, on the other hand, that “the government has made entry to Lebanon from Syria difficult since mid-2014 which has resulted in a significant reduction in admissions of PRS and de facto refugees.”

The government has announced its border policy by the end of 2014 exempting humanitarian exceptions that “will be allowed admission of certain individuals based on defined humanitarian needs.” Lebanon has set criteria for the admission to the territory and it plans to “enhance processes including technical and institutional support to the Directorate of General Security both at border points and renewal centers throughout Lebanon, regarding movements to and from Syria and residency in Lebanon.”

Based on new border policies, “legal stay in Lebanon is recognized through the possession of residency documents; Syrians receive a residency valid for six months, renewable free of charge for an additional six months. After that, a renewal is made upon payment of USD 200 for persons 15 years of age.
and older.” This means children aged from 15 years old to eighteen years old are obliged to pay USD 200 after a year of their stay in Lebanon.

The LCRP explicitly notes that the “lack of legal residency status constricts the freedom of movement of de facto refugees and thus their access to basic services, assistance and income-earning opportunities and which might pose barriers of obtaining civil status documentation like birth registration which may lead to heightened risks of statelessness. In addition to that, without proof of legal status de facto refugees may also be at risk of arrest and detention.”

However, Lebanese Government promised in its Crisis Response Plan for 2015-2016 to conduct legal awareness campaigns, individual counselling and representation by legal partners. The Government also assured in the same document “to sustain registration and verification of de facto refugees in line with Government policies, providing opportunities to identify persons with specific needs and collect and update information on all Syrians registered with UNHCR as refugees.”

The following part will identify commendable practices of the CRC’s main principles and articles;

**General Principles (articles 2, 3, 6 and 12 of the convention)**

- **a. The Right to Non-Discrimination (Article 2)**

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177 Lebanese Crisis Response Plan 2015-2016: Sector Response: Protection Sector
178 Lebanese Crisis Response Plan 2015-2016: Sector Response: Protection Sector
179 Lebanese Crisis Response Plan 2015-2016: Sector Response: Protection Sector
The Lebanese Constitution recognizes “the equality of rights and obligations between all citizens without discrimination.” However, it is clear that Lebanon should revise its laws to apply to all children living on the Lebanese territory and not just Lebanese nationals, especially that it is a state Party to many International Conventions related to the elimination of discrimination such as “the Convention on the Elimination of Discrimination against Women.”

Article 7 of the Constitution states the “equality of all Lebanese children before the law as well as equality in obligations and civil, political, social and economic rights without discrimination.” Law No. 686 and other relevant laws and regulations make primary education free and obligatory for all Lebanese but do not apply for non-Lebanese. Also Law No. 220 regarding the right of non-discrimination for persons with disabilities applies only to Lebanese citizens.

“Lebanese personal status and family affairs are governed by confessional groups and they differ from one to another.” Therefore gender based discrimination is not very clear in Lebanon. “Discrimination against girls is

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180 The Preamble of the Lebanese Constitution
181 The United Nations general assembly adopted CEDAW Convention (Convention to Eliminate of All Forms of Discrimination against Women) on 19 December 1979 and came into force on 3 September 1981. Lebanon ratified it in 1996 with some reservations on Article 9 (2) regarding nationality, Article 16 (1c, 1d, 1f, & 1g) regarding marriage and family life, and Article 29 (1) regarding arbitration.
182 Article 7 of the Lebanese Constitution
not always visible since it happens within the home and is hard to monitor and report.\textsuperscript{184}

According to the Committee on the Rights of the Child’s Concluding Observations in 2006, “the Lebanese domestic law leaves refugee children without protection, especially with regard to their access to adequate social and health services and educational facilities.”\textsuperscript{185} The Committee also notes with concern the existence of racial discrimination and xenophobia in the country though Lebanon is a state Party to the Convention on the Elimination of Racial Discrimination (CERD).

These gaps in protection have caused many obstacles to Syrian children in accessing private health services, safe spaces in educational settings or psycho-social support. In fact according Save the Children Organization, “Syrian children are being subject to several acts of discrimination; for example in education; discrimination is sometimes exercised by teachers against Syrian children; sometimes Lebanese teachers are annoyed of the fact that a big number of their students is Syrian, sometimes discrimination is seen among students when Lebanese students treat Syrians in superiority due to their poor conditions. Also discrimination is seen between Palestinian children coming from Syria and Palestinian children born in Lebanon; when the latter consider that

\textsuperscript{185} Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 6 Paragraph 27
those coming from Syria are taking their places and their benefits from UNRWA.”

Miled Abou Jaoude, at Save the Children organization, notes that “the term xenophobia means hatred against someone speaking another language than the country’s spoken language. However, we cannot consider that it exists in Lebanon among Syrian refugees since their mother tongue is Arabic. Nevertheless, he adds, “it could exist in the matter of different accents since sometimes Syrians are being pushed to learn how to speak Lebanese accent to avoid discrimination.”

According to the Minister of Social Affairs, Rachid Derbas, “Lebanon is not exercising any discrimination against Syrian children; Lebanon is not a racist country and does respect the principle of non-discrimination. For example, there are more than 100,000 children in Lebanese schools and in some public schools; the numbers of Syrians is even higher than that of Lebanese students.”

However, Derbas notes that “Lebanon did not review its domestic laws and is not implementing measures specifically targeted against discrimination but all policies being developed in or implemented in the matter of the protection

186 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
187 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
188 Interview with Minister of Social Affairs Rachid Derbas, February 24th, 2015
of Syrian de facto refugees in Lebanon do recognize the principle of non-discrimination.”\textsuperscript{189}

The minister then adds that “Lebanon is making such a great effort to raise the standards of living of both its citizens and its de facto refugees; and it can never be compared to other host countries like Jordan and Turkey where refugees are being placed in camps and do not have the freedom of leaving these camps.”\textsuperscript{190}

The Lebanese government has reserved a special section entitled “Social Stability” in its Crisis Response Plan for 2015 and 2016; to “strengthen communities and institutions ability to mitigate tensions and prevent conflict, and inform overall response on the evaluation of tensions.”\textsuperscript{191} It noted that it has received USD 18 Million for 2015 but it still needs USD 157.3 Million to implement this project that will cover all 242 communities under the supervision of the Ministry of Social Affairs and UNDP.

The government has stated in the same document that “it has been efficient in supporting the immediate needs of host communities by implementing over 246 Community Support Projects in the first nine months of 2014, but other activities specifically aimed at mitigating tensions were limited.”\textsuperscript{192} However, this section that promotes and promises “a particular focus on involving vulnerable youth in initiatives and a strong participation of

\textsuperscript{189} Interview with Minister of Social Affairs Rachid Derbas, February 24th, 2015
\textsuperscript{190} Interview with Minister of Social Affairs Rachid Derbas, February 24th, 2015
\textsuperscript{191} Lebanese Crisis Response Plan – Sectors Response: Social Stability
\textsuperscript{192} Lebanese Crisis Response Plan – Sectors Response: Social Stability
women”\footnote{Lebanese Crisis Response Plan – Sectors Response: Social Stability} did not mention the term non-discrimination considered relevant in the context of social stability.

**b. The Best Interests of the Child (Article 3)**

According to the CRC Committee, “this principle is not adequately reflected in Lebanon’s legislation, policies and programs.”\footnote{Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 6 Paragraph 30} In fact, there is no legislation in Lebanon that directly reflects the principle of the best interests of the child. Therefore the Committee has recommended that Lebanon review its legislation and administrative measures to ensure that Article 3 of the Convention is respected.

Some laws address this principle indirectly such as Article 27 of the Personal Status Law wherein the parent granted custody cannot take the child out of the country without the consent of the other parent. Lebanon has used this article to prove in its initial state report to the Committee on the Rights of the Child that the state safeguards the interests of the child. However this principle is wider than the question of custody.

One of the main problems in this matter is the absence of unified law for children since every religious group has its own personal status code which could not apply the principle of interest of the child.

Lebanon, until now has not reviewed its legislation to ensure that Article 3 of the CRC is duly reflected and taken into account. In addition to that, the
Higher Council for Childhood’s national strategy to apply the principle of the best interests “A World Fit for Children” that was welcomed by the CRC Committee cannot be applied to Syrian children in Lebanon. In fact, according to Sana’a Awada, Higher Council for Childhood representative, “HCC is not implementing any projects regarding Syrian children it’s only working for Lebanese children and its work is not related to the Syrian crisis or Syrian children.” The Ministry of Social Affairs has established a special section that’s working for Syrian refugees’ issue, however according to Alexandre Khachachou, communication officer at the Ministry of Social Affairs, “this section's work is only limited to the coordination between INGOs and the state since INGOs are the only organs that are receiving donations.”

In its Crisis Response Plan for the coming two years, the government did not address the principle of the best interests of Syrian children, however, as already cited, the Ministry of Social Affairs’ action plan mentioned this principle and based on this plan the Ministry has started implementing the “Best Interest Determination Process” in 2015 to protect Syrian Children.

Another central issue related to this principle is the juvenile justice system where criminal responsibility starts in Lebanon at the age of 7 which is one of the lowest in the world. According to Abir Abi Khalil, child protection specialist at UNICEF, “there was a law was drafted to raise the age of criminal responsibility, but since the parliament is not functioning now, nothing has changed and

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195 Interview with Sana’a Awada, Higher Council for Childhood Representative, February 18th, 2015
196 Interview with Alexandre Khachachou, Communication Officer at the Ministry of Social Affairs, February 18th, 2015
children can legally still be placed in jail at the age of seven and above depending on the Judges and how they see the case.\textsuperscript{197}

**Criminal Responsibility & Juvenile Justice**

According to the Lebanese Civil Code, in the matter of criminal responsibility, a child is “any person who has not yet reached the age of eighteen”\textsuperscript{198} However, the Lebanese law classifies children on four different categories regarding as to their punishments; “children under seven years old; children between seven and twelve years old, children between twelve and fifteen years old; and children between fifteen and eighteen years old.”\textsuperscript{199}

Cooperation between the state and the United Nations Office on Drug Control and Crime Prevention (UNODC) began in 1999 and ended in 2007. Currently UNODC is working on detention conditions with the Ministry of Justice.

In 2002, the Lebanese Parliament passed a law entitled “Protection of Children in Violation of the Law or Exposed to Danger”, that was developed by the Ministry of Justice and UNODC, in aims to overhaul to juvenile justice by “addressing the functions of juvenile courts\textsuperscript{200}, to replace punishment by educational and rehabilitative measures.”\textsuperscript{201}

This Law took into consideration the interest of children and that “juveniles are in need of special help that enables them to play a role in society

\textsuperscript{197} Interview with Abir Abi Khalil, child protection Specialist at UNICEF on December 15th, 2014
\textsuperscript{198} Civil Code, issued March 9, 1932 Article 4
\textsuperscript{199} Law Number 422 of 2002 Protection of at Risk Children or Children Violating the Law Article 6
\textsuperscript{200} Law Number 422 of 2002 Article 2
\textsuperscript{201} Law Number 422 of 2002
and should benefit from human and fair treatment." And based on it, juveniles should be punished through “public blame; placement under probation; protection, supervised freedom; and providing labor to benefit the public or compensate the victim.” Juveniles should also be protected at all stages of the judicial process; when a juvenile is interrogated, a social worker from UPEL (Union Pour la Protection de l'Enfance au Liban) must be present and must report back to the Juvenile Department in the Ministry of Justice which monitors the case.

As a result, “the population of juveniles in prisons decreased from 320 before 2002 to about 129 in 2006.” However, the Committee on the Rights of the Child noted that “some articles of Law No. 422 are not fully in conformity with the provisions of the convention. In particular regarding the very low minimum age of criminal responsibility, the overcrowded and incompliant prison facilities, the lack of statistical information on the application of the law No. 422 and the fact that juveniles can still undergo some trial procedures as adults.” The Committee recommended “raising the minimum age of criminal responsibility to 12 years, applying alternative measures such as community services, limiting deprivation of liberty to the shortest time possible, improving the condition of

202 Law Number 422 of 2002 Article 2
203 Law Number 422 of 2002 Protection of at Risk Children or Children Violating the Law Article 5
204 Judge Maroun Abu Jawde “Juveniles in Conflict with the Law or at risk: implementation of Law 422/2002”, Ministry of Justice, Lebanon 2006
205 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 21 Paragraph 84
detention and prison facilities and ensuring that persons under 19 have access to legal aid and independent and effective complaints mechanisms.”

The Ministry of Social Affairs is the party responsible for rehabilitation programmes, especially through its Protection of Juveniles Department that includes 10 specialized institutions contracted with the Ministry that extend their services to non-Lebanese and refugee children. However according to the third supplementary report submitted to the CRC on “the Rights of the Palestinian Child in Lebanon”, “refugee children are detained in excess of 60 days and without the protection of legal services nor the right to a lawyer, as well as usually receiving the maximum verdict at trial.”

According to a study developed by UNODC on the “Juvenile Justice in Lebanon” in 2003, “juvenile girls are detained in prisons for women given the absence of centers of detention especially for them. Prison sentences are usually of less than two months in which no activities or programmes of rehabilitation are carried out.”

However, UPEL representative, Nisrine Farhat, assured that “since 2004, juvenile girls are being placed in a specific center for them in Dahr Al-Basheq, boys, on the other hand, are being placed in a center in Fanar or in a section in Roumye jail reserved to children only.” Though, she noted, that “before the trials

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206 Committee on the Rights of the Child Observations on Juvenile Justice (CRC/C) 46, Paras. 203-238
207 Coordination Forum of the NGOs 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.”
and during investigations all children are being placed in adults prisons until the judge’s decision is issued.” Farhat also added that “prison sentences duration for juveniles might exceed the year to a maximum of a year and a half.”

