Summary

Child Rights Situation Analysis

Lebanon
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Save the Children

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ACRONYMS

ALEF	Lebanese Association for Education and Training
ANND	Arab NGO Network for Development
CAS	Central Administration for Statistics
CCA	Common Country Assessment
CEDAW	Convention for the Elimination of All Forms of Discrimination Against Women
CERD	Centre for Educational Research and Development
CRG	Child Rights Governance
CRSA	Child Rights Situation Analysis
ECCD	EARLY Childhood Care and Development
DRR	Disaster Risk Reduction
FAO	Food and Agriculture Organization
GDP	Gross Domestic Product
HCC	Higher Council for Childhood
ILO	International Labour Organisation
INGO	International non-governmental organisation
IPEC	International Programme on the Elimination of Child Labour
ISF	Internal Security Forces
LCRP	Lebanon Crisis Response Plan
LPHU	Lebanese Physical Handicapped Union
MDG	Millennium Development Goal
MDM	Medecins du Monde
MENA	Middle East and North Africa
MEHE	Ministry of Education and Higher Education
MICS	Multiple Indicator Cluster Survey
MOJ	Ministry of Justice
MOPH	Ministry of Public Health
MOSA	Ministry of Social Affairs
MMR	Maternal Mortality Rate
NGO	Nongovernmental organisation
NSDS	National Social Development Strategy
PLO	Palestinian Liberation Organisation
PRS	Palestinian Refugee from Syria
SCI	Save the Children International
SCL	Save the Children Lebanon
SDC	Social Development Centre
TDH	Terre Des Hommes
UNCAT	United Nations Convention Against Torture
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children Fund
UNISDR	United Nations International Strategy for Disaster Reduction
UNODC	United Nations Office for Drug Control and Crime Prevention
UNRWA	United Nations Relief and Works Agency
WHO	World Health Organisation
WRF	World Rehabilitation Fund

1 INTRODUCTION

1.1 Background and Objectives

Save the Children Lebanon (SCL) decided to undertake a Child Rights Situation Analysis (CRSA) in 2015, in response to the need for a foundation from which to develop advanced rights-based programmes that would guarantee better integration between humanitarian and development efforts. For SCL, this CRSA is expected to serve as an integral part of strategic decision-making and will be the primary assessment that will feed into the 2016-2018 country strategic plan.

The overall objective of the 2015 CRSA exercise is to conduct a review of the situation of boys and girls among the Lebanese and refugee populations in Lebanon, to assess the realisation of their rights based on the UNCRC, and to identify the obstacles and enablers of their fulfilment. The Child Rights Analysis intends to inform future strategic planning of SCI's programming in Lebanon.

1.2 CRSA Approach and Adopted Methods

The approach for this Child Rights Situation Analysis is laid out in Save the Children's "Child Rights Situation Analysis Guidelines" from 2013. The process of the 2015 CRSA study was divided between the local office for Save the Children and an outsourced consultant, International Technical Assistance Services and Consulting (ITASC). SCL assembled a Steering Committee which was responsible for the implementation of the CRSA and to ensure budget compliance. The CRSA was based on two sources of information: primary and secondary data.

SCL adopted a participatory validation process encompassing internal stakeholders from SCL and external relevant stakeholders, as well as a parallel validation process with children including Lebanese, Palestinian and Syrian children.

2 COUNTRY CONTEXT

Lebanon is a middle income country whose economy relies on two main sources: services and foreign aid. Lebanon is a free-market economy with extensive linkages with the developed world in most economic activities. The private sector contributes over 80 percent of Lebanon's GDP and is dominated by services like banking, finance, hotels, restaurants, media, and advertising, but also includes agriculture, manufacturing, construction, trade, and tourism.[1] Lebanon's GDP reached (US dollars) $45.73 billion in 2014.[2] Notably, its gross domestic debt stands at $69.36 billion and its debt-to-GDP ratio stood at 134 percent at the end of June 2015.[3]

Poverty in Lebanon continues to be a serious problem, despite the government's efforts in the post-war years. Poverty in Lebanon is also associated with marginalised social groups such as people with disabilities, the elderly and female-headed households (often widows). Of female-headed households, 36 percent are considered deprived, versus 23 percent of male-headed households.[4]

At the macroeconomic level, the Syrian crisis underlined and amplified the repercussions of the deadlocked political situation, and consequently economic growth slowed considerably between 2011 and 2015.
The Syrian Crisis significantly affected the demographic profile of the country. The population of Lebanon is now one fifth Syrian (27 Syrians per 100 Lebanese), rendering it the highest per capita hosting country in the world when accounting for its previous refugee populations.[5] The Lebanon Crisis Response Plan (2015-2016) estimated the population living in Lebanon at 5.9 million, out of which 1.2 million Syrians are registered as refugees with UNHCR.[6] UNHCR figures indicate that the number of registered Iraqi refugees remained at 6,100.[7]

"Historically, policymaking in Lebanon has dissociated the economic from the social agenda, relegating the latter rather to a secondary offshoot. Only recently have social issues started to feature notably in government plans and ministerial statements. The Social Action Plan – a road map consisting mainly of social safety nets – was instigated in 2007 as part of the government's reform plan submitted to the Paris III conference. The Social Action Plan stipulated the formulation of a national social strategy. Accordingly, in 2011, the National Social Development Strategy (NSDS) was drafted. The strategy calls for a common vision guiding the establishment of a citizen-based civil State."[8]

1 UNDP, Lebanon Millennium Development Goals Report 2013
2 World Bank, http://data.worldbank.org/country/lebanon
3 Ministry of Finance, Public Debt Directorate, General Debt Overview, 2015
4 UNDP and MOSA, Poverty Mapping, 2007
5 World Food Programme, Vulnerability Assessment of Syrian in Lebanon-Preliminary results, 2015
6 Lebanese Republic, UN, Lebanon Crisis Response Plan, 2015-2016, 2014
7 UNHCR, Lebanon Global Appeal, 2014-2015, 2014
8 MOSA, National Social Development Strategy, 2011

Lebanon has not undertaken any accessions or ratifications in the last seven years to relevant human rights-related international treaties. This could be attributed to political instability and the frequent paralysis of the legislative authorities. This reality is reflected by Lebanon's signature or acceptance of treaties without legislative ratification. Lebanon signed the Optional Protocol to the UNCRC on the involvement of children in armed conflict on 11 February 2002 but has taken no action towards ratification. The Higher Council for Childhood (HCC) is currently implementing an action plan that aims at facilitating ratification. Lebanon has also not ratified the Optional Protocol to CEDAW. Lebanon is not a signatory of the 1951 U.N. Refugee Convention, and its 1967 protocol does not recognise the basic rights and legal obligations to people with refugee status.

On the human rights levels, pressures generated by the armed conflict in neighbouring Syria have continued. There were new reports of torture and other ill-treatment of detainees. Lebanon took steps to restrict the entry of refugees from Syria including Palestinians. Palestinian refugees' long residence in Lebanon continued to face discrimination. Women remained subject to discrimination in law and in practice, and were inadequately protected against sexual and other types of violence. Foreign migrant workers, particularly women domestic workers, faced exploitation and other types of abuse. More than two dozen men faced prosecution for alleged consensual same sex conduct. Some progress was made in clarifying cases of enforced disappearance dating back decades. The death penalty remained in force; there were no executions. Lebanon has not removed its reservations on the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), namely Article 9 paragraph 2 concerning the nationality law, and Article 16 paragraphs (c), (d), (f) and (g) concerning the personal status code, and Article 29 on arbitration, which hampers gender equality.

With regards to child rights, Lebanon ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on Nov. 8, 2004. The first government report for this Protocol was due on Dec. 8, 2006 but it has not been submitted. The government of Lebanon has neither lodged any reservations to the UNCRC nor to the Optional Protocol (OP) on the Sale of Children, Child Prostitution, and Child Pornography. Amidst major delays in the ratification and implementation of optional protocols to the UNCRC and reporting on existing ratified treaties, it would be unrealistic to expect ratification of the third OP to the UNCRC on communications procedures. The Committee requested that Lebanon's fourth and fifth periodic reports be combined and submitted as one report in December 2011, however it wasn't submitted in due time and the State submitted it in 2015. There is no comprehensive children's code in Lebanese law, rather legislation of particular relevance to children is found in a number of codes, laws, and decrees as outlined throughout the CRSA.

3 General Measures of Implementation - General Principles - Definition of the Child

3.1. General Measures of Implementation

Analysing the general measures of implementation cannot be done in isolation of the country's context, since the latter would ideally set the basis for engendering an enabling environment conducive to the realisation of children's rights. Notwithstanding the progress achieved to date, there are structural causes which have impeded the progress of implementation and which Lebanon has failed to address since the ratification of the UNCRC in 1996, and which were also repeatedly underlined by the UN Committee on the Rights of the Child. The most important structural cause is the absence of a children's rights-based national childhood policy. This was consequently reflected in all the general measures of implementation, where all child-related efforts were fragmented, and interrelated bottlenecks ensured a complex and ineffective desultory cycle.

The prevalent family and religious values and social norms yield both beneficial and dilatory effects to the realisation of children's rights. In general, the child is still not perceived as a subject of rights or a "right-holder" as such. Religion is a major determinant of social norms and hence it affects children to a great extent, given its sanctity and the fact that it has to be taken at face value in a multi-sectarian context that affects children in different ways.
Moreover, national legislation was not harmonised in compliance with the UNCRC and its principles. Lebanon is unable to reach a unified code on children's rights due to a multiplicity of personal status laws that apply to children depending on their religious affiliations. In spite of the issuance of child-related legislation, enforcement is weak. This stems from the failure to issue implementation decrees for endorsed laws by the government, which would establish mechanisms and structures, and allocate the necessary budgets.

Besides the structural causes, there are underlying causes which contributed to the lack of progress in implementation, including political turmoil, national governance constraints, changes in government, as well as continued paralysis of the legislative authorities, and the Syrian Crisis. In the last decade, there was an attempt to formulate a national childhood strategy and a national plan for children, but it fell apart because of frequent government instability, budgetary constraints, and the lack of political will.

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46 United Nations, Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention - Lebanon, Concluding Observations, 2006
47 MANARA Network, Save the Children Sweden, Country Profile of Lebanon, 2011
48 USJ, HCC, Save the Children, UNICEF, Legal Study on UNCRC and compliance with national laws, 2007

Repeated governmental changes also contribute directly to the inability to hold stakeholders and responsible parties accountable, especially those in the state's structure. In the same context, it can be gathered that an ombudsman was not established which impeded the implementation of the monitoring and accountability measures. In addition, it will be difficult to ensure independence from politicisation, given that the position and its power will be attractive to many but not necessarily for the sake of helping children.

The issue of poor availability of information and statistics as policy monitoring tools should not be ignored. One major problem relates to the politicisation of information. Census data is not available to the public and hence most indicators are essentially estimates. The inability to generate data represents a major hurdle in the monitoring of the CRC and policy formulation. In practical terms, the shift in emphasis to humanitarian assistance-emergency work facilitated the generation of information pertaining to refugees as opposed to indigenous Lebanese communities, given the relevance to securing necessary funds.

Various governments have proved unable to address the national debt issue. Accordingly, additional resources earmarked for an action plan for childhood were not available and will likely not be available in the short run. Allocations for children are diffuse and mixed in with the general budgeting system, and within ministries.

In parallel, the existing coordinating mechanism possesses an adequate mandate, but is crippled by weak jurisdiction. This fact is directly related to the governing structure of the HCC, whereby the latter is a council within the Ministry of Social Affairs (MOSA) and does not have a national enforcement authority. It is difficult to analyse partnerships and cooperation between the government and civil society from a children's right-based perspective due to their complexity. In general, the government facilitates partnerships with civil society through HCC's structure and its related committees. Conversely, MOSA subsidises civil society to deliver services to children and should therefore play a strict monitoring role to ensure quality on the one hand and the protection of children's rights on the other. However, the latter effort is frequently undermined by a politicised and competitive civil society.

It can be concluded that minimal progress was achieved with respect to the general measures of implementation. This can be attributed to the weak enabling environment resulting from both structural and immediate causes.

3.2 General Principles

Since the ratification of the UNCRC, its principles have not permeated all structures and levels in Lebanon, and they are not reflected in the national policies, legislation, nor programmes. This was reinforced by the limited adoption of the children's rights-based approaches, which rely on the UNCRC principles as well as human rights principles.

It can be concluded that there are major structural factors hindering compliance with the UNCRC principles. The most important of these are prevalent social norms and the personal status laws. The latter contradicts the principles of universality of rights and lead to variable perceptions of non-discrimination and the best interests of the child according to the religion and sect of the child, given that they prevail on the civil laws due to the primacy placed in the power originating in religious authority. Changes in the personal status laws represent a great challenge which is difficult to overcome in the short run.

3.3 Definition of the Child

Definition of the child in Lebanon is not compliant with Article 1 of the CRC, whereby different groups of children can be treated differently based on their age. The personal status laws of the 18 different sects have the most impact in that regard. There is no national consensus on "who is a child". The definition of the child as per the UNCRC is still not adopted nationally. This is also valid for parents and children themselves and is leading to children being put in difficult situations according to, and depending on, the perception of childhood by different duty bearers and children. This is exacerbated in the absence of a child code and child policy. The multiplicity of laws governing childhood matters, including the diverse personal status laws, further complicates the situation. As indicated previously, the local

religious systems are structural causes leading to different definitions of the child. Other underlying causes are weak awareness of children rights and related protection provisions. A civil personal status code is ultimately the optimal solution.

Within the prevalent political and religious systems in Lebanon, there are structural causes leading to diverse definitions of the child, the latter impacting on the situation of children and the realisation of their rights.

3.4 General Recommendations - General Measures of Implementation, UNCRC principles, Definition of the Child

Legislation

- Elaborate and endorse a Children Code.
- Harmonise national legislation fully with the provisions and principles of the Convention and related protocols and ratified conventions, and provide the necessary human and financial resources for the full and effective implementation of the domestic laws in order to better protect the rights of the child.
- Endorse proposed child related project laws and amendments.
- Issue all pending implementation decrees and allocate relevant budgets and resources.
- Enforce existing legislations.
- Ratify the third protocol on the UNCRC.

National Plan of Action

- Formulate a National Childhood Strategy and relevant action plan and allocate necessary budgets.
- Allocate resources for the full implementation of existing endorsed action or under preparation plans per concerned ministries, including human and financial resources and adequate follow-up mechanisms for its full implementation.
- Adopt a child rights based approach in the formulation of all the plans.
- Put in place systems for monitoring and evaluation, and impact assessment.

Coordination

- Evaluate the status and mandate of the Higher Council for Childhood.
- Strengthen the coordination role of the Higher Council for Childhood in relation to the various governmental bodies and non-governmental organisations involved in the implementation of the rights of the child at national, regional and local levels, in order to ensure uniform implementation of the child rights policies and programmes in all parts of the country.
- Provide the Higher Council for Childhood with the specific mandate for this coordination.

Independent Monitoring

- Establish an Ombudsman for Children and provide it with adequate jurisdiction and the necessary human and financial resources.
- Ensure that children rights are included in the human rights institution's mandate and instate coordination mechanisms with the Ombudsman's office.

Allocation of Resources

- Map and analyse the efficiency of spending of existing budget allocations for children.
- Initiate and implement the concept of a national children budget to be prepared by ministries.
- Disseminate the concept and the technical skills to elaborate child friendly budgets.
- Increase the proportion of the budget allocated for the realisation of children's rights to the maximum extent possible within the available resources.
- Allocate budgets at the local level for children, in particular for the most vulnerable children.

Data Collection

- Adopt a national mechanism for data collection and develop indicators consistent with the UNCRC in order to ensure that data is collected on all areas covered by the UNCRC. Ensure that the data is disaggregated by age for all persons under 18 years, and by gender, urban and rural area, and by those groups of children who are in need of special protection.
- Undertake periodic surveys relating to children.
- Undertake qualitative research with various groups of vulnerable children to assess their situation.

Cooperation with Civil Society

- Update the mapping of all civil society organisations dealing with children.
- Engage all groups of civil society in partnerships.
- Initiate collaboration with religious leaders and groups.
- Evaluate the system of service provisions by NGOs.
- Elaborate guidelines and standards for service provision and ensure that they are followed through a transparent process of accountability.
- Establish an accreditation process for civil society before engaging in contractual agreements.

Dissemination of the Convention and Training Activities

- Initiate a national process for the "re-adoption" of the UNCRC and related protocols by all duty bearers.
- Formulate and implement national plans for raising awareness and the systematic dissemination of the UNCRC and related protocols to children and the broader public.
- Undertake systematic education and training programmes on the provisions of the Convention and the Optional Protocol on the sale of children, child prostitution, and child pornography for all professional groups working for and with children. These include judges, lawyers, law enforcement officials, civil servants, teachers, and health personnel including psychologists and social workers.
- Disseminate and build the capacity of duty bearers on a children's rights-based approach.
- Disseminate information and spread awareness of the content of the third protocol.

Definition of the Child

- Initiate a national dialogue on the definition of the child involving various religious leaders, civil society leaders, and judges in order to mobilise them for the realisation of children's rights in law and practice.
- Take urgent measures to engage religious and confessional groups to prohibit early and forced marriages, and adjust the implementation of existing provisions applicable to these communities.
- Raise the awareness of the general public on the consequences of early marriage, especially on girls.
- Address the root causes, namely poverty, which have led to an increase in early marriages among Syrian refugees.

General Principles

Non Discrimination

- Eliminate discrimination against children with disabilities, foreign, refugee and asylum-seeking children, Palestinian children, children living in poverty, children in conflict with the law, and children living in rural areas and other vulnerable groups.
- Institute special measures for the inclusion of children with disabilities, including Lebanese and refugee children (Palestinian and Syrian).
- Ensure that these children have equal access to health and social services and to quality education, and that services used by these children are allocated sufficient financial and human resources.
- Review domestic laws with a view to ensure that children in Lebanese territory are treated equally.
- Allocate specific budgets for vulnerable children at the local, decentralised levels and enhance monitoring of programmes and services implemented by local authorities with a view to identifying and eliminating disparities.

Best Interests of the Child

- Review national legislation and administrative measures to ensure that Article 3 of the UNCRC is duly reflected therein and that this general principle is taken into account when judicial, administrative, policy, or other decisions are made.
- Conduct periodic training for duty bearers like judges and policy makers on practices conducive to the best interest of the child.

Right to Life, Survival and Development

- Provide special training and resources to law enforcement personnel with a view to investigating and prosecuting cases of "honour crimes" involving children in an effective way.
- Raise awareness about the unacceptability of "honour crimes," being sure to involve religious and community leaders.
- Elaborate a national psycho-social support programme for children, including suicide prevention, targeting children affected by armed conflict like Syrian refugees.

Respect for the Views of the Child

- Implement a child participation strategy.
- Establish permanent participation frameworks pertaining to child-related policy making.
- Strengthen measures that would promote respect for the views of all children and facilitate their participation in all matters affecting them within the family, in schools, in institutions, and in judicial procedures, including procedures in the religious and Sharia courts, in local communities, and in society at large.

4 Education and Culture

4.1 Education

The freedom of and right to education, as well as equality of opportunities are expressed in several national and international principles to which Lebanon has subscribed. Laws on free and compulsory basic education were issued without implementation decrees.

Free and equitable access to public education is not guaranteed, as parents still have to pay for school related costs such as fees, books, clothes, food and transportation, which are not covered or are only covered unsustainably i.e. due to the influx of money from international donors in light of the Syria crisis.

Free pre-school education is limited in Lebanon while the vast majority of three to five year olds living in peripheral areas or from vulnerable communities (e.g. Syrians) do not have access to such facilities. This deprives the children of crucial opportunities for their social and cognitive development as well as their readiness to learn, which are crucial for a successful transition to Grade 1. Pre-school is also essential to ensuring equal opportunities for children.
In terms of children effectively accessing and remaining in education, the Syrian crisis led to over-stretching of the educational services, which were initially inadequate to meet the needs of Lebanese students, especially those from lower-income families.

An estimated 50 percent of Syrian school-aged children were not in formal education as of September 2015. The increased demand for education services due to the high influx of Syrian children of school age has an adverse effect on the quality of public education, which was already facing challenges prior to the crisis and has created a need for non-formal education to support children's enrolment in the formal system and address the specific needs of refugee children (e.g. children who have been out of school for over two years and need to catch up on the lost school years or children who lack the skills in French and/or English to follow the Lebanese curriculum).

However, it must be highlighted that there have been substantial efforts by the government to ensure the right to education for all boys and girls (aged three to 18) in Lebanon with the support of the international donor community. As from the onset of the crisis, Syrian children were allowed to enrol in public schools and required documentation

was waived. Since 2013, an increasing number of second afternoon shifts were offered. This number had risen to 259 public schools running second shifts in September 2015, allowing the enrolment of 200,000 Syrian children during the academic year 2015-16. This is in addition to 10,000 Syrian children attending the MEHE-led Accelerated Learning Programme (ALP) as well as MEHE's efforts to ensure quality standards from non-formal programmes and clear pathways from formal to non-formal education via the establishment of a Non-Formal Education Framework. However, the speed at which this framework will be developed, the availability of funding to ensure its implementation, partnerships with the civil society and the timely development of clear operationalisation plans will determine to which extent the Framework will effectively contribute to ensuring the right to quality education of Syrian children. The present education system does not allow for the equitable access of quality education by all children. There are regional disparities in the number of teachers, the availability and condition of school buildings and infrastructure, and of learning materials and equipment, with major shortcomings particularly in rural areas. Rural and/or deprived areas have also been the most affected by the Syrian influx, resulting in additional pressures on the system and further affecting educational quality.