As for their nationalities, the UNODC study has shown that in 2003, “60% of juveniles in Lebanon were Lebanese, 20% were Syrian and a smaller proportion of the children (8%) were of Palestinian origin.” Obviously this percentage of Syrian children in prisons has increased after the beginning of the Syrian crisis in 2011.

In fact, UPEL representative, Nisrine Farhat, noted that “the exact numbers of Syrian children in Lebanese prisons are still unknown; however what we can be sure of is that for every single Lebanese case, we are attending 10 other Syrian cases.” She added that “the group age with the highest number of crimes is from fifteen to eighteen years old.” However, when asked about the minimum age of criminal responsibility, she assured that “all children under twelve from any nationality when committing a crime are placed in institutions but never in prisons.”

According to Farhat, “a social worker from UPEL is always available during the interrogations of all Syrian juveniles and UPEL that is a contracted NGO by the Ministry of Justice since 1936 is doing its best to protect all juveniles in Lebanon but with the available limited resources.” However, when asked

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209 Interview with UPEL representative Nisrine Farhat in February 7th, 2015
211 Interview with UPEL representative Nisrine Farhat in February 7th, 2015
about the rehabilitation of Syrian juveniles by the government, Farhat stated that “this is not considered a priority by the Lebanese government towards neither Syrian nor Lebanese juveniles.”

According to Nabil Al-Halabi, founder of the Lebanese Institute for Democracy and Human Rights (LIFE), “Lebanon has arrested many children in Irsal camps claiming that they have connections with the terrorist group ISIS (Islamic state in Iraq and Syria). Among these children three were injured and they have died during interrogations.” However, “the Lebanese government did not open any investigations about their death.” Al-Halabi notes that “UNHCR and UNICEF did not question this issue since their work is only limited to offering basic relief assistance and they do nothing to protect children’s rights.”

On the other hand, Abir Abi Khalil, child protection specialist at UNICEF stated that, “sometimes we hear about Syrian children condemned of working with ISIS being placed in adult jails based on the fact that if they were placed in juvenile detention centers, they might have a bad influence on other children but we’re not sure and nothing is clear yet regarding this issue.”

212 Interview with UPEL representative Nisrine Farhat in February 7th, 2015
213 Interview with Nabil Al-Halabi (Lawyer), founder of the Lebanese Institute for Democracy and Human Rights (LIFE) – December 16th, 2014
214 Interview with Nabil Al-Halabi (Lawyer), founder of the Lebanese Institute for Democracy and Human Rights (LIFE) – December 16th, 2014
215 Interview with Nabil Al-Halabi (Lawyer), founder of the Lebanese Institute for Democracy and Human Rights (LIFE) – December 16th, 2014
216 Interview with Abir Abi Khalil, child protection specialist at UNICEF on December 15th, 2014
UPEL representative, Nisrine Farhat, noted that “Syrian juveniles are mostly condemned of stealing but a small number might have connections with ISIS and they might help the terrorist group through smuggling fighters or explosive substances; there’s always an assumption that children will not be toughly condemned therefore many mafias or terrorists use children to achieve their missions.”\textsuperscript{217} However, “UPEL makes sure that there’s no exercise of physical or emotional pressure on juveniles during interrogations.”\textsuperscript{218}

On the other hand, the Minister of Social Affairs, Rachid Derbas, did not accept any claims about Syrian children being tortured or placed in adult jails based on their connections with terrorist groups; according to him, “the government never placed any Syrian child for any reason in adult jails”. According to him, “there are hatred campaigns being launched from both opposed political sides in Lebanon and such claims could be part of these campaigns.”\textsuperscript{219}

Fehmi Karami, advisor to the Minister of Social Affairs in childhood issues, confirmed that “there might be a certain number of Syrian children in connection with terrorist groups in Lebanon but they are certainly not fighters.” He states “that Lebanese jails and detention centers are very far behind in meeting International standards and many issues are considered even more dangerous than placing children in adult jails, for example, people committing misdemeanors are placed with those who commit crimes; also there’s no

\textsuperscript{217} Interview with Nisrine Farhat, UPEL representative on February 7\textsuperscript{th}, 2015
\textsuperscript{218} Interview with Nisrine Farhat, UPEL representative on February 7\textsuperscript{th}, 2015
\textsuperscript{219} Interview with Minister of Social Affairs Rachid Derbas, February 24\textsuperscript{th}, 2015
segregation between detainees and convicts and that’s due to the lack of spaces and funds.”\textsuperscript{220}

As for discrimination against Syrian juveniles Karami states that “though the Lebanese law does make a distinction between nationals and foreigners; law related to juveniles treats both Lebanese and foreigner children similarly and this law is being fully implemented.”\textsuperscript{221}

When asked about the principle of non-refoulement, UPEL representative Nisrine Farhat affirmed that “the judge might sometimes decide to send juveniles back to Syria after their release in case they were considered a danger to the society but this of course depends on the nature of the crime committed.” Then she explained that “since Lebanon does not apply any measures to reintegrate juveniles in the society; they always leave detention centers without any improvement.” In fact, she adds “I met many fifteen year old children with the maturity of a nineteen year old adolescent; they don’t want to admit that what they did is wrong and they want to keep on doing it. Those kids will always be posing a risk to the society… because you know, we don’t live in Europe!”\textsuperscript{222}

\textsuperscript{220} Interview with Fehmi Karami, Advisor to the Minister of Social Affairs in childhood issues, February 24th, 2015
\textsuperscript{221} Interview with Fehmi Karami, Advisor to the Minister of Social Affairs in childhood issues, February 24th, 2015
\textsuperscript{222} Interview with Nisrine Farhat, UPEL representative on February 7th, 2015
On the other hand, the Minister of Social Affairs Rachid Derbas, states in this regard that "no Syrian juvenile was sent back to Syria after being released."  

Early Marriage

Another tragic example demonstrating the lack of implementation of the principle of the best interest of the child among Syrian children in Lebanon is the high rates of child marriage in refugee camps. In fact, a 2013 report by the UN Children's Rights and Emergency Relief Organization showed that a quarter of marriages that take place in the refugee camps involve girls under the age of 18. Another report by Save the Children called "Too Young to Wed", notes that 48% of these girls were forced into unions with men at least 10 years older than them". It also adds that “children marrying in Syria before the country’s conflict erupted in 2011 accounted for 13 percent of all marriages and it has doubled since the onset of war.”

Without adequate income to support their families and fearful of their daughters being molested, refugee parents – especially single mothers – may choose to arrange marriage for girls as young as 13. Early marriages are not regarded as a form of sexual abuse but rather are sometimes seen as a way to preserve the female’s honour or provide economic relief for the family.

However, girls who marry before 18 are more likely to experience abuse and domestic violence, and they have limited economic opportunities due to loss

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223 Interview with Minister of Social Affairs Rachid Derbas, February 24th, 2015
of schooling. They may be also at risk of sexual and reproductive health problems and are much more likely to die in childbirth than fully-grown women.

The CRC Committee was concerned in its 2006 Observations of the fact that “minimum age for marriage in Lebanon still depends on a person’s religion.” It has also recommended “that Lebanon takes urgent measures to engage the religions and confessional groups in efforts to prohibit in practice early and/or forced marriages.”

Actually, till now, there are no official statistics of child marriage in Lebanon; and according to Miled Abou Jaoude, Head of Partnerships at Save the Children, “whenever we want to talk about early marriage we should be aware of the fact that in both Lebanon and Syria there are too many sub-cultures; for example in rural areas like Dara’a and Deir el Zour early marriage is common; even in some Lebanese villages we witness a low minimum age of marriage especially for girls.” However, he adds, “early marriage rates did increase by the Syrian crisis; for example Syrians living now in Wadi Khaled received many threats from ISIS that the terrorist group might invade the village that’s why they were forced to marry their daughters to protect them from rape.”

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224 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 5 Paragraph 25
225 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 5 Paragraph 26
226 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
227 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
Abou Jaoude notes that “we have to be aware of the fact that the Ottoman-era personal status laws applies differently to each of 15 religion-based groups, established in the sectarian Lebanese laws that govern the personal status and effectively outlaw secular marriage or divorce and causes a great obstacle to the Lebanese government to protect vulnerable categories like children and women.”

However, Lebanon tried to solve this problem through giving civil authorities a role in this area. “In August 2014, a first draft regulating the marriage of minors was drawn up. But soon significant opposition from religious leaders, habitually resistant to any attempt to erode their monopoly over personal status issues, blocked the attempt.”

**Orphaned, Separated and Unaccompanied Children**

A big number of Syrian children in Lebanon came unaccompanied or were separated from their families accidently at the borders or simply abandoned. According to Andres Gonzalez, country director of War Child Holland, “it is difficult to estimate the number of unaccompanied children in Lebanon because many stay illegally and move around.”

Some NGOs, like Danish Refugee Council, have developed programs to monitor unaccompanied and separated children and provide them with short-

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228 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
term shelter with a foster family. However according to UNICEF, “these programs only capture 30 to 50 percent of them because official statistics can be misleading since they involve both separated and unaccompanied children, defined differently by United Nations guidelines.”231

As stated by Anthony MacDonald, UNICEF child protection officer, “unaccompanied children could be more at risk, because they have been separated from both parents and relatives, and are not under the care of a legal guardian and could be more prone to exploitation or forced labor.”232

Some unaccompanied or separated children were reunited with their family members through the work of the International Committee of the Red Cross (ICRC), in the collaboration with UNICEF, which is dedicated to re-establish family tracing for some unaccompanied children based on the best interest documentation cases through its delegation located in Damascus.”233

Finding suitable care provisions for unaccompanied children in Lebanon is difficult and most of them are being placed in institutions. According to Miriam Azar, UNICEF’s communication specialist, “when abandoned children are found on the streets, authorities refer them to the judiciary, where they come to the attention of the Union for the Protection of Juveniles in Lebanon. The


232 Id.

233 Interview with Abir Abi Khalil, child protection specialist at UNICEF on December 15th, 2014
association sometimes sends the children to shelters, including Home of Hope in Kahaleh.\(^{234}\)

Social care institutions department in the Ministry of Social Affairs is one of the largest running departments; “more than half of the Ministry’s budget goes to funding its various care institutions”\(^{235}\). However, “non-Lebanese children do not benefit from this funding.”\(^{236}\) Moreover, the institutionalization of children is contradictory to the CRC.

According to Miled Abou Jaoude, Head of Partnerships at Save the Children, “UNHCR agents are available on the borders in Masna’a and Al-Arida and they are making sure of gathering all unaccompanied children on the borders; however unaccompanied Syrian children cannot be placed in Lebanese institutions covered by the Ministry of Social Affairs only Lebanese children are being admitted in these institutions.”\(^{237}\)

Abou Jaoude explains that “there are some exceptions to this case; for example Caritas is trying to provide unaccompanied children with the needed protection but available places for Syrian children are very limited and UNHCR doesn’t cover their stay in these institutions as well; UNHCR and other related


\(^{236}\) Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015

\(^{237}\) Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
organizations try to find alternative care measures but this is a very hard mission that’s still not well organized until now.”

According to the Minister of Social Affairs, Rachid Derbas, “the Ministry of Social Affairs is not implementing any special procedures to protect unaccompanied, separated and orphaned children.” He states that “this is UNHCR’s job not ours.” However, the same Minister’s advisor on the issues of childhood, Fahmi Karami notes that “we should make a distinction between children who are convicted to be placed in pastoral institutions and others who are being placed in such institutions for other reasons. The Ministry of Social Affairs contracted many institutions to place convicted children, as for orphans or unaccompanied children; the Ministry does not cover their stay in these institutions unless their mothers are Lebanese.”

Articles 5 and 18 of the CRC clearly recognize the importance of family environment and alternative care for children deprived of a family environment. In fact, the CRC Committee notes in its 2006 Concluding Observations “the high number of children placed in institutions and the lack of the possibility of having the placement decision reviewed by a civil court.”

It also recommends the government “to develop traditional foster-care system including "Kafalah" (alternative care of children), to invest in systematic

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238 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
239 Interview with Minister of Social Affairs Rachid Derbas, February 24th, 2015
240 Interview with Fehmi Karami, Advisor to the Minister of Social Affairs in childhood issues, February 24th, 2015
241 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 9 Paragraph 43
education and research in the field of protection of children and to develop effective regulation and evaluation mechanism for alternative care."\textsuperscript{242}

The Lebanese law recognizes the importance of the family and the right of the child not to be separated from it. The Lebanese Penal code stipulates that “no child under 18 may be segregated from his/her family.”\textsuperscript{243} It adds that “anyone who separates a child under 12 from his/her parents or guardian is punishable by imprisonment.”\textsuperscript{244}

However, despite the recommendation of the Committee of the CRC\textsuperscript{245}, Lebanon has not ratified the Convention of Hague 1993 on protection of children and cooperation in respect of inter-country adoption\textsuperscript{246} to provide an alternative care to children within a family regardless of the child’s origin, civil, social or religious status. Though, the ratification and implementation of this convention would have been useful to orphaned, separated and unaccompanied Syrian children and would have avoided the government from recurring to CRC contradictory measures like placing children in institutions.

**Nationality & Protection of Child Identity**

Many Syrian children in Lebanon are becoming stateless due to negligence or lack of awareness by their parents of the importance of registering

\textsuperscript{242} Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 9 – 10 Paragraph 44
\textsuperscript{243} Lebanese Penal Code Decree 119
\textsuperscript{244} Lebanese Penal Code Article 495
\textsuperscript{245} Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 10 Paragraph 46
them at birth. “Some couples get married before coming to Lebanon and do not register their marriage in Syria before leaving. Other couples marry in Lebanon but through unauthorized Sheikhs resulting in difficulties registering the marriage. This issue often comes up when couples are then trying to register the birth of their baby and they cannot because they have not registered their marriage.”

Many others put the blame on the Lebanese government for complicating the procedure of a child’s registration since it has multiple steps that require travel from one government office to another, it needs money for fees and, most importantly, it requires a big number of documents that could be left behind in Syria or destroyed along with their homes.