In terms of retention, the quality of education in the public sector is a major factor contributing to the dropout rate, caused by a lack of clear criteria and insufficient teachers' qualification, curricula, and a poor school environment. In addition, corporal punishment and bullying – though forbidden in public schools as per the Official MEHE Decree No. 95 dated June 9, 2012, and reminder No. 104/196023/4/2013 – is a widespread practice which contributes to students' dropout. Dropout rates of Lebanese have slightly increased since the Syrian influx. Similarly, the dropout rates for Syrian children are estimated to be high, although dropouts are not systematically tracked.

With regards to Palestinian children in Lebanon, the UNRWA system suffers from chronic funding gaps, which affects both the availability of spaces and the quality of education (i.e. overcrowded classrooms). Similar to the MEHE public system, the UNRWA school system became overstretched with the additional Palestinian and Syrian children coming from Syria.

The inclusion of children with disabilities in mainstream public education is limited. Despite efforts to broaden access to education for children with disabilities (as reflected in the 2012 National Educational Plan for the Integration of People with Special Needs and the creation of a unit for special education in the MEHE per Resolution No. 27/M/2012), there continue to be major barriers for children with special needs in accessing public education. The principle shortcomings include inadequate infrastructure that does not cater to children with physical disabilities, as well as need for more awareness and training amongst teachers and school management on how to successfully integrate these children in regular classrooms. It must also be noted that statistical data on the education of children with special needs is extremely scarce, making it impossible to detect clear educational trends pointing to the need for more structural research on the right to education of this cohort.

Despite on-going efforts to reform Lebanon's educational system, the situation has yet to progress to a level where it can be considered accessible to all children and of a quality conducive to learning.

While Lebanese law dictates free education for children and youth aged six to 15, including children and youth with physical disabilities and other special needs, nominal registration fees and other educational expenses, including transportation costs, continue to pose barriers for the most vulnerable populations.

Furthermore, very few public schools have the infrastructure or specialized personnel to accommodate children and youth with special needs. Quality determinants are not ensured and there is a generalised perception that the costly private sector is of better quality.

Mechanisms that allow for consistent, sustainable funding as well as a continuous investment in system strengthening and in education quality are a crucial next step to ensure that the right of quality education of all children in Lebanon can be fulfilled. This is particularly important as failure to ensure the right to free and compulsory education contributes to the infringements of other children's rights, especially those relating to protection (i.e. institutionalisation of children, child labour, and the involvement of children in armed conflicts as outlined in the protection chapter).

MEHE strategies such as the "Education Sector Development Plan" (ESDP) and "Reaching All Children with Education in Lebanon" (RACE) reflect the Government of Lebanon's will to tackle existing challenges that affect children's full right to education in the country. However, additional efforts and awareness raising are needed to correct the image of public education as 'second class' education and to ensure that available resources are used in the most efficient, sustainable and effective manner i.e. ensuring that budgets are invested in the most marginalised communities.

4.2 Early Childhood Care and Development

Lebanon lacks a comprehensive umbrella strategy involving all concerned and relevant ministries to address early childhood education (ECCD), despite the existence of a draft outline. ECCD is still approached from a fragmented and sector-based perspective, undermining the necessary holistic, inter-related approach that would encompass health, nutrition, education, and protection in a concerted manner conducive to child development. Generally, services for this age group are limited and there is a lack of awareness of the importance of this age group.

4.3 Child Culture and Leisure

Child culture and leisure are aspects of child development that are not given adequate attention by concerned duty bearers. The cultural and recreational space on offer in public schools remains limited and most others on offer are not free, hence only being accessible by children whose families can afford it. This could be attributed to the general perception that children's rights to culture and leisure do not constitute a priority in the midst of unmet basic needs. The Child Development areas that link with education require substantial investment, particularly efforts to establish the necessary inter-ministerial linkages to tackle them holistically. Children's rights to culture and play are not realised due to the lack of awareness of the importance of such aspects in children's development. For ECCD, in spite of the progress achieved in formulating a draft national strategy on early childhood care and development, Lebanon will require extensive efforts to reach an integrated strategy. A thorough situation analysis is a priority at this stage to develop a comprehensive strategy and identify who would lead it. The already existing draft of the ECCD strategic outline provides a window of opportunity to promote more holistic policy approaches in this area and build from there.

4.4 General Recommendations - Education and Culture

Pre-Primary Education

- Provide access to early childhood education for every child, and raise awareness and motivation of parents with respect to preschools and early-learning opportunities.

Primary Education

- Ensure that primary education is compulsory for all children, and establish a national programme for early detection of out of school children (OOSC), school dropouts, and the reintegration of children into education.
- Fill the gap in the quality of education between private and public institutions.
- Address regional disparities in the number of teachers, the poor conditions of school facilities, and the insufficient quality and availability of learning materials and equipment, particularly in rural areas.
- Provide capacity building to all teachers on child centred education, positive learning practices and psycho-social support.

Secondary Education

- Take measures to increase enrolment rates in secondary education as well as technical and vocational education and training, including for girls, children living in rural areas, and children with disabilities.

All School Levels

- Ensure that public education policy and school curricula reflect in all their aspects the principle of full participation and equality, and include children with disabilities in the mainstream school system to the extent possible and, where necessary, establish special education programmes tailored to their special needs.
- Establish a national school programme for the inclusion of children with disabilities targeting all children irrespective of nationality.
- Establish national programmes for school administrators and teachers on non–violent measures for discipline as an alternative to corporal punishment.
- Enforcing the implementation of decrees forbidding violence against children including physical and humiliating punishment, and develop implementing mechanisms.

Child Development

Early Childhood Care and Development

- Elaborate a national early childhood strategy (0-8 years) and the requisite action plan, assign leadership, management structures, and allocate necessary budgets, including a situation analysis of early childhood care and development.

Child Culture and Leisure

- Elaborate a national strategy with its action plan for child development and allocate needed budgets, emphasising decentralised levels, for municipalities, MEHE, MOPH, and MOSA-SCDs
- Reinstate recreational artistic and sports activities as a component of school curricula, and allocate needed budgets and recruit specialised human resources.
- Reactivate student and parent councils in public schools, and involve them in the child development processes.

5   Welfare and Health

5.1 Welfare

Lebanon has not implemented a pro-poor national policy based on human rights. Social safety nets are either weak or non-existent. This inaction can be attributed to various long-standing impediments that constantly shift the focus of policy makers to more urgent matters like armed conflicts, security issues, political turmoil, and legislative paralysis. Similarly, MOSA's attempt at implementing a social development strategy failed to include the intended social safety nets. Lebanon has focused on a National Poverty Targeting Programme, yet the intergenerational transfer of poverty cannot be addressed by only targeting specific segments of the society and improving the income of the poorest families. Poverty can best be addressed by ensuring the full enjoyment of economic and social rights, including clean water, energy, public transportation, and housing. This is in addition to rights in the health and education sectors, including free schooling, and the accessibility and availability of these rights without any discrimination.

The Syrian Crisis led to an escalation of Lebanon's problems and increased poverty levels. Host communities' existing vulnerabilities were significantly affected, as well as their livelihoods and food security. Addressing the current situation would be difficult in the short-term because the structural causes which led to this situation require major political change, including reform of the national social security system, which would require substantial resources that are not available in an indebted country.

With a decrease in assistance, Syrian refugees are facing progressively more difficult challenges relating to livelihood and food security. Palestinian refugees are constantly faced with poverty due to limited employment opportunities, a situation aggravated by the ever decreasing funds received by UNRWA. The situation is further exacerbated by the influx of Palestinian and Syrian refugees to the camps, which fall under the mandate of UNRWA.

In Lebanon, poverty represents a major barrier to the realisation of all human rights, including children's rights. The government has been unable to ensure social safety nets. Comprehensively addressing this situation will require structural changes. The Syrian Crisis has exacerbated the problem. Currently, Syrian refugees are facing difficulties relating to their livelihoods and food security, which must urgently be addressed. Palestinian refugees are at risk of increased poverty due to the employment laws and the decrease in UNRWA funds.

Children with Disabilities

It is difficult to analyse the situation of children with disabilities due to the lack of quantitative data on their numbers as well as relevant qualitative studies. But in general the rights of people with disabilities are not ensured, including children. The main reason is that Law No. 220 was not fully implemented and related resources were not allocated. Children with disabilities face discrimination which hinders the realisation of all their rights. Awareness of the rights of children with disability is weak. Inclusion of children with disabilities in education and society is weak. Institutionalisation of children is still the predominant form of care. The rights of children with disabilities are not ensured. They still face discrimination and exclusion, and are predominantly institutionalised.

5.2 Health

In spite of the efforts exerted by the MOPH to instate reforms, to date the Lebanese government has been unable to formulate a health care policy that would ensure the realisation of the right to health for all Lebanese in an equitable manner. This is also reflected in the piecemeal approach to health legislation. Major challenges hinder the reform of the health sector, including a lack of political will for reform, the unavailability of resources, and fragmented leadership. On the legislative side, issued laws are not adequately implemented or enforced.

Budget allocations to the MOPH are limited. There are multiple health service providers in Lebanon, but the majority are not under the jurisdiction of the MOPH. Coordination between the various providers is weak.

In Lebanon, health services are characterised by a dominant private sector, which is costly and largely excludes many poor Lebanese and non-Lebanese who lack the financial means. The most affected by the prevalent system are the poor and the unemployed who have no insurance coverage, public or private. Those who fall in this category are essentially under the governmental health system, and what it provides or withholds. The problem is made worse when specialised tertiary care is needed which might not be available in public hospitals. Noting the failure to implement the health card project, people in need of care are forced into private hospitals to seek clearance from the MOPH each time services are needed. This also applies to securing chronic medication from the MOPH. Consequently, there is no inherent right to health. This right is sought by the poor and uninsured, but is frequently un-realised.

Notwithstanding the MOPH's efforts to reform the primary health care system, the issue of quality remains a major concern for people who still do not trust the governmental health system, including the secondary and tertiary care systems (whenever available). Exacerbating its pre-existing weaknesses, the Syrian Crisis has served to only magnify and multiply the issues within the already overstretched Lebanese health care system.

5.3 General Recommendations - Welfare and Health

Welfare

- Implement the Social Development Strategy and establish social safety nets as a matter of urgency.
- Strengthen decentralised community development programs.
- Address the increased level of poverty and unemployment among Lebanese host communities and Syrian refugees, including livelihood development. Particular attention should be given to food security in order to prevent coping mechanisms that negatively affect children like school withdrawal, child labour, and early marriage.

Children with Disabilities

- Ratify the Convention on the Rights of People with Disability (CRPD).
- Fully Implement Law No. 220 and amend it to include child rights-related provisions as proposed by the HCC.
- Formulate a national action plan for children with disabilities.
- Strengthen and reactivate the National Committee for Disabled Affairs and the intergovernmental disability committee under the Ministry of Social Affairs.
- Comply with ratified conventions and standards relating to children with disabilities.
- Conduct a national survey on people with disabilities to estimate their numbers and gauge the types of disabilities, including amongst children.
- Conduct a thorough situation analysis of children with disabilities.

- Raise awareness among the public at large about the rights of children with disabilities and their rights to not be separated from their families.
- Prevent and prohibit all forms of discrimination against children with disabilities and ensure equal opportunities for their full participation in all spheres of life by implementing Law No. 220 of 2000.
- Provide children with disabilities with access to adequate social and health services, accessible physical environments, information, and communication.
- Include children with disabilities in national efforts at de-institutionalisation.

Health

- Reform the health care system to ensure equal access to quality health care for disadvantaged families.
- Continue to develop and implement comprehensive policies and programmes for improving the health situation of children.
- Introduce a system of public health insurance cards for disadvantaged families.
- Address regional disparities in the provision of health services and the implementation of programmes. This should include equal access to quality primary health services for mothers and children in all areas of the country.
- Harmonise health services provision in order to reduce redundancy and waste, especially between MOSA Social Development Centres (SDCs) and contracted health services, and other services providers in the same location.
- Exert additional efforts to further reduce infant and child mortality rates.
- Undertake situation analysis of maternal and children's health in the context of the early childhood strategy.
- Guarantee access to quality prenatal and post-natal health services and facilities, including training programmes for midwives and traditional birth attendants. Particular attention must be paid to rural areas.
- Strengthen the national immunisation programme in order to address emerging needs stemming from the Syrian Crisis, including introduction of additional vaccine-preventable diseases and re-emergence of eradicated diseases.
- Expand breastfeeding campaigns and promote child-friendly hospital programmes.
- Encourage the practice of breastfeeding for six months after birth, with the introduction of an infant-appropriate diet thereafter. Take measures to improve the nutritional status of children through education and the promotion of healthy feeding practices.
- Conduct a study on the scope and causes of accidental deaths among children, and strengthen efforts to reduce accident-related deaths through, among other methods, awareness-raising campaigns and education programmes aimed at parents, children and the public at large.

Adolescent Health

- Expand programmes on adolescent and youth-friendly health services to all primary health care centres.
- Ensure adolescents' access to adequate social and health services, including youth-sensitive and confidential counselling on HIV/AIDS, and provide them with accurate and comprehensive information.
- Adopt and implement a national policy or action plan addressing school health services. This would involve broadening the school health services on offer currently, including reproductive health services, counselling, and preventive health education.
- Provide all pupils with regular medical exams as well as dental and oral health services.
- Enforce the anti-smoking law and increase anti-smoking efforts targeting adolescents.
- Study the possible causes of youth suicide and the characteristics of those who appear to be most at risk, and put in place support and intervention programmes, particularly in the field of mental health. Special focus must be placed on children affected by armed conflict like Syrian refugee children.

6 Civil Rights and Freedom

6.1 Birth registration, Name and Nationality

Nationality in Lebanon derives from the father, and a child born in wedlock by a Lebanese father is considered Lebanese whether or not the birth occurs within Lebanon's borders. The nationality of the mother is not taken into account (Article 1 and 10 of the Legislative Decision No. 15/1925). There are multiple campaigns pertaining to nationality laws that have been advocating for equal nationality rights between men and women since 2006; however these advocacy efforts were not able to effectuate any changes in the law.

There is no recent data on the number of non-ID children. The last study, conducted in 2008 by Frontiers, reported 80,000 non-ID people in Lebanon including children.[9] It is notable that UNICEF's 2015 State of the World's Children report indicated 100 percent birth registration for Lebanon from 2005 to 2012.[10] That figure includes "the percentage of children less than five years old who were registered at the time of the survey," and also comprises children whose birth certificate was seen by the interviewer or whose mother or caretaker said the birth was registered.

According to statistics from the UNHCR, from March 2011 to December 2014, there have been 44,927 Syrian children born, 70 percent of them with no birth certificate or identity documents. Thirty-nine percent of the Syrians were not registered due to the unavailability of documents required by civil registries.

6.2 Preservation of Identity

The identity of a child that has not been sold, kidnapped, or adopted is untouchable. Adoption is a contract between two persons aiming at the establishment of a parental tie by mutual consent. It is only acknowledged by the Christian community. The Islamic community recognises the system of "kafala," which represents financial and educational sponsorship of an orphan or a child born out of wedlock. This system includes the possibility of future reimbursement of the assumed expense, if the child becomes financially successful.

9 Frontiers, Non-ID in Lebanon, 2008
10 UNICEF, The State of the World's Children 2014, Every Child Counts, 2014

The adopted child bears the name of the family that adopted them and is included on the family register. They also carry the same religion of the adopted family, can inherit like an ordinary child, and are prohibited from marrying a member of the family like an ordinary child with blood ties (jus sanguinis). No special mention is made of the child's identity as an adoptee, but the adoption trial summary is noted on the official personal status register or on the birth certificate's relevant registration document.

6.3 Freedom of Thought, Conscience and Religion

The Lebanese Constitution ensures the respect of freedom of opinion and belief as stipulated in Article C of the Constitution Preamble. The article guarantees for all sects the respect of the personal status code and religious interests, as long as there is no breach of public order.

Despite its commitment in 2010 to better guarantee the freedom of expression, the freedoms of opinion and belief have been undermined by high ranked public officials through the misuse of obsolete legal texts which are inconsistent with the concept of public liberties, constitutional provisions, and international treaties and covenants, or through abuse of power and discrimination among Lebanese people based on beliefs. Journalists, civil society activists, and defenders of individual political and civil rights in particular have been subjected to harassment by the authorities.

After having made a step forward under the previous government, when the freedom of holding civil marriage in Lebanon was recognised for those not affiliated with any religious community, the public departments under the current government refrained from registering civil marriages held in Lebanon. This action is in violation of the Constitution Preamble provisions which states that all citizens are equal in rights and duties without discrimination.

The legal and regulatory framework should be amended in order to fully guarantee the freedom of expression and remove all ambiguous and vaguely worded articles that deny the enjoyment of this right. The right of individuals affiliated with the common law sect to register their civil marriages held in Lebanon as a consolidation of the principle of freedom of belief and nondiscrimination among citizens should be recognised.[11]

6.4 The Right of Association and Peaceful Assembly

An amendment of Article 5 of the Law of Associations dated Aug. 3, 1909, implemented in 2012, guaranteed the right of Lebanese individuals above the age of 18 to establish associations and exercise their right to vote or to stand as candidates for membership of governing bodies. Notably, this amendment can be considered a contributing factor to children who act as volunteers within associations. Citizens are only allowed to vote in parliamentary elections once they reach 21 years of age.

6.5 Right to Privacy

The Lebanese penal code, as well the code of criminal procedures, governs the individual's right to privacy and protects them from infringements violating their privacy, personal effects, and reputation. Moreover, Law No. 422 of 2002, regarding the protection of juveniles, prohibited the publishing of pictures, investigation details, or trial proceedings of cases dealing with children, and imposed sanctions on violators.

6.6 Expression of Views and Right to Ask and Receive and Transfer Information (Article 13) - The right to receive information from a variety of sources and protection from harmful materials to their well-being

The Ministry of Information presented an amended project law on information and media to the relevant parliamentary committee. The amendment aimed to increased compliance with the CRC, especially in relation to Articles 12, 16, and 17, as well as with disability rights. However, paralysis in the legislature prevented endorsement of the project law.

11 The Universal Periodic Review, Lebanon 2015, Civil Society Reports, coordinated by the Arab NGO Network for Development, page 26

The HCC published "The Code of Ethics for Media when Dealing with Children Issues [sic]" in 2013, aiming at raising awareness in media circles about the rights of the child. In spite of these efforts, an array of television programmes flagrantly infringe on the rights of the child including those rights addressed in Articles 13, 16, and 17, with no response from relevant authorities.

Media programmes for children remain limited in number, especially those that enable children to play an active role. The Ministry of Culture established a network of 120 public libraries, and equipped them with multi-media and books. Some 70 percent of library attendees are children. In spite of these efforts to protect children from harmful materials, much remains to be done due to the uncontrolled access of children to the internet at home, through mobile phones, and internet cafes.

6.7 General Recommendations- Civil Rights and Freedoms

•   Eliminate barriers to birth registrations through raising awareness and the provision of technical and legal support, in addition to other necessary resources.
•   Raise general awareness on the importance of birth registration for Syrian refugees.
•   Pursue advocacy for nationality rights to be conferred by the Lebanese mother to her children.
•   Promote voluntary work among children and youth and build their capacity in civic engagement.

7 Child Protection

7.1 Child Protection Framework

Lebanon has ratified the Convention on the Rights of the Child as well as many other regional and international instruments concerning child protection. It is important to note that Lebanon has neither signed nor ratified the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption, nor the 1951 Convention Relating to the Status of Refugees.

A unified child protection policy for NGOs working with children in Lebanon was developed by the Ministry of Social Affairs (MOSA), in partnership with AFEL and ABAAD NGOs. It was formulated in the context of the MOSAIC programme supported by the Italian Development Cooperation and the Italian Embassy in Beirut. This policy was launched in August 2015 and serves as a safeguard policy for organisations that provide activities and services for children.

Notwithstanding the progress achieved on many levels relating to child protection, there is still a weak enabling environment that prevents the full realisation of protection rights for children. Among the basic causes behind child protection issues is the non-enforcement of free and compulsory education until the age of 15. To date, there is no national child protection policy and no solid child protection legal framework. In parallel, laws are not harmonised with the UNCRC and do not guarantee child protection. There are multiple laws that apply to children and which can be in conflict, for instance the personal status laws, Law No. 422, and the penal code. As indicated previously, personal status laws can contribute to discrimination against different groups of children in need of protection due to their religion and sect, and at times can contradict the best interest of the child.

Furthermore, Law No. 422 was conceived as a law for children in conflict with the law or at risk of becoming in conflict with the law. It is not a child protection code as such. This is reflected by the small percentage of protection cases processed by the courts over the years. In fact, many provisions within Law No. 422 criminalise the victims like in the case of begging, vagabondage, sexual exploitation, and even suicide. This is also valid for the penal code. Law No. 422 is undergoing reform, but it will require extensive amending to render it a child protection law. It would be more effective to elaborate a child protection code that would encompass all protection matters.