In order to register a newborn, parents should first receive a birth notification from an authorized doctor or midwife. They must then take the birth notification, along with their own identification cards, to the local registrar (Mukhtar) to get a birth certificate for a small fee. Then they have to register the birth certificate with a local government department handling family status records. At the end, parents should register it again at the provincial personal status department. Each of these steps has its own charges.

Though Lebanon is a state party to the 1989 Convention on the Rights of the Child and the 1966 International Covenant on Civil and Political Rights which require the registration of the birth of every child and reaffirm a child’s right to a

\(^{247}\) Information, Counselling and Legal Assistance Programme, NRC Lebanon, Update on Marriage Registration for Refugees from Syria: Understanding the Procedures and Identifying the Challenges Faced by Refugees When Registering Marriages in Lebanon, Norwegian Refugee Council 9 -12 (June 2014).
nationality, “around 30,000 Syrian children born as refugees in Lebanon are in a legal limbo, not registered with any government, exposing them to the risk of a life of statelessness deprived of basic rights.”

Theoretically, families in Lebanon are obliged by the Personal Status law to register their newborn within a month of birth. A child “obtains the Lebanese nationality only if he/she is born to a Lebanese father or born in Lebanon and not acquiring by birth a foreign nationality or, born in Lebanon to unknown parents or to parents without a nationality.” However, “this last condition allowing naturalization is generally not applied to stateless persons and neither are safeguards against statelessness at birth.”

The Lebanese Penal Code also protects the sanctity of the identity of children. For example article 492 stipulates that “the abduction or hiding of a child under seven years old, any substitution of one child for another, or any attribution of a child to a woman not his natural mother are felonies punished by three to fifteen years hard labor.”

But, according to UNHCR, “despite the fact that 29,000 Syrian refugees have been born in Lebanon, indications are that birth registration levels are extremely low. Based on a survey of 5,779 Syrian newborns, 72% do not

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249 Personal Status Records Registration Law of 1951 Article 11
250 Lebanese Nationality Law issued by Decree Number 15 of 1925 Article 1
251 UNHCR Lebanon Statelessness Update – June 2014 (based on a survey of 5,779 newborns registered with UNHCR between 1 August 2013 and 31 January 2014.)
252 Lebanese Penal Code Article 492
possess an official birth certificate and 42% of Syrian newborns lack official birth
certificates because their parents lack documentation required by civil
registries.”

Undocumented children can go to school but cannot undergo official
public exams and cannot go to universities. The same applies for access to
health care. Children born of non-ID Syrian fathers can be registered as
refugees with UNHCR but are subject to arrest at every check point at any time.

Children born to a Syrian father and a Lebanese mother are not able to
acquire nationality since nationality can only be transmitted through the father. In
its 2006 concluding observations, the CRC Committee “urges Lebanon to review
its legislative decision No, 15/1925, where a Lebanese mother has not the right
to confer Lebanese citizenship to her child if the father is not Lebanese.”

According to UNHCR, “gaps in legislative and administrative framework in
Lebanon create new cases of statelessness as well as prevent longstanding
cases from being resolved.” In addition, Lebanon is not a signatory to either
the 1954 Convention on the Status of Stateless Persons or the 1961 Convention
on the Reduction of Statelessness.

However according to the Minister of Social Affairs, Rachid Derbas, “the
Government cannot register Syrian children who do not have identity papers; the

\textsuperscript{253} UNHCR Lebanon Statelessness Update – June 2014 (based on a survey of 5,779 newborns registered
with UNHCR between 1 August 2013 and 31 January 2014.)
\textsuperscript{254} Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006,
CRC/C/LBN/CO/3, Page 8 Paragraph 40
\textsuperscript{255} UNHCR Lebanon Statelessness Update – June 2014 (based on a survey of 5,779 newborns registered
with UNHCR between 1 August 2013 and 31 January 2014.)
nationality can only be acquired from their country; Syrian children are being provided with UNHCR registration card and certificate of birth from doctors and this is enough to keep them safe from statelessness.” He also adds that “the Lebanese Government does not arrest Syrian children who do not have identity papers and they do have full access to health and education services but they should have at least a UNHCR registration card.”

256 Interview with Minister of Social Affairs Rachid Derbas, February 24th, 2015

257 The Lebanese Constitution – Article 10

c. The Right to Life, Survival, and Development (Article 6)

The right to life, survival and development is the third general principle of the CRC. This principle can be reflected in some Lebanese laws like article 504-413 of the Penal Code that protects the child from rape and abuse and article 514-536 of the same code that considers acts like persuading a child into immortal acts, forced marriage, prostitution or begging are punishable crimes.

This principle could be more reflected when examined in more specific subjects such as education, health and protection.

Education

According to legislative texts, education in Lebanon is free at the primary level for all children on Lebanese soil. Article 10 of the Lebanese Constitution states that, “education is free insofar as it is not contrary to public order and morals, and does not interfere with the dignity of any of the religions or creeds.”

257 The Decree Number 26/1955 provides “free education at the primary
level to all Lebanese children.”\textsuperscript{258} The Law Number 686/1998 makes “education up to twelve years old mandatory”.\textsuperscript{259}

In 2003, the Ministerial decision Nb. 47/18-9-2003 “exempted all public education to Lebanese and non-Lebanese students in the pre-school, first and second grade levels from registration fees.”\textsuperscript{260} And in 2000, an attention was given to children with disabilities, and their right to an education covered by the government up the age of twelve was recognized.”\textsuperscript{261}

The educational system in Lebanon is classified into elementary and intermediate levels; catering for the age group 6-15; and secondary level, catering for the age group 16-18 years old.

According to last figures reported by UNESCO in 2012, “School enrolment rates in Lebanon are high and even across genders; 84.9% of girls were enrolled in primary school in comparison with 92.8% of boys. Enrolment decreases in secondary schools, where it is reported at 74.3% for girls and 73.7% for boys.”\textsuperscript{262} “Enrolment rates in private schools (69.7%, 2010) in Lebanon are significantly higher than the enrolment rates in public schools (30.3%, 2010).”\textsuperscript{263}

\begin{itemize}
\item \textsuperscript{258} Legislative Decree Number 26 of 1955, Article 17
\item \textsuperscript{259} Law Number 686 of 1998
\item \textsuperscript{260} Ministerial decision Nb. 47/18-9-2003
\item \textsuperscript{261} Law Number 220 of 2000, Article 59 and Article 61
\item \textsuperscript{262} UNESCO, Institute for Statistics, “UIS Statistics in Brief – Lebanon”, 2012
\item \textsuperscript{263} Central Administration for Statistics 2009-2010
\end{itemize}
Public schools are financed by the Ministry of Education and Higher Education (MEHE). However, education in Lebanon has not yet met the CRC standards; it is not entirely free since there are taxes and books and stationery charges that make parents pay a certain sum per child every year. UNESCO also reported that “a total of 17,915 children and 49,775 adolescents were out of school in 2012”.\(^{264}\)

The CRC Committee recommended the Lebanese government to “implement child rights in early childhood and to establish a national mechanism to promote develop and coordinate early childhood education.”\(^{265}\) It was also concerned about “the bad conditions of school buildings”\(^{266}\) and “the high level of illiteracy among Palestinian children with disabilities.”\(^{267}\)

Syrians and non-Lebanese children are in principle allowed to attend public schools but priority is given to Lebanese children since public schools open their doors first to Lebanese students for registration then when the process is done, it allows a certain number of Syrian children to register based on the remaining number of seats.

Yet, many public schools, supported by the Ministry of Education and the United Nations Organizations, have introduced a second shift of schooling in the


\(^{265}\) Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 16 Paragraph 64

\(^{266}\) Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 16 Paragraph 67

\(^{267}\) Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 16 Paragraph 65
afternoon with a modified syllabus that includes condensing basic subjects, to accommodate Syrian refugee children. According to Miled Abou Jaoude, Head of Partnerships at Save the Children, “UNHCR and CERD are now working on the Accelerated Learning Program (ALP) that is currently in progress and aims to develop educational programs especially adapted to Syrian children needs.” 268 According to Soha Abou Shabke, Coordinator deployed by UNHCR to assist with General Director of Education in Syrian Crisis management, “the Ministry of Education from now on will organize all sort of Non-formal education that was previously delivered by NGOs hazardously. Based on the ALP, the Ministry will condense a whole year curriculum in a four month module and will be provided to 10000 Syrian students at this stage. Costs will be covered by UNHCR.” 269

Abou Shabke explained that “both Lebanese and Syrians are attending public schools for free and the Ministry of Education has integrated Syrian students in the normal shift.” 270 She added that “for this normal shift the government is covering all students’ tuition including Syrian students which is costing USD 1500 per year according to a study by the World Bank. However UNHCR is only covering the marginal cost of 363$ per child per year.” 271

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268 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
269 Interview with Soha Abou Shabke - Coordinator deployed by UNHCR to assist with General Director of Education in Syrian Crisis management – March 4th, 2015
270 Interview with Soha Abou Shabke - Coordinator deployed by UNHCR to assist with General Director of Education in Syrian Crisis management – March 4th, 2015
271 Interview with Soha Abou Shabke - Coordinator deployed by UNHCR to assist with General Director of Education in Syrian Crisis management – March 4th, 2015
As for the second shift, Abou Shabke noted that “afternoon shifts only admit Syrian students with the same curriculum and teachers and is fully covered by UNICEF and UNHCR for USD 630 per student per year.”\textsuperscript{272} Abou Shabke added that “150 out of 1200 public schools are now implementing a second shift. These schools have enrolled 100,000 out of 400,000 Syrian students in Lebanon during 2014-2015; 40,000 of them attended the first shift and 60,000 attended the second shift.”\textsuperscript{273} According to Abou Shabke, “it was not possible to admit more than this number for the first shift since Syrian students’ presence in Lebanese schools negatively affected the educational level in Lebanese schools; most of Syrian students do not speak second languages or have skipped several levels due to the crisis, a fact that’s having a bad effect on the level of our classes. Therefore, we are relying on the second shift to cover the remaining 300,000 Syrian students with no education but this of course depends on the availability of funds.”\textsuperscript{274}

Abou Shabke noted that “the Lebanese Government cannot take charge to cover all Syrian students since it does not have the capability to do so. In fact, the Ministry of Education is still running on the same budget of 2005 and many teachers are not being paid or are not receiving all their rights. We have too many other problems that need to be solved.”\textsuperscript{275} However “the Ministry of

\begin{footnotesize}
\textsuperscript{272} Interview with Soha Abou Shabke - Coordinator deployed by UNHCR to assist with General Director of Education in Syrian Crisis management – March 4th, 2015  
\textsuperscript{273} Interview with Soha Abou Shabke - Coordinator deployed by UNHCR to assist with General Director of Education in Syrian Crisis management – March 4th, 2015  
\textsuperscript{274} Interview with Soha Abou Shabke - Coordinator deployed by UNHCR to assist with General Director of Education in Syrian Crisis management – March 4th, 2015  
\textsuperscript{275} Interview with Soha Abou Shabke - Coordinator deployed by UNHCR to assist with General Director of Education in Syrian Crisis management – March 4th, 2015
\end{footnotesize}
Education is respecting children rights upon its capabilities for example; the Ministry is allowing students with no identity documents to enroll in public schools.276

At present, although UNHCR and the Lebanese Government are covering all Syrian children tuition fees including books, according to an NGO report on November 2014, “Syrian school enrolment in Lebanon is similar to that of sub-Saharan Africa.”277 In addition to that, “the Lebanese government states in its crisis response plan 2015-16, that public schools are over-stretched and face high costs per child to enroll additional students. At least 700 Lebanese public schools in 250 localities are under severe pressures due to an overload of demand – affecting teachers, students and school infrastructure.”278 Also, the majority of school-aged Lebanese children are educated in private schools with only 27 percent or 300,000 Lebanese enrolled in public education. “The number of children displaced from Syria into Lebanon and still out of learning is almost equal to that number – despite major efforts to enroll 90,000 in 2013-14.”279

According to a report published by UNFPA in April 2014, “A small minority of just 6 per cent of Syrian refugees aged 15-24 years are enrolled in education in Lebanon, constituting merely 16 per cent of the surveyed youth who used to

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276 Interview with Soha Abou Shabke - Coordinator deployed by UNHCR to assist with General Director of Education in Syrian Crisis management – March 4th, 2015
278 Lebanon Crisis Response Plan 2015-16 Needs Overview – Page 15
study in Syria.”  

Findings also show that “the age group 15-18 years is the most affected; 51 per cent among male and 44 per cent of young female refugee youths in that age bracket had been enrolled in formal education in Syria, but have dropped out since arriving in Lebanon.”

Based on the same report, “a minority of 5% is illiterate, with illiteracy among females being slightly higher at 6%.” As for the main cause behind school dropout, the aforementioned study shows that “43 per cent say tuition fees are the reason for discontinuing education in Lebanon, and 21 per cent claim it is financial need in general as most need to work long hours to help their families.”

On the other hand, Syrian children need to present proper certification from their schools in Syria proving that they have passed the required tests in order to be able to enroll in the official exams of grade 9 and 12 in Lebanon. However, a large number of them do not have these papers or have entered the country illegally and most of them are not willing to approach the Syrian embassies to get these documents fearing repercussions from the Syrian regime.

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Faced with this situation, the Ministry of Education and Higher Education has issued a decree that allows enrolment independent of the legal status of the child. The ministry has also allowed Syrian children to enroll on a temporary basis if they do not have required certificate documents until these documents are available. However, official documentation from Syria is required when Syrian students want to sit for the Brevet (Grade 9) and the Baccalaureate (Grade 12) official exams a task which is both costly and complicated and could prevent them from proceeding to next educational levels. According to Miled Abou Jaoude, head of partnerships at Save the Children, “a small number of Syrian students were allowed to take official exams since restrictions were very hard; for example Syrians are not allowed to take these exams if they haven’t proved that they spent the past two years in Lebanon.”

However, Soha Abou Shabke, Coordinator deployed by UNHCR to assist with General Director of Education in Syrian Crisis management, clarified that “the Ministry of Education did not stop any Syrian student from taking official exams even those with no identification documents. Its only condition was that students should settle their status and provide the Ministry with identification documents in order to receive certificates. That’s the best the Ministry can do to help them but it’s obviously impossible to give certificates to people with no identity papers. In fact we had 400 Syrian students with this case complaining how it’s impossible to get back their papers and once we told them that they will

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284 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
not receive their certificates 300 of them provided us with their identity papers immediately.”285

Curriculum differences between Syrian and Lebanese schools cause a great obstacle for the integration of Syrian children in Lebanese schools. Abou Jaoude states that, “the biggest problem is the language; Syrian school system is entirely run in Arabic, while Lebanese schools teach math and sciences in either English or French, which few Syrian refugees understand.”286 As a result, many Syrian children are being placed in lower grades than the ones they attended in Syria. In addition, the curriculum taught in Lebanon is different and more difficult than the one in Syria which makes it even harder for the Syrian refugees to make educational progress in Lebanon.

Another obstacle to education is “the distance to schools. Many refugees worry about letting their children travel alone to schools or they simply can’t afford to pay the monthly transportation costs or the prices of books and uniforms. Syrian children are also subject to bullying by Lebanese children and teachers due to the economic pressure many Lebanese families are facing.”287

From another perspective, Lebanese government has made a great effort to better cater educational needs for Syrian students; in 2013, the Joint Education Needs Assessment (JENA) was launched in schools nationwide. “The

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285 Interview with Soha Abou Shabke - Coordinator deployed by UNHCR to assist with General Director of Education in Syrian Crisis management – March 4th, 2015
286 Miled Abou Joude, Save the Children’s emergency coordinator in Lebanon to IRIN (humanitarian news and analysis: a service of the UN Office for the Coordination of Humanitarian Affairs): “Lebanon-Syria: No school today – Why Syrian refugee children miss out on education” – 8 August 2012
287 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
Ministry of Education and Higher Education (MEHE), in partnership with education agencies, visited and assessed over 60 public, semi-private, private and UNRWA supported schools with an aim to bring to light the most urgent education gaps. Based on this assessment, academic programmes were to be adjusted to fit Syrian refugees.  

Also, in 2014, “141,000 children in Lebanon including Syrian children were supported to enroll in formal education; 90,000 children registered as refugees by UNHCR were supported through payment of enrollment fees; 90 schools were renovated in order to increase classroom capacity and improve school conditions; 2,500 Lebanese teachers benefited from professional development and psychosocial support in learning centers and schools was increased to cater for nearly 55,000 children traumatized by the conflict.”

Through the Lebanese Crisis Response Plan, the government promises “to support implementation of the 2014 RACE “Reaching All Children in Lebanon with Education” strategy of MEHE that aims to enroll 400,000 children displaced from Syria in learning by 2016. It will focus on localities containing high proportions of vulnerable Lebanese and de facto refugee children from Syria where education is primarily publicly provided.”

The education sector strategy reflected in the Lebanese Crisis Response Plan is built around RACE that aims to “strengthen the public education system
with the priority to increase enrollment of children displaced by Syria in the formal public education system. This includes support to prepare out-of school children to enter school, to improve the quality of education through supplies and training of teachers, and to empower adolescents and youth, boys and girls, to continue their education. ²⁹¹

Educational response also aims “to address specific gender issues such as early marriage for girls and child labour for boys, with a view of retaining them in school. Also it promises to provide a safe, productive environment for children and youth offering protection from abuse and exploitation and to ensure that the integration of children in the public system is successful and sustainable.”²⁹² However the LCRP admits that “the public system will be unable to serve all the children in need. Therefore non-formal education (NFE) options are required.”²⁹³

In fact, the Educational response for 2015-2016 notes that there are currently 750,000 people in need for education; however the strategy is targeted to 377,000 leaving remaining children uncovered. The response also states that it needs USD 263.6 Million to achieve its objectives but it has only received USD 100 Million. According to Miled Abou Jaoude, head of partnerships at Save the Children,

“RACE strategy is very efficient and if implemented it will cover a big number of

²⁹¹ Lebanon Crisis Response Plan 2015-16 – Sector Response Plan: Education
²⁹² Lebanon Crisis Response Plan 2015-16 – Sector Response Plan: Education
²⁹³ Lebanon Crisis Response Plan 2015-16 – Sector Response Plan: Education
Syrian children but the problem is with the funds. Lebanon is not receiving the needed donations to implement such strategies.”

**Health**

Lebanese Law allows the government “to be in contact with medical doctors and nurses and to supervise the medical environment in schools.”

The Decree No. 159 was revised in 1991 to “include NGOs and community-based organizations in the planning, implementation and monitoring of health service provision next to other public health centers established by the essential version of the Decree issued in 1982.”

In 2000, the Decree Nb. 4265 “designated special sections in hospitals for children” and Law Nb. 220 “made health services free of charge for disabled persons including children.”

“The majority of primary health care services in Lebanon are provided by the private sector.” The Ministry of Public Health and the Ministry of Social Affairs collaborate in the health sector. In 2014, the infant mortality rate in Lebanon was 7.89 deaths per 1,000 live births. Mortality rate was last

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294 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
295 Legislative Decree Number 26 of 1955, Article 19
296 Decree No. 159 issued in 1982 and revised in 1991
297 Decree No. 4265 issued in 2000
298 Law Number 220 of 2000 Article 27
299 Lebanon’s third periodic report to the Committee on the Rights of the Child – CRC/C/129/Add
300 CIA World Factbook [https://www.cia.gov/library/publications/the-world-factbook/fields/2091.html](https://www.cia.gov/library/publications/the-world-factbook/fields/2091.html) Infant mortality rate is the number of deaths of infants under one year old in a given year per 1,000 live births in the same year.
measured in 2011 at 9.7 deaths per 1,000 live births. The maternal mortality rate was 25 deaths per 100,000 live births in 2010.

The Lebanese health sector has in general two main challenges; the inequitable distribution of hospitals across the country and the lack of mental health care services for children. The Committee on the Rights of the Child has considered the health care system in Lebanon as “developed”. However, it has noted that “disadvantaged families appear to lack equal access to quality health services.” In addition, the Committee recommended the state to “study the possible causes of youth suicide and to support intervention programmes in the field of mental health.”

Problems noted by the CRC Committee can be greatly reflected regarding Syrian children in Lebanon. In fact, after the beginning of the Syrian crisis, health centers became overwhelmed by the increase in the population caused by the mass influx of refugees from Syria.

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Under-five mortality rate is the probability per 1,000 that a newborn baby will die before reaching age five
The maternal mortality rate (MMR) is the annual number of female deaths per 100,000 live births from any cause related to or aggravated by pregnancy or its management (excluding accidental or incidental causes).
303 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 12 Paragraph 52
304 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 14 Paragraph 58
Because of the breakdown of the Syrian health system and lack of adequate immunization, “there have been outbreaks of measles and even polio in Syria and among refugee children.”

According to the Medical Care Director in the Ministry of Public Health, Joseph Al-Helou, “Polio did not appear in Lebanon during the past 15 years, but with the flight of refugees this disease appeared again, the Ministry of Public Health initiated three campaigns in 2014 of Polio and Measles vaccination on many levels to all children under five years old on the Lebanese territories, including around 247,000 Syrian children in each campaign, with the coordination of the World Health Organizations and the UNHCR.”

The Ministry of Health reported “365 cases of measles as of April 2013. Among them 60 cases (16.4%) were Syrian refugees.” In 2014, “98309 immunizations against polio and measles were provided for all children in Lebanon including Syrian children”. In September 2014, “the Ministry of Public Health’s project to support the Lebanese Health System” was approved by the Council of Ministers.

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306 Interview with Joseph El-Helou, Medical Health Director at the Ministry of Public Health, February 7th, 2015


308 Number of vaccinated children during 2014 – official document by the Ministry of Public Health

According to UNHCR, “the rate of mortality among Syrian refugees in Lebanon is low.” However the data of infant and maternal mortality were not captured. Joseph El-Helou stated that “there are no official numbers of Syrian mortality in Lebanon because after death adults refugees and children are being buried in Syria not in Lebanon; therefore there are no official registrations of Syrian mortality in Lebanon, however, these data are available with the Syrian authorities not the Lebanese ones.”

Based on a study published by UNFPA in April 2014, In terms of location, services are accessible to most youth surveyed, among whom only 4 per cent lack a health-service facility within a 30-minute walking distance. This fact proves that location of medical facilities does not pose any problem to Syrian refugees. However the main issue is the high cost of medication; “66% of the surveyed considered that main reasons for dissatisfaction are cost-related.”

In fact, in Lebanon, refugees must pay for referrals in a cost sharing agreement with UNHCR; “75% of refugee youth consulting medical services pay no more than LBP 300,000 (USD 200). The majority of expensive medical

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311 Interview with Joseph El-Helou, Medical Health Director at the Ministry of Public Health, February 7th, 2015
services are paid by international organizations and are often treatments for major or chronic medical problems.”\textsuperscript{314}

“Almost 25% of consultations for communicable diseases were due to ARIs (acute respiratory tract infections). Lebanon showed diarrhea was less than 5% of all acute illness visits. 10% of clinical visits were associated with NCDs (Non-communicable diseases); cardiovascular diseases (31%), diabetes (18%) and lung disease (12%).”\textsuperscript{315}

UNHCR stated that “global acute malnutrition rate for Syrian children aged six months to five years in Lebanon is relatively low (4%).” It also noted that “active health awareness sessions are being conducted in Lebanon such as breastfeeding promotion, complementary child feeding, one-to-one counselling and health education for pregnant and lactating women at the primary health care facilities and through community outreach.”\textsuperscript{316}

According to the Lebanese government, “76,000 children in Lebanon including Syrian children have received psycho-social support in 2014.”\textsuperscript{317} UNHCR also indicated that “several agencies are providing mental health and psychosocial support. The IMC case management unit through its community

\begin{footnotesize}
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\item \textsuperscript{314} UNFPA, Situation Analysis of Youth in Lebanon Affected by the Syrian Crisis, April 2014 http://www.unfpa.org.lb/Documents/Situation-Analysis-of-the-Youth-in-Lebanon-Affecte.aspx
\item \textsuperscript{315} UNHCR – Inter-agency Regional Response For Syrian Refugees: Health and Nutrition Bulletin : Iraq, Jordan and Lebanon January – March 2013
\item \textsuperscript{316} UNFPA, Situation Analysis of Youth in Lebanon Affected by the Syrian Crisis, April 2014 http://www.unfpa.org.lb/Documents/Situation-Analysis-of-the-Youth-in-Lebanon-Affecte.aspx
\item \textsuperscript{317} Lebanon Crisis Response Plan 2015-16 – Response Strategy: The health response
\end{itemize}
\end{footnotesize}
and facility based activities conducts more than 400 clinical and social consultations every week in the North, Bekaa Valley and South.”

The Lebanese government was promised to receive donations from many countries but only received a small part according to Joseph El-Helou, therefore “it cannot support to offer help on all different levels to this big number of refugees.” El-Helou explained that “the Ministry of Public Health only interferes in urgent humanitarian incidents upon the minister’s decision such as emergencies and car accidents”, noting for example, “the case of the Syrian child that suffered from serious burns and was placed in Dar El-Salam hospital in Tripoli when UNHCR decided to stop covering the costs of the his treatment, the Minister of Health then took a decision to cover all fees since this was a humanitarian emergency.”

El-Helou also noted that “the Ministry of Health is taking care of all dialysis costs for all Syrian refugee children and adults that are around 205 cases”, adding that “the Ministry can only interfere in Public Hospitals and it is trying to give as much support as it can upon request but it cannot prioritize refugees over Lebanese citizens. Thus, places of Lebanese nationals in public hospitals should be reserved.”

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319 Interview with Joseph El-Helou, Medical Health Director at the Ministry of Public Health, February 7th, 2015
320 Interview with Joseph El-Helou, Medical Health Director at the Ministry of Public Health, February 7th, 2015
When asked about, Hiba Abdel Ghani, the 10 year-old Syrian girl who died from the cold weather in Bekaa in January 2015, Al-Helou considered that “all efforts to protect those children from the storm and cold weather cannot prevent the death (these incidents) from happening since essentially the fact that they are living in camps is the main problem; any adult can freeze to death in these camps in Bekaa so children’s situation would be even worse.”321

There are currently 16 mobile clinics related to the Ministry of Public Health that are always visiting camps and giving all kinds of health assistance and awareness including sexual awareness. However according to El-Helou, “sometimes refugees do not interact or respond to their directions and recommendations”, and this is due to “a cultural background that’s not oriented to preventive measures”322, as he explained.