In spite of the legal shortfalls of Law No. 422, it could have provided additional protective measures if it was coupled with implementation decrees to facilitate its implementation. Judges are constantly faced with the absence of a coherent structure to issue adequate sentences, whether it be regarding protection, and custodial or non-custodial sentencing. The same applies to Law No. 293 on the Protection of Women and Family Members from Domestic Violence, which was endorsed in 2014 but without implementation decrees.

The main structural barrier to child protection is the absence of a national child protection system which can ensure a networked system of interventions in an integrated and coordinated manner. Currently, there are vertical interventions implemented by ministries that can be uncoordinated despite being at the same level at the same ministry. There is also the additional factor of civil society localised work.

The National Action Plan (NAP) for the prevention and protection of children from all forms of violence represents a step forward if the identified bottlenecks and obstacles can be overcome. A substantial gap persists between things that the government endorses and things that receive government-allocated resources. For the NAP to be effective, it should be implemented comprehensively through all concerned ministries and other duty bearers. To date, only MOSA has managed to secure funding for its action plan in partnership with UNICEF. As such, the challenge to adopt a child-rights based approach incorporating the principle of the interdependency of rights remains. It is not clear how MEHE, MOPH, MOJ, and MOL would be involved.

A substantial barrier to child protection stems from prevailing social norms, which manifest themselves as social tolerance of violence and child abuse as well as stigmatisation of victims. The latter substantially affects the ability and willingness of those who need help to actually seek it out through formal or informal channels.

In the event that those social norms are overcome, there remain various challenges that undermine child protection on the supply side. These include access to adequately staffed services, facilities, and information. Child protection specialised services are restricted in number and are not equitably distributed across Lebanon, and the quality of their services are not guaranteed. Moreover, they do not cover all children without discrimination, irrespective of their nationality.

As indicated above, judges face difficulty when issuing their sentences with respect to referrals to protection facilities, and the same is true for the police. Poor distribution of information about existing facilities and referral systems and low awareness levels significantly contribute to this problem. The development of standard operating procedures (SOPs) might address this problem, should they be enacted. Moreover, relevant information is not adequately shared with families and children to facilitate access to services. The quality of protection services remains a serious issue due to limited compliance with international standards and weak monitoring from relevant authorities. Technical capacity represents a challenge, as well as securing qualified human resources and mitigating the turnover rates of trained personnel.

On the other hand, in the absence of a general emergency preparedness plan and, particularly, a specialised child-related plan which is capable of addressing the overwhelming influx of refugees, an ad hoc working group was created in parallel with other thematic working groups. The Child Protection in Emergencies Working Group (CPiEWG) is co-led by MOSA, UNICEF, and UNHCR. It brings together relevant actors under one platform to coordinate child protection activities and to represent the best interests of children. As of July 2013, the CPiEWG consists of five UN organisations, 17 INGOs, and nine national NGOs, who all aim to prevent and respond to abuse, neglect, exploitation and violence against children affected by emergencies.

7.2 Family Environment and Alternative Care

There is now an abundance of global evidence demonstrating serious developmental problems associated with the placement of children in residential care, especially in institutions that host a large number of children (exceeding 10 children at a time). For the last half century, child development specialists have recognised that residential institutions consistently fail to meet children's developmental needs for attachment, acculturation, and social integration.

The situation of children in Lebanese institutions could not be assessed due to a lack of qualitative data. The fundamental problem associated with the institutionalisation of children in Lebanon is that the practice has developed into an entrenched system, where there is constant elicited demand generated by the lack of realisation of other rights.

Some families resort to the institutionalisation of children in order to compensate for a lack of substantive rights that they are unable to provide due to their economic situation. One of the reasons for which parents place their children in institutional care is the fulfilment of educational needs, including books, transportation, and the payment of fees. Clothes, food and housing are also important factors, but to a lesser extent. It is important to note that children in practice are enrolled in public (free) schools and private schools subsidised by the government. Various aspects of this issue should be explored, among them the question of whether or not parents would resort to institutionalisation if their child had access to free education including costs and meals. MOSA confirmed that thousands of children continue to reside at home while institutionalised. If we compare the costs versus the benefits, then institutional care should not exist. Institutional care is more expensive per child than other forms of alternative care. It is socio-economic factors that push most children into institutions.

There are no social safety nets or national family support programmes that could act as gatekeepers to prevent the institutionalisation of children. The prevalent poverty alleviation strategies obviously do not address the needs of the most vulnerable families. The existing programmes increase demand on institutional care. As such, separation of children from their families is unjustified and unnecessary. Even when alternative care is required, non-institutional options are scarce. Articles 500 and 501 of the Penal Code punishes parents who give up their children and/or neglect them as they will be failing to play their role as duty bearer to their children.

Although there is no written policy regarding institutionalisation, the practice itself has become the predominant policy. "Care institutions provide a political safety valve for the government that is unable or even unwilling to tackle the complex social and economic factors driving families to place their children into care. They provide a hiding place for the worst casualties of poverty, social exclusion and discrimination, as well as for children with disabilities."[12] The primary concern is that the government and policy-makers do not yet believe that a full-scale move towards de-institutionalisation is justified, and that there is a need to phase out institutions as a care option.

The system that has emerged is not governed by the state, although the latter continues to finance it. Institutions are managed by influential politicised civil society organisations including faith-based organisations.

Care institutions and the structures that support them provide employment to a large number of staff who rely on this model of care for their own livelihoods. They also provide a vital fundraising model for many small and large NGOs and faith-based organisations, which are dependent on donations for their own organisational survival. A reduction in the use of institutional care, or the transformation of institutions to community or family-based care options, could be seen as a threat to their funding.

All existing personal status laws aim at preserving the family and preventing separation of the child from his or her family. In reality, there is an opportunity for these religious groups to effectuate a positive change for children. They can contribute to family support programmes through religious funds like the "Al Zakat Fund," and church funds.

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12 Better Care Network, Families Not Orphanages, 2010

MOSA officials emphasise that there are no budgets to revive existing programmes aimed at supporting children within families, but this obstacle could be overcome by the reallocation of funds away from these institutions to establish an alternative care system aiming at re-unifying children who are in institutions for socio economic reasons with their families and finding alternative family placements for orphan children who do not have an extended family. A de-institutionalisation process would entail considerable structural changes within MOSA and acceptance from communities, in addition to financial and human resources allocating their full time for this issue. The impact of any reform would radically reshape the structure and budget of MOSA. Potential barriers should be taken into consideration.

The weak social safety nets and the non-realisation of interdependent children's rights are leading to the problem of the unjustified institutionalisation of children in Lebanon by poor families, or those seeking better educational opportunities. The situation is complex because institutional care is contracted to civil society organisations, including faith-based organisations. Institutional care has become rooted within an entrenched socio-political system that would be difficult to dismantle due to its powerful constituencies. This system remains the prevailing form of alternative care. Reforming this system can be considered a crucial priority, while simultaneously recognising that such an effort represents a major challenge, even for the relevant decision-makers.

7.3 Special Protection Measures

There was legal progress with respect to banning physical and humiliating punishment in schools. However, enforcement of laws relating to such acts in schools, at home, and in society at large is still weak. The problem is somehow invisible and hard to address given that it stems from prevailing social norms that consider violence an acceptable disciplinary measure. Cycles of violence are inherited between generations, where children become perpetrators themselves.

Child sexual abuse remains taboo in Lebanese social norms, and constitutes a major barrier to child protection. Prevention measures are not in place. Stigmatisation of the victim, shaming of the family, the weak capacity of the legal system, and limited resources (including specialised rehabilitation services) available to families further hinders children's access to protection.

Notwithstanding the progress achieved in the reform of the juvenile justice system in Lebanon, many shortfalls still prevent the full realisation of the rights of children in conflict with the law. The main cause relates to Law No. 422 and the very low age of criminal responsibility. The juvenile justice system in place does not guarantee the full realisation of the rights of children in conflict with the law. There is no relevant policy; however, it is retributive in nature and tends to criminalise children. The needed structures and coordination measures are not in place to effectuate prevention, diversion, rehabilitation and reintegration. Capacity of stakeholders needs strengthening. In addition, non-custodial measures are still in a preliminary phase of implementation and lack capacity and structures for full implementation.

Child labour in Lebanon is due to structural causes relating to interrelated socio-economic problems, lack of anti-poverty policies, employment schemes for adults, national development plans and inequitable access to quality education. Free and compulsory education is not enforced. Eliminating child labour cannot be achieved without addressing the root causes of the problem. Although substantial progress was achieved beginning in 2000, progress in recent years has stalled due to the national legislative paralysis that halted the review and endorsement of the proposed amendments of the labour code and relevant child-related clauses. A major barrier to the protection of working children is the monitoring and enforcement of the existing laws. Similarly, the NAP on the elimination of the worst forms of child labour was not implemented due to a failure to allocate the required governmental funds.

Lebanon can be considered in a preliminary stage with respect to addressing trafficking in children and child prostitution, but is heading in the right direction through the elaboration of a children anti-trafficking strategy. Lebanon has achieved limited progress with respect to implementation of the UNCRC relevant optional protocol. This is also valid with respect to ILO Convention 182. On the other hand, the topic of trafficking starting gaining attention only in 2006, and the relevant law was issued in 2011. A major barrier to the protection of children is the criminalisation of victims due to the legal system as well as stigmatisation of the victims due to social norms. In addition, the limited specialised services hinder access to rehabilitation services and subsequent social reintegration.

There are many factors that are contributing to recruitment of children in armed conflicts, including on-going political, economic and social tensions in Lebanon. Armed conflicts, poverty, lack of educational opportunities, and dropping out of school are direct factors causing this issue.

In addition, there are structural causes that are exacerbating the problem including non-compliance with ratified conventions like ILO Convention No. 182 and weak enforcement of existing relevant laws. This has led to the continued weakening of protective measures for children. Consequently, there are no demobilisation, disarmament and reintegration (DDR) programmes for children. The current deteriorating economic situation in Lebanon, including the high number of refugee children that are out of school, place even more children at risk of recruitment by militant groups. The subject of children in armed conflicts is a priority issue that has been essentially ignored by duty bearers. The legal protective framework is not enforced and relevant protection programmes are almost nonexistent.

7.4 General Recommendations

Child Protection Framework and Special Protection Measures

- Establish a national system for child protection and social change that ensures an enabling environment for the protection of all children without discrimination. The system should be based on prevention, care and rehabilitation, and reintegration.
- Elaborate and endorse a child protection comprehensive code.
- Implement the endorsed action plan for the prevention and protection of children from all forms of violence, through an integrated and coordinated manner between all concerned ministries and organisations.
- Build a national network of specialised child protection organisations.
- Raise awareness among the public at large on gender-based violence and sexual abuse.