The Lebanese government through its Crisis Response Plan 2015-16 aims at “reducing mortality of preventable and treatable illness and to control outbreaks of infectious diseases among vulnerable communities. Health partners will deliver cost-effective service packages in primary health care and priority secondary health interventions with specific strategies for Syrian de facto refugees. Support will also include capacities for treating non-communicable and chronic diseases, improved access to secondary/tertiary care and the administration of some healthcare costs.”323 However the health response that

321 Interview with Joseph El-Helou, Medical Health Director at the Ministry of Public Health, February 7th, 2015
322 Interview with Joseph El-Helou, Medical Health Director at the Ministry of Public Health, February 7th, 2015
“will cover 2,040,000 people out of 3,322,000 people in need requires USD 249.2 Million and has only received till now USD 20.3 Million.”\textsuperscript{324}

\textbf{Child Labour}

Lebanon has signed and ratified many International Conventions related to protecting children from worst forms of labor and exploitation such as the Convention of 1973 concerning Minimum Age for Admission to Employment that was ratified on June 10, 2003.\textsuperscript{325} According to Lebanese Labor code, “the employment of children who have not completed thirteen years old is prohibited and requires a medical certificate proving that a child above thirteen is fit for the job he is hired to do.”\textsuperscript{326}

The Lebanese law also “prohibits employing any child under the age of sixteen years old in a certain types of work considered harmful by the law and it limits the working hours to six per day with at least one hour break if the total working hours exceeds four per day.”\textsuperscript{327}

The CRC Committee welcomed in its 2006 General Observations Lebanon’s “Time-Bound Programme for the eradication of the worst forms of child labour as well as the other legislative and policy measures taken to

\begin{footnotesize}
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\item \textsuperscript{324} Lebanon Crisis Response Plan 2015-16 – Response Strategy: Health Response
\item \textsuperscript{325} Lebanon has ratified on February 23, 1999 the C 136 Benzene Convention of 1971 relating to prevention of hazardous poisoning resulting from benzene. \url{http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C136}. Lebanon has also ratified on September 11, 2001 the ILO Convention 182 related to the prohibition and immediate action for the elimination of the worst forms of labor. \url{http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C182}. And in June 10, 2003 Lebanon has ratified the C 138 Convention of 1973 concerning Minimum Age for Admission to Employment \url{http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C138}.
\item \textsuperscript{326} Labor Code of 1946, as amended, Article 22
\item \textsuperscript{327} Labor Code of 1946, as amended, Article 23
\end{itemize}
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address the economic exploitation of children.” However, the Committee notes with concern that “poverty is a major cause of child labour and that the remote areas of the country have the highest rate of working children.” It also notes with concern that “many children work in hazardous work conditions in the informal sector, including agriculture, metalwork and crafts, fishing, rock-cutting and tobacco cultivation.”

Since poverty is the main reason of child labour, many Syrian families in Lebanon have found themselves obliged to push their children to work to contribute to household income during displacement. Most of Syrian refugees have left schools in order to work often for long hours and sometimes they are beaten and insulted. No Lost Generation Initiative pointed out that “region-wide, one in ten children displaced from Syria are obliged to work to supplement family incomes.”

The Assessment of the Impact of Syrian Refugees in Lebanon developed by the International Labor Organization in 2014 has noted that “92 percent of jobs held by persons displaced from Syria have no contracts and get very low salaries which makes them unable to meet their basic household expenses and they end up adopting negative coping strategies such as child labor”. Some

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328 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 19 Paragraph 79  
Syrian parents with no identification paper send their children to work based on the perception that children are less likely to be arrested.

According to an UNFPA study “Almost half of refugee youths in the labor force in Lebanon were not working in Syria, but presently are working or looking for work primarily because of financial need. The vast majority has been pushed into the labor force because of deteriorating economic conditions. The second main reason driving refugee youth to become economically active is their inability to continue their education.”\textsuperscript{331} Based on this study; 6% of female children aged between 15 and 18 are currently working and 9% are looking for work; 39% of male Syrian children of the same group age are now working and 39% are looking for work.

Syrian youths (above fourteen years old), have the right to work in Lebanon, based on Lebanese legislative texts and the bilateral agreement between Lebanon and Syria allowing nationals of both countries freedom of stay, work and practice of economic activity. Syrians as other non-citizens need a work permit to be able work in Lebanon. However the vast majority of Syrian laborers work in the informal sector and without work permits which means they are working in types of work considered harmful by the law and prohibited by the Lebanese Labor Code to children under sixteen years old. In addition to that the number of their working hours is certainly not limited to six hours per day.

\textsuperscript{331} UNFPA, Situation Analysis of Youth in Lebanon Affected by the Syrian Crisis, April 2014
According to UNHCR, “the most common types of paid employment for boys are selling goods, working in construction (including working from an external swing outside a building) working in agriculture and [sometimes collecting paper plastic and metals from garbage dumps for sale to junk traders]. As for girls, the most common types of paid work are cleaning, selling goods and working in agriculture. Begging is also a common means of raising income for both boys and girls.”

*The Independent* has reported in October 2014 that “up to 200,000 Syrian refugee children – some as young as five – working in Lebanon’s potato and bean fields or picking figs in the Bekaa Valley. Many of them are beaten with sticks in a situation perilously close to slave labour. According to Frank Hagemann, the German deputy regional director of the International Labor Organization (ILO) “some children are working 12 to 14 hours a day.”

Each camp runs a vicious system of “Shawish”, a network of venal Syrian supervisors who rent the land from Lebanese property owners and pay some children 1USD per day and make families pay 90 USD per month to live there.” According to Hala El-Helou, advisor to the Minister of Social Affairs for Syrian issues, “a Shawish is INGOs Syrian contact person in a specific camp, he is the person who manages and communicates the camp’s needs to

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organizations. Not all shawish are bad but some of them are abusing their work."334

The LCRP does not include a response section on child labour, but the protection response does mention the National Plan to Safeguard Children and Women in Lebanon that according to Fehmi Karami, Advisor to the Minister of Social Affairs in childhood issues, “is a policy developed by the Ministry of Social Affairs in the collaboration with UNICEF that aims to ameliorate Syrian children’s circumstances by creating a whole complete system for the protection of women and children”335, Karami states that “the government almost received all necessary funds to implement this policy that will take into consideration all children on Lebanese soil no matter what nationality they have.”336 However he adds that “there are no policies that are specifically targeted against child labour, but the aforementioned policy will prevent school dropout which is considered a major reason child labour.”337

On the other hand the Minister of Social Affairs, Rachid Derbas, notes that “a person that breaks the labour law will not be strictly placed in jail this depends on the degree of violation but any person exploiting children in a way that contradicts the law is being punished.”338 In addition to that, according to

334 Interview with Hala El-Helou, Advisor to the Minister of Social Affairs in Syrian refugees issues, February 24th, 2015
335 Interview with Fehmi Karami, Advisor to the Minister of Social Affairs in childhood issues, February 24th, 2015
336 Interview with Fehmi Karami, Advisor to the Minister of Social Affairs in childhood issues, February 24th, 2015
337 Interview with Fehmi Karami, Advisor to the Minister of Social Affairs in childhood issues, February 24th, 2015
338 Interview with Minister of Social Affairs Rachid Derbas, February 24th, 2015
Hala El-Helou, advisor to the Minister of Social Affairs in Syrian refugees’ issues, “ministries are currently studying along with International Organizations the possibility of amending some laws or implementing special measures to address issues such as labour law and their work is in progress.”

**Protection from Abuse and Exploitation**

Whenever a child’s interest is at risk, the judicial authority is allowed by the Lebanese law to interfere. And “the judge can take whatever measures deemed necessary for the protection of the child”, if the child “is in an environment exposing him/her to exploitation, or adversely affecting the child’s health, safety, morality or upbringing; if the child is exposed to sexual or violent corporal attack beyond the customary non-harmful disciplinary measures; or if the child is found in a state of mendacity or vagrancy.”

The Lebanese Penal Code specifically “make the abduction or taking of a child a criminal offense punished by three months to three years imprisonment or by temporary hard labor if the child is under thirteen years of age, or was taken or abducted by force or by ploy.” In addition to that, the Lebanese Penal Code indicates that “anyone who repeatedly entices children or other persons under the age of twenty into prostitution or immoral acts, or helps and facilitates the commission of such acts shall be punished by one month to one year imprisonment.”

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339 Interview with Hala El-Helou, Advisor to the Minister of Social Affairs in Syrian refugees issues, February 24th, 2015
340 Law Number 422 of 2002 Protection of at Risk Children or Children Violating the Law Article 26
341 Id. Article 26
342 Id. Article 25
343 Lebanese Penal Code, issued by Legislative Decree No. 340 of March 1, 1943 Article 495
year imprisonment and a 50,000 to 500,000 Lebanese pounds fine which is equivalent to USD 33 to USD 330.”344

On the other hand, the CRC Committee noted in its Concluding Observations in 2006 that “the penal code criminalizes only the rape of girls and leaves boys without legal protection.”345 And it urged the state to “take any measures to ensure that all child victims of violence have access to adequate care and assistance with recovery and reintegration; and to establish a toll-free helpline with 24/h service for children to facilitate the collaboration of this helpline with state alliances such as the police, health and social welfare system, and child forced non-governmental organizations in order to enhance its intervention and follow-up model.”346

In 2001, the Ministry of Education and Higher Education issued a memorandum that prohibits educational staff from inflicting corporal punishment, insulting, and attacking the honor of their students. However, according to the CRC Committee “verbal insulting and attacking the honor of students still exist in schools.”347

As for sexual exploitation, the CRC Committee expressed a deep concern about sexual exploitation of children in Lebanon; in particular “the increase in the number of children trafficked to the state party for purposes of prostitution. The

344 Lebanese Penal Code, issued by Legislative Decree No. 340 of March 1, 1943 Article 523
345 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 10 Paragraph 47
347 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 8 Paragraph 41
Committee considered that “the legal framework in this context is inadequate for the prevention and criminalization of sexual exploitation and trafficking of children since victims are criminalized and sentenced to detention.”\textsuperscript{348}

Several studies conducted the past years have showed that violence exists in Lebanese schools; UNICEF’s report on the situation of women and children in Lebanon in 2007 reported that incidents of domestic violence, interpersonal intolerance and child abuse and neglect are on the rise.”\textsuperscript{349} Another study conducted by Saint-Joseph University showed that “a big number of students experience physical and psychological violence in schools.”\textsuperscript{350} Also a KAFA study in 2008 found that “out of 1,025 children surveyed, 6 per cent experienced sexual abuse in schools; 16.1% experienced a form of sexual abuse; 12% were victims of sexual abuse; 8.7% experienced sexual attempts and 4.9% were exposed to visual material with sexual content.”\textsuperscript{351}

As for child trafficking, though Lebanon has ratified the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children in August 2005, the state does not fully comply with the minimum standards for the

\textsuperscript{348} Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 20 Paragraph 81


elimination of trafficking. According to the CRC Committee; “there is a lack of organized efforts to compile information on trafficking in Lebanon.”

However a joint project between the Ministry of Justice and the Ministry of Interior in coordination with UNODC and UNICEF proposed a draft law to criminalize trafficking and the law 164 was placed before the parliament for ratification and passed criminalizing trafficking in persons, to ensure those involved in trafficking are prosecuted but according to the U.S. Ambassador in Lebanon Maura Connelly “although Law 164, passed several years ago, there are still frequent reports of women being trafficked into the country.”

On the other hand, Hala El-Helou, advisor to the Minister of Social Affairs in Syrian refugees’ issues, notes that “work is currently in progress to finalize the last steps needed to implement human trafficking law.”

Wide spread cases of sexual harassment, exploitation, and abuse among refugee children are being reported. Ross Mountain, United Nations Resident and Humanitarian Coordinator in Lebanon, quoted a young Syrian woman working in farming in the Bekaa Valley as an example, saying “she was not allowed breaks or given water to drink while working for more than 15 hours, unless she agreed to “inappropriate” requests.”

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352 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 20 Paragraph 82
354 Interview with Hala El-Helou, Advisor to the Minister of Social Affairs in Syrian refugees’ issues, February 24th, 2014
355 Al-Akhbar, Life of young Syrian refugees in Lebanon marred by insecurity, exploitation, and fear, July 12th 2014 http://english.al-akhbar.com/node/20691
Syrian women and girls are being dragged to sexual exploitation and prostitution or as social workers may call it “survival sex” out of poverty. Syrian women face sexual harassment in the streets and exploitation by bosses, landlords and charity workers on whom they rely, as described by more than a dozen refugee women interviewed by the Associated Press.”

In addition to that, abuse does not affect young women alone. In fact a UNFPA study reported that “half of the studied children refugees said they never felt safe during their stay in Lebanon, identifying the causes as the lack of security in general, fear of sexual and physical abuse, and measures by official authorities.”

Syrian refugee children also feel that Lebanese nationals treat them with arrogance and according to the same study “forty-one percent of them have thought about suicide at one time and eighty-nine percent expressed their despair of their reality, saying that anxiety and fear describe what they feel most of the time.”

According to UPEL representative Nisrine Farhat, “there are currently no exact official numbers of Syrian children who experienced sexual exploitation or abuse; numbers can never be clear since children leave Lebanon to Syria on daily basis,” in addition to that “trafficked children are still considered criminals

and are being arrested, but the Lebanese law also criminalizes the adult person engaging children in these actions."\textsuperscript{359}

As for the governmental measures taken in this regard, Farhat noted that "UPEL and all governmental organs only proceed by reporting; once an incident has been reported we take action. However, preventive measures are done by Non-governmental bodies not the government."\textsuperscript{360}

Farhat then stated that "cultural taboos make government’s work really hard, for example, a Syrian girl was raped by her father and while we were trying to arrest the father the girl was receiving death threats from her brothers. In fact, families are sometimes the major source of abuse. On the other hand, the government is not able to investigate if each refugee child is exposed to any kind of exploitation or not."\textsuperscript{361}

And when asked about the fate of the raped girl, Farhat stated that "UPEL made sure to place her in the right institution where she can be well protected," noting that "UPEL works in coordination with many institutions that welcome children based on the admission criteria and capacity of each institution."\textsuperscript{362}

Incidents of sexual exploitation and sexual and gender-based violence (SGBV) incidents are believed to be "widely under-reported, a quarter of incidents reported through protection mechanisms relate to sexual violence (rape or sexual assault). Women and girls bear the brunt of violations: 87

\textsuperscript{359} Interview with Nisrine Farhat, UPEL representative on February 7th, 2015  
\textsuperscript{360} Interview with Nisrine Farhat, UPEL representative on February 7th, 2015  
\textsuperscript{361} Interview with Nisrine Farhat, UPEL representative on February 7th, 2015  
\textsuperscript{362} Interview with Nisrine Farhat, UPEL representative on February 7th, 2015
percent of survivors identified and assisted are women and girls and 13 percent are men and boys.” Other types of violence, such as physical assaults (often within the family) and emotional violence are also “widespread in the country.”