Physical and Humiliating Punishment

- Introduce new legislation prohibiting all forms of corporal punishment against children in all settings, including the family and within all institutions, and the alternative care system.
- Introduce public education, awareness-raising and social mobilisation campaigns on alternative non-violent forms of discipline with the involvement of children in order to change public attitudes to corporal punishment.
- Institute national, legal and practical measures to ban physical and humiliating punishment from all schools (public, private and UNRWA) in addition to other behaviour at schools that degrades children and develop a complaint mechanism for children.

Child Sexual Abuse

- Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention methods where necessary, and to prosecute cases of abuse and ill-treatment. These procedures must ensure that the abused child is not victimised in legal proceedings and that his or her privacy is protected.
- Ensure that all child victims of violence and abuse have access to adequate care, counselling, and assistance with recovery and reintegration through appropriate programmes and allocation of resources.
- Continue to introduce awareness-raising campaigns, with the active involvement of children themselves, in order to prevent all forms of violence against children and to combat child abuse, including sexual abuse, with a view to changing public attitudes and prevailing cultural practices in this respect.

Juvenile Justice

- Reform the system of juvenile justice to render it more compliant with the UNCRC and other relevant UN standards.
- Amend Law No. 422 in order to raise the age of criminal responsibility to at least 15 years of age, introduce more protection measures, and cancel the articles relating to criminalisation of victims of economic and sexual exploitation who engage in activities like begging, vagabondage, and prostitution.
- Adopt a new children's rights-based policy that relies on rehabilitation and restoration as opposed to the current punitive approach which criminalises victims.

- Prevent the contact of very young children with the justice system, whatever the offense done (at least for children 10 years old and below).
- Establish diversion measures to act as gatekeepers for the system to prevent unnecessary detention through mediation processes, beginning at the time of arrest.
- Develop and implement a comprehensive system of alternative measures, such as community service orders and interventions of restorative justice, family group conferencing, and others to ensure that deprivation of liberty is used only as a measure of last resort.
- Organise and build the capacities of juvenile probation services needed for an efficient development and implementation of alternative measures.
- Build a system including family networks and a chain of specialised organisations that can facilitate the implementation of protective and alternative measures like foster families and NGO networks.
- Assess the conditions of all detention, rehabilitation, and prison facilities and plan a new system that is more compliant with the UNCRC and international standards.
- Establish rehabilitation facilities as a matter of urgency to cover all children and prevent incarceration in the juvenile prison for rehabilitation cases.
- Conduct periodic training for judges and law enforcement officials, and disseminate practical referral systems to all concerned including SOPs for children in conflict with the law.
- Raise awareness of families and communities on available systems.
- Collect disaggregated statistics and other information on the practical implementation of Law No. 422.
- Undertake qualitative research with children in conflict with the law to assess their situation.
- Address the issue of juvenile justice during emergencies through relevant programmes, including those providing legal assistance.

Economic Exploitation

Child Labour

- Leveraging family support, address the root causes of child labour including poverty and the lack of free, compulsory, and quality education.
- Amend the labour law and effectively implement and enforce existing domestic laws and the provision of ratified conventions.
- Implement the National Strategy on the Elimination of the Worst Forms of Child Labour and allocate the relevant and required financial resources necessary for its implementation in partnership with ILO/IPEC.
- Formulate and implement a national action plan for street children.
- Refrain, as a matter of policy, from detaining children begging in the streets and seek alternative protection measures that are fully compatible with the provisions of the Convention.
- Improve the labour inspection system in order to ensure that the work performed by children is light work and not exploitative, and, in particular, empower the system to monitor and report on the practice of domestic and rural labour by children.
- Provide child workers and their families with appropriate opportunities to withdraw from child labour including recovery and educational opportunities for current and former child workers and family support schemes.

Child Trafficking and Sexual Exploitation

- Implement the provisions of the optional protocol (OP) to the UNCRC on the sale of children, child prostitution, and pornography.
- Implement ILO Convention 182.
- Endorse a child anti-trafficking action plan, and establish a national multi-sectoral task force to implement and monitor it.
- Refrain, as a matter of policy, from detaining children involved in child trafficking and sexual exploitation, and seek alternative protection measures that are fully compatible with the provisions of the UNCRC, OP, and international conventions.

- Launch awareness-raising campaigns for children, parents, and other caregivers, in order to prevent trafficking, sexual exploitation, and pornography involving children and reduce stigmatisation of victims.
- Sensitise officials working with and for victims.
- Ensure that victims of sexual exploitation and trafficking are not criminalised and that they are provided with adequate recovery and social reintegration services and programmes.
- Establish and build the capacity of a network of specialised organisations.

Children Affected by Armed Conflicts

- Ratify the Optional Protocol (OP) to the Convention on the Rights of the Child on the involvement of children in armed conflict.
- Implement ILO Convention 182.
- Reinforce the national action plan of the HCC and elaborate a national advocacy campaign for ratification of the OP.
- Research the situation of children affected by armed conflicts.
- Elaborate a national plan of action for children affected by armed conflicts.
- Ensure as a matter of priority that children affected by armed conflicts have access to adequate health and social services, including psycho-social recovery and social reintegration.
- Devise specialised programmes for children involved in armed conflicts emphasising demobilisation, disarmament, and reintegration, and focusing on creating educational and livelihood opportunities for ex-combatants and their families.
- Continue de-mining activities and widen public education and landmine awareness, especially amongst children.

Refugee Children and Children of Migrant Workers

- Conduct assessments on the situation of non-Syrian refugees and asylum-seeking children including Iraqi and Sudanese among others and formulate relevant programmes.
- Conduct research on the situation of children of migrant workers to assess their numbers and conditions, particularly in relation with the newly imposed regulatory measures.

Family Environment and Alternative Care

- The priority should be to prevent the future need for institutionalisation or recourse to alternative care, and to develop a range of non-institutional options when such care is required. Special attention has to be paid to fully include children with disabilities and children under the age of three.
- Relevant policies and strategies need to be developed and budgets allocated to ensure alternatives to institutional care are available for children through a range of family-based options.
- Initiate or expand social protection programmes. These might include cash transfers, short-term safety nets, health and education services that are free at the point of delivery, social assistance, social services, and social insurance.
- Elaborate national policies to support families and prevent children being unnecessarily placed in alternative care.
- Build family support services and family-based alternative care.
- Ensure that all forms of alternative care adhere to the principles and standards set out in the UN Guidelines for alternative care.
- Make sure interim care services are in place for high-risk children with a clear exit strategy.

8 Analysis of Cross-cutting Factors and Actors

8.1 Key Factors Important to the Realisation of Rights

Structures

The Convention on the Rights of the Child (CRC) was ratified by Lebanon as a result of efforts by the Parliamentary Committee on Women and Children, as well as networks of NGOs operating in Lebanon. The aforementioned parliamentary committee is mandated, along with 15 other committees, to study project laws as well as the ratification of conventions that are presented to the parliament for endorsement. Today, the Higher Council for Childhood (HCC) is a crucial player at the legislative and policy planning level. The HCC is organisationally part of the Ministry of Social Affairs (another key stakeholder on children's rights), primarily through its Department for Alternative Care Institutions and the juveniles department. The Ministry of Education and Higher Education, the Ministry of Public Health, the Ministry of Social Affairs, Ministry of Justice (the Juvenile Justice Department), Ministry of Labour (the Unit for Combatting Child Labour), and the Ministry of Interior and Municipalities are the main authorities responsible for the provision of policy and services targeted at children.

Although the Lebanese state holds the primary responsibility to protect and promote the rights of all children on Lebanese territory, it often redirects this responsibility with regard to refugee and asylum-seeking children, mainly to the UNHCR and UNRWA. For Palestinian children, no single entity has fully accepted the role of primary duty bearer, leaving gaps in the realisation of children's rights.

However, in actuality the duty-bearers are comprised of the Lebanese government, UNRWA, the international community, the Palestinian Authority, and Lebanese and Palestinian civil society organisations. The result, exacerbated by internal conflicts in the camps and competition for donor funding, is that a unified approach to the protection of refugee children's rights in the camps and gatherings has not been established to date.

The primary duty bearer for non-Palestinian refugee children in Lebanon should be the Lebanese government. However, the Lebanese state has not officially accepted that responsibility (notably it has not signed the 1951 Refugee Convention). Though this does not affect its legal obligation to protect all children within Lebanon's borders, practically all of the responsibility currently rests on UNHCR and NGO service providers. It should be noted that though the Lebanese state has not officially taken steps to ensure the protection of Palestinian refugee children's rights, they appear to be cooperating with UNRWA and other organisations to these ends. The UNHCR, however, only accepts responsibility for persons whom they have officially recognised as asylum seekers or refugees.[13]

The Syrian Crisis has compelled the Lebanese government to take action pertaining to Syrian refugees in collaboration with UNHCR and other UN agencies, as well as a wide array of local and international partners. Relevant ministries were mobilised to address the situation, with MOSA assuming the leading role.

Decentralisation

With frequent outbursts of violence, political assassinations, rapid turnover of governments, and continued sectarian tensions, the country has been too politically unstable to truly devolve any central state power. Lebanese law, on paper, provides for administrative decentralisation at the municipal level. However, on the practical level various hindrances prevent decentralised governance, including competition for authority, financial gridlock, the unavailability of human resources, and weak capacity.

There is much discussion around decentralisation throughout the Lebanese political scene. The organisational structures of the three ministries MOSA, MEHE and MOPH include regional departments and sections mandated to work on a de-centralised level. However, decision-making is centralised at the level of the line ministries.
This discourse was recently triggered in 2014 by a draft bill on decentralisation that was endorsed by the last president, aiming at transparency and participation. The draft bill calls for the creation of a popularly elected council for each of the country's 25 districts to handle budgeting and development planning. The bill was not passed and it is not clear when it could pass through the parliament.

Consequently, governance is not decentralised to municipalities. Various donors are working with municipalities to effectuate administrative reforms and build their capacities. However, most interventions are not national. While decentralisation remains unfulfilled, it potentially offers a more flexible and responsive governance structure closer to the people. The strengthening of the role of the Unions of Municipalities corresponds to decentralisation's focus on empowering local government. While improving the capacity of unions is vital, so is strengthening the relationships among municipalities, and between municipalities and the unions.

The Municipal Law was issued through the Legislative Decree No 118 dated June 1977. Article 1 stated that the municipality is a local government, it enjoys financial autonomy and self-management authority. The existing law encompasses various articles pertaining to children's rights including those with respect to education, health, child protection, and the environment. The HCC is attempting to include further articles on children's rights to the intended amended project law. The existing mandate of municipalities with respect to children was not fully implemented and is restricted to specific funded projects.