In 2014, RapidPro SMS system was launched by the response effort to build a network of community members willing to report on issues particularly affecting children via a free 2-way SMS receive developed in partnership with private telecommunications companies.

Though this measure was recommended by the CRC Committee in 2006 as a toll-free helpline with 24h service for children, Farhat commented that “even if the government applies this measure it wouldn’t be effective, since the majority of Syrian children are very poor and do not have mobile phones and some of them don’t even know that they should be protected.” Farhat blamed parents who don’t report incidents and remain silent.

According to protection response within Lebanon’s Crisis Response Plan 2015-2016, “between January and October 2014, more than 4,407 Lebanese, Syrian, and Palestinian children were individually assisted, including psychosocial support, emergency care arrangement and reunification. In addition to that, during the same timeframe, over 335,651 children including adolescents

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363 Data from the Inter-Agency GBV Information Management System (UNHCR/UNICEF/UNFPA and supporting civil society and municipal partners) covering the period January to October 2014 at the national level.
365 Lebanon Crisis Response Plan 2015-16 – Delivering the LCRP – Page 28
366 Interview with Nisrine Farhat, UPEL representative on February 7th, 2015
and youth and over 1266,406 caregivers benefited from other psychosocial support activities.”367

In October 2014, the Ministry of Social Affairs launched a “National Plan to Safeguard Children and Women in Lebanon”.368 According to this plan, the Lebanese Government expressed its “commitment to combating all forms of exploitation and to protect those at risk of abuse, violence and exploitation.” The government promised in its Crisis response Plan for 2015-16 that this plan “will focus on ensuring access to responsive psycho-social care and safe spaces. It will also work on strengthening community-based prevention and capacity-building to integrate protection related mechanisms into Lebanon’s public institutions especially public schools and other learning spaces to provide a protective environment for children and adolescents.”369

The Government also promises to expand SGBV interventions from emergency response to longer term programming through “providing safe spaces to survivors and women at risk, awareness raising campaigns, promotion of positive changes and capacity building.”370 In addition to that, Lebanese Government “will remain focused on adolescent girls and boys, including girls who are married or at risk of marriage; out of school, and separated or unaccompanied children and adolescents and child headed households.”371

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367 Lebanon Crisis Response Plan 2015-16 – Sector Response: Protection Response
370 Lebanon Crisis Response Plan 2015-16 – Protection Strategy
371 Lebanon Crisis Response Plan 2015-16 – Protection Strategy
However, Protection response will cover 2,185,000 out of 3,365,000 people in need leaving the remaining 1,180,000 without any support. Also the government has received already USD 16.3 Million to fund this program; however it still needs USD 171.3 Million to implement the protection response for 2015 and 2016.

**Basic needs and welfare (Arts. 6, 18)**

According to the Committee on the Rights of the Child, “data available on poverty reduction in Lebanon is very limited.”\(^{372}\) The Committee recommended in light of article 27 of the CRC the state “to take measures the raise standard of living among its population through national development strategy and social programmes aiming to reducing poverty with a special emphasis on vulnerable children and their families and providing support and material assistance to disadvantaged children.”\(^{373}\)

Recently, two national reports on poverty and living conditions titled "Poverty Growth and Income Distribution in Lebanon" and "Mapping of Human Poverty and Living Conditions in Lebanon 2004" published by the Social Affairs Ministry and the United Nations Development Programme, showed that “28 percent of the Lebanese population qualify as poor, while 8 percent are living

\(^{372}\) Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 15 Paragraph 61

\(^{373}\) Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 15 Paragraph 62
under conditions of extreme poverty and are unable to meet basic food and non-food needs."\textsuperscript{374}

In fact, Poverty in Lebanon has increased after the Syrian crisis according to the Lebanese Crisis Response Plan; and according to the Minister of Social Affairs Rachid Derbas, “Lebanon’s economy has lost 20 Billion dollars and no single country in the world could support this number of refugees coming all together in such a short time.”\textsuperscript{375} Syrian refugees live in poor areas, widening poverty gap between Lebanese social groups and Syrian social groups.

Based on UNFPA in 2014, “30 per cent of surveyed Syrian refugees live in makeshift accommodation. Most stay in crowded dwellings, with an average eight residents in each unit, and where basic facilities often are unavailable; including no bathroom (24 per cent), no kitchen (21 per cent) and no heating (72 per cent).”\textsuperscript{376} In addition to that, 155,000 people are highly to severely food insecure with an additional 61 percent at risk of moderate food insecurity.\textsuperscript{377}

According to an Inter-Agency report in 2014, “only 20 percent of surveyed displaced families from Syria report having three cooked meals per day and many live on just one; only 6 percent of displaced Syrian children between 6 and 23 months consume the minimum adequate diet according to WHO/UNICEF

\textsuperscript{375} Interview with the Minister of Social Affairs Rachid Derbas – February 24\textsuperscript{th}, 2015
\textsuperscript{377} Vulnerability Assessment of Syrian Refugees in Lebanon: WFP, UNICEF & UNHCR 2014 update
In addition to that, according to the Lebanese Government “an estimated 70 per cent of the total registered Syrian de facto refugee population requires assistance to meet basic needs, and of this population, an estimated 29 per cent is deemed severely economically vulnerable.”

On the other hand, the Lebanese government published in its Crisis Response Plan in December 2014 that it has done several efforts to rescue Syrian refugees and to provide them basic needs; for example the government “has distributed winter clothes to 195,000 Lebanese & Syrian children and has assisted in purchasing goods on the market (market-based interventions – initiated in August 2014).” Shelter assistance was provided to “246,000 Syrian de facto refugees in 2014.” Food assistance was crucial “to food access for over 929,600 vulnerable individuals. Food vouchers (e-cards and paper based vouchers) ATM cash cards and various forms of food parcels were used.”

Lebanon through its crisis response 2015-16, classifies “food security” as an independent sector that requires a particular response. The main outcome of this response would be to sustain stabilization of food consumption; to promote food availability and support sustainable production; to promote utilization of diversified and quality food and to enhance effective and coordinated food security response.”

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Inter-Agency, Multi-Sector Needs Assessment Phase 1 Report: May 2014
Lebanon Crisis Response Plan 2015-16 – Basic Assistance
Lebanon Crisis Response Plan 2015-16 – Shelter
Lebanon considers that “there are currently 1,520,000 people in need for food security in Lebanon, including 1,122,811 Syrians registered with UNHCR as refugees, however the response in this matter which requires USD 447 million according to the Lebanese government will only target 1,236,976 people leaving 283,024 people untargeted. Lebanon does not specify the nationality of those who will be targeted and leaves it unclear whether the remaining 283,024 are Syrians, Lebanese or from other nationalities.

As for basic assistance, the Government promises to “scale-up and provide market-based interventions; to provide market-based interventions and in-kind support to seasonal hazards-affected households; provide market-based interventions and in-kind core relief item kits for auxiliary needs household and to support expand and strengthen existing social safety net structures.”\textsuperscript{384} But in order to implement this strategy that will cover 889,500 people out of 1,341,240 people in need, Lebanon needs USD 288.6 Million for 2015 and 2016 and it has only received USD 1.5 Million so far. Lebanon also needs USD 175.9 Million to implement the livelihoods strategy that will cover 242,536 people out of 700,000 people in need by “implementing rapid income job creation activities supporting local development plans implemented through institutions and organizations.”\textsuperscript{385} 

According to the LCRP, shelter assistance “will continue to promote a diverse portfolio that responds to the needs of persons displaced from Syria and the Lebanese poor in an integrated and sustainable way through; the provision

\textsuperscript{384} Lebanon Crisis Response Plan 2015-16 – Basic Assistance
\textsuperscript{385} Lebanon Crisis Response Plan 2015-16 – Livelihoods
of shelter assistance; improving and rehabilitating unoccupied and occupied accommodation; undertaking integrated neighborhood approaches to benefit both host communities and persons displaced from Syria; and activities to address security of tenure concerns.”386 This sector that will cover 1,368,255 out of 1,806,200 people in need including 48.6 per cent of the Syrians registered with UNHCR as refugees, needs USD 150 Million. However Lebanon has only received USD 5 Million of the funding required.

In addition to that, according to the “Lebanon Environment Assessment of the Syrian Conflict and Priority Interventions” report in September 2014, “de facto refugees contribute to an increase in wastewater generation between 8 and 14 per cent and it is estimated that demand for water has increased by 8 and 12 per cent by the end of 2014.”387 Therefore, the Lebanese Government has decided to enhance WASH sector in 2015 and 2016 by “ensuring the safe access to a sufficient quantity of clean water for drinking, cooking, personal and domestic hygiene and raising awareness of key public health risks.”388 However the WASH sector is targeted to 2,862,291 out of 3,365,000 people in need and needs a total of USD 231.4 Million to be implemented. The government has received so far only USD 24.3 Million of its funding.

**Street-based children**

A big number of children from socio-economically marginalized backgrounds are seen every day in Lebanese streets begging. These children

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386 Lebanon Crisis Response Plan 2015-16 – Shelter
387 Lebanon Crisis Response Plan 2015-16 – Sector Response Plan: WASH
388 Lebanon Crisis Response Plan 2015-16 – Sector Response Plan: WASH
can be even seen in dangerous areas like highways and they could be also exploited by mobs to gather money. According to Elie Mikhael, the Secretary General of the Higher Council for Childhood, “a child is pushed to street begging to escape domestic pressure and violence, or to aid the family financially, wherein children are abused physically and sexually if they fail to hand over the money collected.”

Based on Lebanese legislative texts “any child seen begging on the street is subject to arrest.” Home of Hope is the only organization in Lebanon funded by the Lebanese government that deals with street children; “it offers a refuge to both Lebanese and non-Lebanese street children. More than 50% of the kids there are non-Lebanese, with many others are half Lebanese.”

The Committee on the Rights of the Child noted with concern in its 2006 observations that “some children in Lebanon are often exploited as beggars and that children begging on the streets are being criminalized”, and it recommended the state to “continue its efforts to address the issue of street children, with the aim of protecting these children and reducing their number by adopting a comprehensive national strategy of street children; by refraining as a matter of policy from detaining children begging in the streets and seeking alternative forms for their detention; by undertaking an action oriented study to

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389 El Asmar M., On the Issue of Street Children in Lebanon, Lebanese American University, Capstone Project 2013
390 World Vision, Twenty Years On: Children and their Rights in Lebanon, 2009
391 El Asmar M., On the Issue of Street Children in Lebanon, Lebanese American University, Capstone Project 2013
392 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 19 Paragraph 77
identify the root causes of this problem and by collaborating with NGOs working with street children.” 393

After the Syrian crisis, beggars’ presence grew in Lebanon especially in Beirut; many of them are widely believed to be controlled by gangs that take their profit from them at the end of the day. However, obviously a big number of Syrian refugee beggars, including children, are unable to support themselves any other way; Haifa Wehbe for example, a well-known 8 year old Syrian beggar in Hamra, named after a Lebanese pop star, explained that she and her family came from Syria running from the war; they now live in Jnah and the only way they can make ends meet is through begging. She insists that she doesn’t give the money that she makes from begging to any gangs; however she did say that she’s often forced to pay off police officers in order for them not to arrest her.

Another Syrian child in Hamra, who preferred not to state his name, was selling chewing gum, and refused to consider himself a beggar; he explained that some people choose to give him money without taking the gum in return however he does not accept to be called a beggar, because what he’s doing is work and the money he makes is given to his mother to make food and give him his allowance. He pointed out at a group of children standing a couple of meters away from him and stated “those children are the real beggars, their parents are in Turkey and they left them here; they sometimes hit me and take my money; a blue mini-van brings them here every day and parks next to the sidewalk; I don’t

393 Committee on the Rights of the Child, Concluding Observations: Lebanon June 8, 2006, CRC/C/LBN/CO/3, Page 19 Paragraph 78
know when exactly they leave because I leave early at 5 pm before it gets too dark.”

According to Nabil al Halabi, founder of Lebanese Institute for Democracy and Human Rights (LIFE), “though begging is illegal and it’s a sort of exploitation, the government is doing nothing about it. You can see a police man and a beggar standing next to each other on the street as if it’s a normal behavior.” Al-Halabi accuses police men of “cooperating with gangs managing groups of beggars for their personal benefit.”

On the other hand, Abir Abi Khalil, child protection specialist at UNICEF, denies the fact that all street children are controlled by mafias. She considers that “their number in Lebanon is still controllable but if the government stops them what shall it do with them? Many initiatives were carried to solve this problem; street children were stopped and placed in institutions but soon they ran away and went back to the streets.” Abi Khalil considers that “placing street children in institutions is the worst solution since this will marginalize them; instead children should be reintegrate in the society.” For her, “the solution should be on a street base multi-sector response including parental awareness, legal protection, providing basic needs, in addition to psychological support.”

In February 2015, a study on “Street-Based Children” was carried out by UNICEF and Save the Children Organization, commissioned by the International

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394 Interview with Nabil Al-Halabi (Lawyer), founder of the Lebanese Institute for Democracy and Human Rights (LIFE) – December 16th, 2014
395 Interview with Abir Abi Khalil, child protection specialist at UNICEF on December 15th, 2014
396 Interview with Abir Abi Khalil, child protection specialist at UNICEF on December 15th, 2014
Labour Organization; the report estimates that over 1,500 children work in the streets in Lebanon, the majority of them are highly vulnerable to exploitation. According to the study that looked at 700 child laborers in the country 75% of Street children are Syrian and the majority of them was either illiterate or has never been to school, and work between four and 16 hours a day. More than 50% of children work every day of the week and earned on average less than 12$ per day, 30% were either arrested or pursued by law enforcement, 6% reported having been victims of sexual assault or rape in the workplace.

Miled Abou Jaoude, Head of Partnerships at Save the Children Organization, clarifies the difference between street children and street-based children. He states that “the study conducted by Save the Children is entitled street-based children since in Lebanon we hardly see children sleeping on the streets; we cannot call them street children since they all have shelters to go to at the end of the day.” Abou Jaoude adds that “the Ministry of Labour has contributed to develop this study and asked UNICEF and Save the Children to identify its results in order to put a plan to address the issue of street-based children.” According to him “a specific ministerial committee will be developed to address this issue and to avoid the use of harsh police methods against these children like placing them in detention centers.”

However according to Fehmi Karami, advisor to the Minister of Social Affairs in childhood issues; “It is important to note that organizations develop

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397 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
398 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
399 Interview with Miled Abou Jaoude, Head of Partnerships at Save the Children, February 16th, 2015
studies that could be useful to the government to elaborate an official strategy; however street-based children report developed by UNICEF and Save the Children is only a study and could not be considered a governmental strategy to address this issue.”\textsuperscript{400} Karami adds that “the already mentioned National Plan to Safeguard Children and Women in Lebanon can be also considered a strategy that will address the problem of street-based children.”\textsuperscript{401} He notes that “many workshops and training sessions were organized previously in the coordination with civil society’s organizations to train Internal Security Forces on how to deal with Street children; however our biggest problem remains the lack of resources which affects the fulfillment of human rights.”\textsuperscript{402}

**Respect for the views of the child**

According to Article 12 of the CRC children refugees should be able to express their views in the community at large. However there are no legislative texts in Lebanon that guarantee this right of participation especially to refugee children.

Syrian children are hardly given the opportunity to participate in decision-making and are not being heard even regarding issues that affect their lives. The helpless situation of Syrian refugees in Lebanon and the lack of more important basic needs make the principle of participation of no importance. Though

\textsuperscript{400} Interview with Fehmi Karami, Advisor to the Minister of Social Affairs in childhood issues, February 24th, 2015
\textsuperscript{401} Interview with Fehmi Karami, Advisor to the Minister of Social Affairs in childhood issues, February 24th, 2015
\textsuperscript{402} Interview with Fehmi Karami, Advisor to the Minister of Social Affairs in childhood issues, February 24th, 2015
Lebanese school curriculum includes this principle, the majority of Syrian children are not even attending schools to learn the values of citizenship and participation.

Coming from a country ruled by an authoritarian regime, Syrian students find it hard to assimilate Democratic notions and practices. Even parents do not understand the concept of participation since not expressing their views is culturally considered as a form of respect. Extra-curricular activities that foster self-expression are very limited in schools and outside, chances to speak freely are rare. Discrimination against Syrian children is also an obstacle that prevents them from engaging in discussions with their Lebanese peers.

Therefore the culture of participation is hardly seen among Syrian children for several reasons; first, the political regime in the country of origin did not give its citizens the opportunities to raise their voices or question mainstream views and has long imposed school curriculums that are not compliant with the notion of democracy. Second, the Syrian culture does not appreciate participation of children especially in issues requiring adults’ decisions. Third, the vulnerable situation of Syrian refugees and the lack of basic needs made the principle of participation a very silly one.

According to Maria Bruneian, child protection coordinator at the Ministry of Social Affairs, “all plans and strategies implemented in the matter of all children in Lebanon respect the views of the child.”[^403] In fact, this principle could

[^403]: Interview with Maria Bruneian, child protection coordinator at the Ministry of Social Affairs, February 24th, 2015
be found indirectly in some sections of the Lebanese Crisis Response Plan; where youth refugees are invited to interact and be part of some initiatives planned by the Government; however there is no section reserved for this principle and views of children below the age of youth could be hardly recognized.

Based on the above conducted research, we can understand that the application of the CRC and the protection of children rights cannot be assessed as a whole; one cannot answer by a yes or no if Lebanon applying the CRC toward Syrian children. However, this study can present the degree of compliancy of each sector or Ministry to the CRC standards. As we noticed, some ministries are more compliant than others. For example, the Ministry of Education can be considered as one of the top governmental bodies applying the CRC and providing the right to education to all children in the country without any discrimination. However, based on the study, the Ministry of Health though it is making many initiatives like vaccination campaigns it still doesn't have a clear strategy to provide Syrian children with the appropriate health care. In the next section, the study will elaborate based on the research how not all children rights are being fulfilled in Lebanon. The thesis will also provide a number of recommendations that could be applied to protect Syrian children from the humanitarian crisis they are living.
Chapter Five:
Analysis and Conclusions

When analyzing any human rights field in Lebanon, one should take into consideration the country’s specific circumstances and recent history of sequential political crises and armed conflicts. In the specific arena of refugees, one cannot overlook the enormous effect of the presence of the Palestinians on Lebanon’s stability and its influence on the determined decision of Lebanon not to sign the 1951 UN Convention and Protocol Relating to the Status of Refugees.

The current refugee regime is based on International Law. Refugees are dealt with through an International Organization and protection needs to be provided by governments in International Law. However states see refugees as threats which lead to narrowing their protection.

The Palestinian refugees’ case in Lebanon has proved that the Lebanese state only acts upon its interests and based on its capacities; Palestinians were never granted Lebanese citizenship due to the fact that this might lead to conflicts between Lebanese communities and not to preclude their repatriation to their homeland. Likewise, the Lebanese government is dealing with Syrian refugees taking into account its own interests; but at the same time it seems helpless facing the pressure posed by super powers and the international community.
As for children rights, Lebanon ratified the United Nations Convention on the Rights of the Child (CRC) on May 14, 1991 and its optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in 2004 with no reservations. The ratification of this Convention imposes on Lebanon the obligation of implementing its articles toward all children on Lebanese soil without making any possible distinction between them. However, as already mentioned in the literature review, the CRC asks the states parties to show willingness to progress in the field of the protection of children rights and it does not impose the strict immediate application of the convention.

After ratifying the Convention, Lebanon has demonstrated a commitment to the CRC by submitting its state report; however, since 2004, Lebanon has not submitted any state report to the Committee on the Rights of the Child. It was required to submit its fourth and fifth periodic reports combined in 2011 but it did not. According to UNICEF, Lebanon will submit its sixth report by June 2015 and this report is expected to include a whole chapter evaluating Syrian refugee children rights. Another shadow report is being prepared by International Organizations to be submitted to the Committee in parallel with the state report.

A first observation can be made here; after nine years since the appearance of the final Committee’s concluding observations on children rights in Lebanon, no official assessment were published of children’s situation in Lebanon. Only shadow reports were developed by International Organizations to evaluate the extent to which children rights were respected in Lebanon. The absence of official reports on children rights puts Lebanon in a weak position of
not willing to show progress in this field and it also obliges any related study to rely on Non-Governmental reports were information could be most probably negative.

This fact leads us to a major problem facing Lebanon in terms of human rights which is the absence of specific guidelines to control the work of NGOs and INGOs in Lebanon. The Committee on the Rights of the Child has warned in 2006 against the trend of contracting out services to non-governmental organizations which weakens accountability of the government. This study finds that the aforementioned problem still exists till now and has exacerbated with the flow of Syrian refugees to Lebanon leading to a tendency by the Lebanese government to put the blame on NGOs working in this field and accusing them of dealing with this issue like it is a business.

Lebanon considers that its legislative texts are in conformity with the stipulations of the CRC. However, the Committee on the Rights of the Child noted in 2006 the lack of refugees’ legal protection in Lebanese legislative texts because Lebanon had not signed the 1951 Convention Relating to the Status of Refugees. Since then no progress has been noticed in the matter of drafting legislative texts protecting refugees. De facto refugees in Lebanon are currently subject to the whims of the successive Governments and their Ministerial decisions.

In fact, the Minister of Social Affairs, Rachid Derbas, confirmed in an interview that “Lebanese laws are being broken by Syrian refugees and the
Lebanese authorities are turning a blind to this since applying laws strictly on their behalf could be harmful; for example, a number of Syrian de facto refugees are working in Lebanon as taxi drivers or even as doctors in camps.\textsuperscript{404} Derbas added that “agreements between Lebanon and Syria never mentioned anything related to a flow of more than 2 million Syrians to Lebanon and how should the Government deal with this situation to prevent the country from falling apart.”\textsuperscript{405}

The study finds that Lebanon generally respects the principle of non-refoulement, based on the assurance of Lebanese officials. However, the government has issued a policy that prevents more refugees from entering Lebanon by posing great restrictions on them to reduce their number in the country. Yet, Lebanon is not adopting clear standards in this matter.

Lebanon also does not apply clear standards regarding residency and legal stay of Syrian de facto refugees in Lebanon; these standards are subject to changes upon Ministerial decisions. In addition to that, Syrian de facto refugees are always at risk of being arrested for lacking identification documents or other reasons.

Based on the new border policies issued in December 2014, Syrian children receive a residency valid for six months renewable free of charge for an additional six months. A renewal is made upon payment of USD 200 for persons 15 years of age and older.

\textsuperscript{404} Interview with the Minister of Social Affairs Rachid Derbas on February 24\textsuperscript{th} 2015
\textsuperscript{405} Interview with the Minister of Social Affairs Rachid Derbas on February 24\textsuperscript{th} 2015
Regarding the principle of non-discrimination, the study finds that Lebanon does not have specific laws to protect foreign children living on its territories from discrimination. According to the Committee on the Rights of the Child’s Concluding Observations in 2006, Lebanese domestic law leaves refugee children without protection especially regarding their access to adequate social and health services and educational facilities. Since then, no laws were revised to protect refugee children from discrimination in Lebanon.

The Committee also noted the existence of racial discrimination and xenophobia in the country. Similarly, according to the study Syrian children are being subject to several acts of discrimination; for example in education, discrimination is exercised by both teachers and students. In addition to this, Some Syrians are being pushed to learn how to speak with a Lebanese accent to avoid discrimination. On the other hand, the government denies the existence of discrimination acts against Syrian children and did not implement any measures specifically targeted against discrimination.

However, based on the interview with Joseph El-Helou, Director of Health Care department in the Ministry of Public Health, “the Ministry cannot prioritize refugees over Lebanese citizens. Thus, places of Lebanese nationals in public hospitals should be reserved.”

When asked about this, the Minister of Social Affairs Rachid Derbas noted that “prioritizing Lebanese nationals in public hospitals cannot be

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406 Interview with Joseph El-Helou, Medical Health Director at the Ministry of Public Health, February 7th, 2015
considered an act of discrimination," stating that “if you have a budget that can only feed your children would you spend it on your neighbors children and leave yours hungry?” He then added, “Our budget is very limited and this is a question of capabilities; if we were able to support them we would have done so.”

Based on the above, we can consider that the principle of non-discrimination is not being implemented in Lebanon; first due to the lack of legal texts protecting refugee children from discrimination; second, due to the unrecognition by the Government of the existence of discrimination acts in Lebanon; third, due to the absence of any measures specifically directed to address this issue; and finally due to the incapacity of the government to treat de facto refugee children the way it treats its children nationals.

As for the principle of the best interest of the child, according to the CRC Committee, this principle is not adequately reflected in Lebanon’s legislation, policies and programs. Besides, Lebanon, until now has not reviewed its legislation to ensure that Article 3 of the CRC is duly reflected and taken into account. In addition to that, the government did not address the principle of the best interests of Syrian children in its Crisis Response Plan for the coming two years. However, the Ministry of Social Affairs has started implementing the “Best Interest Determination Process” in 2015 in the coordination with UNICEF to protect Syrian Children.

407 Interview with Minister of Social Affairs Rachid Derbas, February 24th, 2015
408 Interview with Minister of Social Affairs Rachid Derbas, February 24th, 2015
409 Interview with Minister of Social Affairs Rachid Derbas, February 24th, 2015
Consequently, based on this study we can conclude that the principle of the best interest of the child is not fully implemented in Lebanon though minor efforts by the Ministry of Social Affairs to put up with the best interest determination process.

Regarding criminal responsibility and juvenile justice, this study finds that the minimum age for criminal responsibility is still too low at 7 years old though a law was drafted to raise this age to 12 years old but it did not yet pass.

Also, the study finds that law 422 of 2002 entitled “Protection of Children in Violation of the Law or Exposed to Danger” is not being fully implemented; since punishment of juveniles is not being replaced by educational and rehabilitative measures. Though juveniles are being protected through the presence of a social worker from UPEL (The Union Pour la Protection de l’Enfance au Liban) during interrogations; both Lebanese and Syrian children are being detained in prison for durations that might exceed the year and a year and a half, a procedure that contradicts with the CRC provisions.

Moreover, the study finds that before the trials and during investigations all children are being placed in adults prisons until the judge’s decision is issued. Some claims of children with connections to terrorist groups being place in adult jails were refused by the Lebanese government. However what the study can conclude is that jails and detention centers in Lebanon are very far behind in meeting International standards.
Also the study finds that the exact numbers of Syrian children in Lebanese prisons are still unknown; however what we can be sure of is that for every single Lebanese case, we have 10 other Syrian cases and the group age with the highest number of crimes is from fifteen to eighteen years old. As for rehabilitation of juveniles by the government, the study concludes that this is not considered a priority by the Lebanese government towards neither Syrian nor Lebanese juveniles. The study also finds that it is not clear whether Syrian juveniles are being deported back to Syria due to a contradiction between the statement of the Minister of Social Affairs and that of UPEL representative; the latter stated that some Syrian juveniles are being returned to Syria after their release; however the Minister of Social Affairs denied this fact.

The study notes the high rates of early marriage in Lebanon among Syrian children are mainly caused by financial problems like the incapacity of families to support their daughters and security reasons such as the fear of their daughters being molested. It is important to note that early marriage is not considered a form of sexual abuse by some families in Syria and Lebanon and this differs from one region to another in both countries.