The Syrian Crisis imposed certain roles on municipalities, but those addressing refugees' needs, including those of children, have yet to be assessed for their effectiveness. Although the central government issued a decision mandating that municipalities take action to respond to the Syrian refugee crisis, little support or guidance has been provided to municipalities to help them cope with the attendant issues. The refugee population has doubled the size of the community and the impact has been felt on all basic services, in particular water, sanitation, waste disposal, healthcare, and education. However important, the work of the UN and NGOs cannot and should not replace local governmental responsibilities. Specific and targeted support to local governments is critical if social stability is to be maintained. Some of this support can best be offered by partners from the world of local government.[14]

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13 Save the Children Sweden, MANARA Network, Country Profile of Lebanon, A Review of the Implementation of the UN Convention on the Rights of the Child, 2011
14 United Cities and Local Governments, Municipalities on the Frontline, The Effects of the Syrian Crisis on Local Governments in Bordering Countries (Turkey, Jordan, Lebanon), Mission Report and Recommendations, 2013

On the other hand, Social Development Centres (SDC) have been a universal feature of local-level service delivery in Lebanon since the late 1960s. There are approximately 280 SDCs in the country, including both primary and secondary centres. The secondary centres tend to be located in more rural areas and may be satellites of the primary centres. These centres constitute the most important local-level executive arm of MOSA.

SDCs were assigned a pivotal role in the implementation of MOSA child protection national action plan as well the Lebanon Crisis Response Plan (LCRP). Throughout the past years SDCs became optimal partners in the context of the UN programme of cooperation, as well as for local and international implementation of donor funded projects given their geographical distribution throughout Lebanon.

Disaster Risk Management

In 2005, the global endorsement and adoption of the Hyogo Framework for Action (HFA) offered Lebanon, for the first time, a blueprint to systematically plan, implement and coordinate a disaster risk reduction (DRR) approach that includes disaster prevention, mitigation, response, and recovery actions.

According to the United Nations International Strategy for Disaster Reduction (UNISDR), "Even in its early stages of DRR implementation, Lebanon is unique in implementing a highly collaborative DRR agenda. However, a range of political, economic and administrative challenges, particularly the onset of the 2006 War, made it difficult to adopt DRR priorities and all related institutional reforms were stalled. Meanwhile, various domestic and international disasters in 2008, 2009 and 2010 served as a reminder of the urgent need to develop capacities and dedicate resources for effective disaster planning, response and coordination."[15]

At the national and political level, one of the greatest challenges that Lebanon continues to face is one of political instability and economic uncertainty. In view of this reality, it will be important to underline Lebanon's commitment to providing continuity in risk governance. That is, irrespective of political changes, risk governance should remain a priority down to the decentralised levels. Beyond the likelihood of continued political challenges, Lebanon will possibly face its greatest hurdle in the enforcement of laws and decrees, implementation of plans and strategies, and mobilisation and allocation of resources, if DRR know-how and institutional capacities are not developed on a priority basis.

The issue of raising DRR awareness and developing capacities is fundamental to implementing DRR measures across sustainable development initiatives. Lebanon's focus on the education sector and the health sector will also soon have to include public infrastructure, real estate development, and building construction.

General lack of progress at the local level has been attributed to delays in clarifying national institutional mandates, coordination structures, and resource allocation. Local challenges emanate from a lack of awareness, technical know-how, and capacities to implement DRR measures. Implementation capacities are weak in the public sector, making the enforcement of building codes and standards difficult to implement.

The national disaster strategy which provides a holistic approach and integrates DRR still needs to be formulated and implemented, including action plans with cross-cutting issues. Awareness in communities needs to be raised so that they too can participate and advocate for the integration of DRR considerations starting from the local level. Moreover, the Syrian Crisis has hampered many of the development goals as a result of the pressure it has placed on the country at large. As such, more funds to DRR should be allocated, especially since Lebanon is susceptible to both natural and man-made disasters and where the pressure on inadequate infrastructure has been heavily increased due to the increasing Syrian refugee population, which is the highest in the region (if not in the world, accounting for about a third of the population).[16]

It is worth mentioning that the existing DRR agenda does not include a specific component for children. The Syrian crisis highlighted the lack of a national DRR plan targeted at children as well as the absence of such plans by international organisations.

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15 UNISDR, Making Lebanon Resilient, Achieving Disaster Risk Reduction in the Arab States, Good Practice Country Brief, 2012
16 Republic of Lebanon, National Progress Report on the Implementation of the Hyogo Framework of Action (2013-2015), 2015

The Syrian Crisis and Lebanon Crisis Response Plan (2015-2016)

The Syrian Crisis created a multi-dimensional shock to Lebanon. First and foremost, the demographic and social shock resulting from a massive influx of refugees created a strain on geographic space and access to resources. It also affected the economic sphere, both reducing Lebanon's ability to export and import through Syria, which contributed to economic decline.

The Lebanon chapter of the Regional Refugee and Resilience Plan 2015-16 (3RP) represents both the international and Lebanese government's commitment to expedite strategies and funding to mitigate the impact of the crisis on Lebanon's stability. Within the 3RP, the Lebanon Crisis Response Plan (LCRP) describes how the Government of Lebanon and its partners will work together to reinforce stability through this crisis while also protecting Lebanon's most vulnerable inhabitants, including de facto refugees. Stabilisation, in the context of the LCRP, means strengthening national capacities to address long-term poverty and social tensions while also meeting humanitarian needs.

There is a range of sub-national systems that are critically strained as a result of the Syrian refugee crisis. These sub-national systems are key centre points in the LCRP as mechanisms for community engagement. Under Strategic Objective 2, local institutions like health clinics, schools, and SDCs are platforms for resilience programming because they provide key services to vulnerable localities. They also represent key social networks and relationships that can be strengthened for future shocks and stresses, and ultimately could be transformed to offer more equitable social welfare.

Ensuring that SDCs are not consumed with capacity development will necessitate a gradual approach. This would be a measured step forward to position SDCs as centre points for greater social welfare to both Syrians and Lebanese, to be provided with additional training and support on child protection, health care, and information dissemination as a multi-year effort to expand SDC capacity.[17]

It is not clear how funding will be secured for the LCRP. All interviewed key informants in the context of the CRSA emphasised the decrease in funding that has occurred since the onset of the Syrian Crisis, particularly UNHCR which saw programmes downsized. If funding is not secured, children's rights will be gravely impacted. In fact, a scarcity of resources will lead to major child protection risks that will be difficult to contain by the government and other children's rights actors.

Political Stalemate, Legislation and Budgeting

It is imperative to shed light on contextual factors impeding the realisation of children's rights. Prior to the Syrian refugee crisis, and looking back at the period between 2005 and 2010, and the intertwined events that occurred within the Lebanese context, it becomes evident that Lebanon was suffering from its own chronic crises that are continuously reflected at the institutional level, and which consequently affect children's rights. In fact, political instability, security concerns, and economic deadlock consistently shift the focus away from prioritising children's rights. This situation is exacerbated by continuous governmental changes leading to a loss of positive history, achievements relating to children's rights, and the wasting of resources on redundant programmes. Political stalemate led to paralysis of the legislative authorities and processes, which resulted in the delaying of project laws. Similarly, the last national budget to be endorsed was in 2005. National debts and budget constraints represent major obstacles for the endorsement of childhood strategies and the allocation of required budgets for the enactment of action plans. It is not clear when this situation could change.

The Parliament is currently paralysed and inactive due to the severe political polarisation in the country, which has resulted in disagreement on priorities, and on whether to elect a new President of the Republic or hold parliamentary elections. Additionally, the Parliament has a tendency to extend its own term.

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17 Mercy Corps, UNDP, Stabilisation and Resilience in Protracted Politically Induced Emergencies, A Case Study Exploration of Lebanon, 2015

Corruption

Lebanon joined the United Nations Convention against Corruption (UNCAC) in 2009, and is a member of the Arab Anti-Corruption and Integrity Network (ACINET). An inter-ministerial anti-corruption committee was established by the prime minister and under his chairmanship a supporting technical committee chaired by the Minister of State for Administrative Reform was concurrently formed. Lebanon has laws and regulations to combat corruption, but these laws are not always enforced.

In parallel, the Parliament and the Council of Ministers have continued to devote efforts for the modernisation of anti-corruption legislation, although there is agreement that such efforts are in need of additional support. Corruption is widespread and permeates all levels of Lebanese society. Pervasive clientelism is at the core of the country's political system, making political corruption and nepotism Lebanon's most serious corruption challenge.

8.2 Capacities and Interactions of Key Actors in Rights

The State

The state is ultimately the primary duty-bearer for the obligations it has subscribed to by ratifying the UNCRC and other human rights treaties. However, it did not succeed to adequately fulfill this role. There is a relationship between the state and civil society in relation to children's rights. There's the membership of civil society organisations in the HCC and its sub-committees, as well as other national committees pertaining to children's rights like child labour. The latter has its own advantages with respect to the participation of civil society organisations in decision-making. In addition, civil society is being sub-contracted by the state to provide services to children as was elaborated in the course of the CRSA. This relationship can be controversial on many levels, particularly if the government cannot exercise its strict monitoring role in a politicised context, which is mirrored in civil society. The availability of resources governs the interaction between state and civil society. A key informant from the HCC indicated that since civil society is widely regarded as the preferred partner for international donors, a new dynamic has taken hold whereby the state actors would partner with civil society to implement planned programmes that otherwise have no governmental resources. In this way, civil society gains legitimacy.

The concerned parliamentary committee as well as other related committees have played a passive role, restricted to revision and commenting on proposed project laws and amendments. Notably, members in the committees do not necessarily possess relevant knowledge in these areas, because members are assigned to the committees regardless of their backgrounds. Activity pursuant to the other functions of parliament that are critical for the promotion of good governance, namely oversight of children's rights issues, budgeting and allocation of resources, and representation (amplifying the voices of the rights-holders and including their concerns on the government agenda), is very limited.

As described in the country context of the CRSA, the prevalent political divisions have influenced the independence of the judiciary, and consequently they are not able to play a role that would ensure the accountability of governments and the ability of rights-holders to claim their rights. In Lebanon, there have been instances of judges being marginalised and excluded from the system due to the adoption of just rights claims in compliance with international conventions and treaties.

Legal mobilisation is undermined by the existing political and religious power structures. Trust in formal justice mechanisms is weak due to corruption, and legal information is not readily available to communities in a transparent manner. Irrespective of the independence of the judiciary, judges need to be adequately trained to take on rights issues and encourage rights-based claims.

Citizens/Children

The citizens, including parents, are not able to fulfill their potential as key actors to support children achieving their rights. This can be attributed to the state not succeeding in playing its role as primary duty-bearer. Hence, citizens are constantly faced with a multiplicity of structural barriers that prevent equitable outcomes for children, and which they are not able to address by themselves. In the rights-based approach, right-holders need capacity and communication in order to be able to claim their rights. Both need reinforcement for such a process to take effect. Citizens need empowerment and organisation to play an active role for the sake of children. A blatant example is

the issue of children in institutions, which is a consequence of infringements of various rights including the rights to education, parental care and protection. However, parents who are facing economic difficulties are left with this option.