Regarding unaccompanied, separated and orphaned children, the study finds that it is difficult to estimate the number of unaccompanied children in Lebanon because many stay illegally and move around. The study also finds that international organizations, like UNHCR and the International Committee of the Red Cross, are the ones taking care of monitoring unaccompanied children at the borders and working on reuniting them with their families.
In addition, though the Government has started implementing the “Best Interest Determination Process” in 2015 to protect Syrian Children, the Minister of Social Affairs Rachid Derbas has clearly stated in an interview that “the Ministry is not implementing any special procedures to protect unaccompanied, separated and orphaned children.”\textsuperscript{410} Also the study finds that Ministry of Social Affairs does not cover unaccompanied, separated and orphans children stay in contracted institutions unless their mothers are Lebanese. Therefore the study finds that the Government is not applying CRC standards in protecting this category of children and does not even recognize its responsibility towards them.

On the other hand, the study notes that after adopting new border policy, Lebanon is still allowing the entrance of unaccompanied and separated Syrian children with no restrictions, a step that could be a start to a more elaborated policy towards this category of children.

Regarding the protection of child identity, the study finds that many Syrian new born are not being registered in Lebanon because of the complicated procedure of child’s registration in Lebanon. However, the study also finds that the blame cannot be put on the Government alone, since some Syrian parents are ignoring the importance of registering their newborns. On the other hand the study recognizes the importance of the Government’s initiative to sustain registration and verification of de facto refugees in line with Government policies and to launch awareness campaigns about the importance of this registration.

\textsuperscript{410} Interview with the Minister of Social Affairs Rachid Derbas on February 24\textsuperscript{th}, 2015
Regarding education, the study finds that though school enrolment rates in Lebanon are high and even across genders, it has not yet met the CRC standards; it is not entirely free, there are some children out of school and illiteracy still exist in Lebanon and conditions of some public schools are bad.

Syrians and non-Lebanese children are in principle allowed to attend public schools but priority is given to Lebanese children. Public schools are overstretched and face high costs per child to enroll additional students. However, UNHCR and CERD are now working on the Accelerated Learning Curriculum (ALC) that aims to develop educational programs especially adapted to Syrian children needs and will be mainly provided in afternoon shifts.

Though education has not reached CRC standards in Lebanon, this study recognizes the great effort made by the Lebanese Government in this matter for example in 2014, 141,000 children in Lebanon including Syrian children were supported to enroll in formal education; 90,000 children registered as refugees by UNHCR were supported through payment of enrollment fees; 90 schools were renovated in order to increase classroom capacity and improve school conditions; 2,500 Lebanese teachers benefited from professional development and psychosocial support in learning centers and schools was increased to cater for nearly 55,000 children traumatized by the conflict. The Government is also implementing RACE Reaching All Children in Lebanon with Education strategy that aims to enroll 400,000 children displaced from Syria in learning by 2016.
The study also finds that the Ministry of Education is the only ministry that has a clear strategy among other ministries and it was very flexible in dealing Syrian students applying for official exams by respecting their rights to continue their education. The study also finds that the Ministry of Education, though it did not yet fulfill all CRC rights however, its effort should be recognized.

Regarding the health sector, the study finds that health centers became overwhelmed by the increase in the population caused by the mass influx of refugees from Syria. However effort put by the Ministry of Public Health was limited to Polio and Measles vaccination campaigns, taking care of all dialysis costs for all Syrian refugee children and covering costs of emergency cases based on the decision of the Minister.

The study also finds that the rate of mortality among Syrian refugees in Lebanon is low. However the data of infant and maternal mortality were not captured; a fact that leads to an important problem in Lebanon which is the lack of statistical data. Based on an interview with the Minister of Social Affairs Rachid Derbas, “the Minister has issued a ministerial decision to start developing official numbers and statistics of all important elements in Lebanon to stop relying on numbers provided by International Organizations.”

Regarding child labour, the study finds that most of Syrian refugees have left school in order to work and the vast majority of them are working in the informal sector and without work permits which means they are working in types of work considered harmful by the law and prohibited by the Lebanese Labor

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411 Interview with the Minister of Social Affairs Rachid Derbas on February 24th, 2015
Code to children under sixteen years old. In addition to that, the number of their working hours is certainly not limited to six hours per day. Though, the Minister of Social Affairs has assured that employers breaking the law are being punished, the study finds that no special measures were implemented to fight child labour in Lebanon.

The study finds that the Government admits that some Syrians are breaking the labour code or Lebanese laws in general without being punished. The Government is even considering turning a blind to this a well treatment by the Government towards Syrian refugees. However, this fact will only cause chaos in the country and has a bigger probability of having bad effects on refugees themselves.

The study also finds that informal refugee camps in Lebanon are not being managed or controlled by the Government and this is leading to the exercise of many unlawful acts within these camps; such as the system of shawish, abuse of children and women, selling goods provided by NGOs and many more dangerous acts that could happen in the future such as the risk of organized armed groups that could generate from an uncontrolled camp. In fact, neither the government’s working paper nor the LCRP addressed the issue of refugee camps and until now this is not a topic of discussion. On the other hand, UNHCR supports the idea of establishing camps within Lebanon’s borders.

Concerning protection, this study finds that violence still exists in Lebanon especially against children due to the lack of civil laws since Lebanon still
applies personal status laws that differ from one community to another and it makes containing violence harder. Though a national law was ratified penalizing child trafficking, widespread cases of sexual harassment, exploitation, and abuse among refugee children are being reported. In addition to that, based on interviews with Lebanese officials it seems that the law on trafficking has not been fully implemented yet for administrative reasons.

Another important note is that trafficked children are still considered criminals by the law and are being arrested, a fact that fully contradicts with CRC standards.

More specifically, the study finds that Syrian women and girls are being dragged to sexual exploitation and prostitution or as social workers may call it “survival sex” out of poverty. On the other hand, the study finds that the Government only acts upon reporting and it does not implement preventive measures not to allow incidents from happening.

The study also finds that the recommendation made by the CRC Committee in its 2006 Observations to develop a toll-free helpline with 24h service for children would not work for Syrian refugee children since though the Government has launched in 2014 the RapidPro SMS system to build a network of community members willing to report on issues particularly affecting children via a free 2-way SMS receive developed in partnership with private telecommunications companies. This step would not be effective in the case of Syrian children since most of them are poor and do not have mobile phones.
The study also finds that Syrian refugees live in poor areas, widening poverty gap between Lebanese social groups and Syrian social groups. On the other hand, the Lebanese government published in its Crisis Response Plan in December 2014 that it has made several efforts to rescue Syrian refugees and to provide them basic needs. However, in order to implement its basic needs assistance strategy, the Government needs USD 288.6 Million for 2015 and 2016 and it has only received USD 1.5 Million so far. Also, all other sector responses mentioned in the LCRP need way more funds than the donations received, and do not cover all people in need.

The study finds that street children are a major problem in Lebanon that need to be solved immediately. Children begging in the streets are subject to all sorts of violence and abuse. It is worth mentioning that the LCRP did not include any measures related to street children though most of them are Syrian which may pose the question; Is the Government taking this issue seriously?

Finally, the study finds that the CRC principle of respecting the child's views is merely recognized by the Lebanese Government toward Syrian children refugees, and though according to the study's interviews all plans and strategies implemented in the matter of all children in Lebanon respect the views of the child; it is obvious that no strict measures are being applied to promote a culture of respecting child's views and opinions neither among Lebanese children nor among Syrian children refugees.
Conclusion

This study showed that Lebanon is far behind fulfilling its CRC responsibilities to protect all children on its territories including Syrian refugee children. Throughout the study, it was obvious that a large number of Lebanese officials do not have a sufficient knowledge about the CRC. In addition, many contradictory statements were made by spokespersons which show the need for the more systematic gathering of statistical data and the digitalization of all Lebanese Ministries in order to have reliable and transparent records.

According to the Minister of Social Affairs Rachid Derbas, “Lebanon is not a country of refuge but due to the fact that Lebanon is a neighboring country it’s trying its best to support Syrians.”412 However, in the question of the protection of children, Lebanon is not required to be a signatory state of the Convention related to the status of refugees to provide refugee children with full protection.

The study concludes that though Lebanon lack the resources and capabilities to protect refugees in general, not implementing measures to respect children rights is the fault of its Government. Also the political crisis that the country is going through is a major obstacle to the development and respect of human rights in Lebanon. At the same time, the international community should also be blamed for not supporting Lebanon and its refugees in a way that could avoid a humanitarian crisis.

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412 Interview with the Minister of Social Affairs Rachid Derbas on February 24th, 2015
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Appendix

Below is a list of recommendations that cannot be part of the thesis based on its informative nature. However whether the reader agrees with the below or not, we consider making suggestions to better protect children in Lebanon should be useful.

This study recommends;

1. The elaboration of a complete guideline by the Government to organize non-governmental organizations work in Lebanon.
2. The elaboration of legislative texts that recognize the rights and obligations of de facto refugees in Lebanon.
3. The development of clear written standards in light of international laws that manage both access of de facto refugees to Lebanon and identifies specific criteria of their admission to the Lebanese territory.
4. The elaboration of a written section that could be included within the refugee law; where standards of legal stay in Lebanon would be clarified and other important rules would be identified.
5. Raising the minimum age to 18 instead of 15 years old since individuals aged between 15 and 18 years old are still considered children and they might lack the sources to pay this charge.
6. Revising Lebanese laws to apply to all children living on the Lebanese territory not just Lebanese nationals.
7. Reserving a special section within the Lebanese Crisis Response Plan for 2015-2016 to the implementation of the principle of non-discrimination that would include all possible measures to fight any act of discrimination exercised by private or public sectors agents.
8. Elaborating legislative texts that ensure the application of the principle of the best interest of the child for both nationals and de facto refugee children. In addition to that, the study recommends to elaborate this principle more within the LCRP and to have a well-defined vision on how to implement it and respect it.
9. Raising the minimum age of criminal responsibility to 12 years old.
10. Applying alternative measures such as community services and limiting deprivation of liberty to the shortest time possible.
11. Improving the condition of detention and prison facilities and making sure to separate children from adult detainees during investigations.
12. Collecting and monitoring statistical information; applying suitable measures to reintegrate juveniles in the society; and to implement strict measures to make sure that
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no Syrian children is being deported back to Syria. In addition to that, the study highly recommends making the rehabilitation of all juveniles a serious priority by the Government.

13. The elaboration of civil law that would be managed by civil authorities and could rule such issues instead of personal status laws that apply differently to religion-based groups in Lebanon and pose high risks of discrimination or abuse. The study also recommends completing the draft law regulating marriage of minors that was drawn up in August 2014 and was opposed by religious leaders.

14. The recognition of the responsibility to protect unaccompanied, separated and orphaned children by the Government and the establishment of a whole section within the LCRP to set specific measures to identify any unaccompanied children in Lebanon and protect them.

15. The Government should develop traditional foster-care system including “Kafalah” (alternative care of children) as was recommended by the Committee on the Rights on the Child in its Concluding Comments in 2006 and avoiding placing children in institutions.

16. Simplifying birth registration procedures in Lebanon to Syrian de facto refugees and making them free of charge in addition to fixing all gaps in legislative and administrative frameworks that could create cases of statelessness.

17. Considering fighting illiteracy and school dropout a major priority by the Government by implementing all measures needed to make sure that all children on Lebanese soil are receiving an adequate education. In addition to that, the Lebanese Government should make sure to renovate public schools’ buildings every now and then to make sure that all safety measures are being applied.

18. Digitalizing all Lebanese Ministries especially the Ministry of Education and implementing a tracking system that could make all statistical data more reliable and hence create a base to solve all problems in a systematic way.

19. Developing public health centers in Lebanon to make them ready to absorb the current crisis and any crisis that could happen in the future. It also recommends covering all cases of Syrian children not covered by UNHCR; since according to the CRC any child on the Lebanese soils has the right to life, survival and development.

20. To develop official statistical numbers in Lebanon, considered a basic to any address any problem in the country.

21. Implementing a special section within the LCRP on child labour, describing the exact measures that will be taken by the Government to protect Syrian children from child labour. The study finds that the Ministry of Social Affairs is actually implementing the National Plan to Safeguard Children and Women in Lebanon that will protect all national and refugee children in Lebanon however; to address the problem of child
labour, the government should elaborate a more descriptive and details oriented plan that could fight both sources of child labour and its consequences.

22. Making sure that all Lebanese laws are being well respected in addition to developing more needed laws and measures that would manage the temporary existence of Syrian refugees in Lebanon and reduce its bad impact on the country.

23. To develop formal camps strictly controlled and managed by the Lebanese authorities. Formal camps will make relief work easier and more effective and will prevent any security threat from menacing the country.

24. Passing new civil laws criminalizing all kinds of violence including domestic violence.

25. The rapid implementation of the Lebanese law criminalizing trafficking.

26. Amending the law not to consider individuals under 18 a criminals of trafficking but recognizing their right for protection and rehabilitation.

27. Switching Government’s role from a responder to an initiator that applies preventive measures not to allow incidents from happening.

28. Implementing more effective measures to protect Syrian refugee children for example by training a specific police organ targeted to protect children from exploitation and abuse.

29. Updating the LCRP in a way that covers all people in need and to reduce the cost to the minimum possible and to publish all financial studies done to come up with these numbers for the sake of transparency. In addition to that, the study recognizes that protecting Syrian refugees and children in Lebanon should not be the responsibility of the Government alone but the international community as well.

30. Addressing the issue of Street Children by following the CRC recommendations of 2006 to adopt a comprehensive national strategy of street children; by refraining as a matter of policy from detaining children begging in the streets and seeking alternative forms for their detention; by undertaking an action oriented study to identify the root causes of this problem and by collaborating with NGOs working with street children.

31. Developing and implementing a strict strategy aiming to promote and respect the principle of children rights to express their views.