Awareness of children's rights is weak and it is entrenching perceptions and attitudes that children are not rights–holders, further preventing citizens from supporting children. This is valid for children too. Notwithstanding the government's obligations to set in place structures and mechanisms and create an enabling environment that promotes the realisation of participation rights, children need capacity in order to play their role. Otherwise, their participation will remain superficial. Child-friendly governance requires children's active participation. This is not currently ensured.

Non-State Actors

The role of civil society is critical in articulating people's concerns, promoting children's views, and monitoring the government and other actors. Given the multiplicity and diversity of NGOs working on children's issues and rights it is not possible to determine within the scope of the CRSA how well civil society is fulfilling its role as a key factor in children achieving their rights. That should be a determination made on a case-by-case basis. Furthermore, it would not be accurate to generalise how civil society regards its role in the larger society. Many NGOs lack yearly strategies, or a mission or vision statement, and when they are elaborated they are not always feelings shared with all members and personnel of the NGO. The controversy around the rights-based versus the needs-based approach is still not resolved among NGOs, and a few are not aware of the child's rights-based approaches. The majority of NGOs lack specialisation, meaning that they work generally with children and adults, and on many sectors of interventions. Many NGOs are driven by funding, and this dynamic might influence their role. This is sometimes reinforced by the availability of restricted funding, which prompts a supply-induced demand as a financial survival tool for NGOs, especially those relying exclusively on external funding and that are not subsidised by the government.

Civil society plays a role in development efforts, however, their activities are not harmonised in a manner that aligns with national development goals or that results in impacts on the national level. Activities are generally fragmented. The concept of ownership in development processes is minimal. This could be attributed to the limited participation in strategic planning and implementation of national action plans aiming at national development, whenever such strategies exist. In addition, national programmes of cooperation between donors and the state (for example, between the UN and EU) are effectuated with various ministries, and separate programmes are elaborated with civil society and sometimes through the same ministries.

Moreover, there is a fine line between civil society and the state which grows invisible at times when civil society is politically and religiously affiliated to governing groups, wherein they essentially represent one actor. In such cases, effectuating change for children faces a challenge similar to what children experience in residential social welfare institutions.

With respect to engaging with the state to effectuate change for children, and if we consider advocacy as an example of interaction, then it becomes evident that civil society engagement needs strengthening. Advocacy initiatives are limited in relation to what is required to institute change for children. For instance, the CRSA was not able to identify in the past 10 years a comprehensive advocacy campaign relating to free and compulsory education.

Political parties are indirect key actors in children's rights given their representation in the parliament and the government. They can therefore facilitate or hinder endorsement of project laws, their enforcement, policy formulation, action planning, and ratification of conventions (for example the optional protocol to the CRC on the involvement of children in armed conflict). It is important to note that various political groups manage affiliated civil society organisations.

Similarly, religious leaders and groups are key influencers for the realisation of children's rights, given that personal status laws are governed on a confessional basis. In addition, many issues pertaining to children's rights would require approval from religious authorities (for example alternative care, age of criminal responsibility, and minimum age for marriage). Moreover, they would have an enormous impact on children because many families comply with their guidance.

In general, the media depends on freedom of expression, and is key to providing the information, transparency, and accountability necessary for good governance. It contributes to shaping attitudes and opinions and plays a significant role in raising awareness and educating the public on children's rights issues.

The media plays an influential role with respect to children's rights in Lebanon. It is used by most key actors in campaigning. However, it was highlighted by key informants from HCC and MOSA that media programmes should be subject to stricter controls when children are involved. Several talk shows infringe on the rights of the child to privacy by disclosing names and images, and further complicate the children's rights issue being discussed.

Social media is gaining an increasingly important role with respect to children's rights, given its widespread usage and ease of dissemination. Child related projects, activities, and events are posted on social media as well as infringements of children's rights.

Universities have been playing an active role with respect to generating information relating to children through the undertaking of relevant research. It is common to mobilise experts through universities, or contract university centres to conduct studies and act as consultants. It is worth noting that the legal curriculum at universities encompasses courses on international conventions and treaties including the UNCRC.

The private sector has been playing a limited role, in line with the emerging corporate social responsibility initiatives. This role requires further strengthening in line with childhood priorities. The private sector can readily work with civil society organisations, whereas there is no adopted procedure to work with the government. The role of the private sector in the context of privatisation was not analysed in the context of the CRSA. However, with the increasing trend toward privatisation in the country, this need could arise in the future, for instance when the private sector is managing the delivery of services and goods that are essential to the realisation of children's rights, like water.

Among the regional actors with relevance to children's rights is the Arab League Childhood Department, which is restricted to state actors including higher councils for family and childhood. Although the issues that are addressed are crucial to children's rights, there is poor follow-up on recommendations and intended measures.

From the civil society side, the Arab Council for Childhood and Development is a regional body that works on children's rights issues. The MANARA Network was identified as a civil society network for children's rights in the MENA region. It works on children's rights governance and aims to build societies that fulfill children's rights by establishing and strengthening the infrastructure necessary for states to effectively implement the UNCRC and other obligations.

With respect to international organisations active in Lebanon like UN agencies and INGOs, in the last five years most of their efforts were directed towards humanitarian assistance and emergency response to the Syrian Crisis. There was a surge of organisations that were mobilised to provide assistance for refugees which represented a priority for action. Consequently, partnerships with state and civil society focused on that purpose as well. On the other hand, partnerships aiming at development and sustainable work were negatively affected.
In fact, this situation has created problems especially where services were provided free of charge for Syrians and where Lebanese had to pay fees (for example medical consultations in health centres).

Currently, there is an emerging general consensus around the need to institute a balance between development work and humanitarian work, which is currently being reflected through interaction of the various stakeholders, including the LCRP which is attuned to the new reality, or MOSA taking the lead and mainstreaming actions for development and sustainability. This will also be reflected in INGOs potential partnerships for development.

Based on the analysis of key factors and actors outlined above, it can be surmised that the key elements constituting an enabling environment conducive to the enjoyment of human rights including children rights, and sustainable and inclusive development, are not ensured. These poor areas include the participation of affected stakeholders, equity and inclusiveness, accountability, transparency, efficiency, and responsiveness to the needs of people. Moreover, lack of political will, structural incapacities and lack of understanding of the specific nature of children's rights lie at the heart of the failures to effectively and efficiently enforce children rights. These factors are critical and constitute key elements for good governance as it relates to children's rights. The concept of interdependence of rights and indivisibility of rights is still weak, and these principles are not reflected in the governance structures, leading to a fragmented approach. Children's rights-based approaches are not widespread. Implementation of the UNCRC would require effective mechanisms to support prioritisation of children's issues and ensure sound, coherent measures across government action in partnership with other duty bearers.
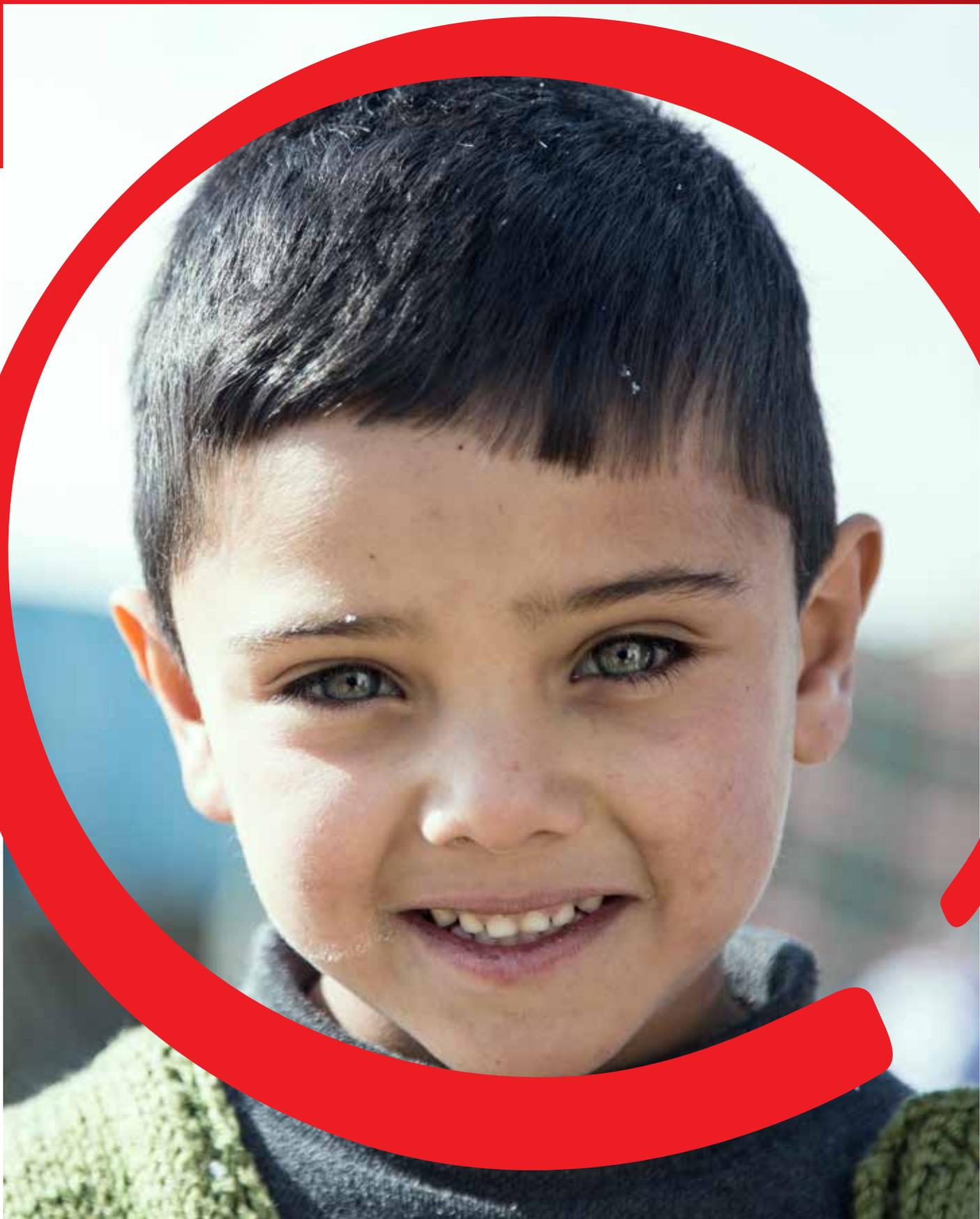
8.3 General Recommendations

Key factors important to the realisation of rights

- Enact the draft bill on decentralisation aiming at transparency and participation.
- Strengthen the role of the Unions of Municipalities to empower local governance.
- Strengthen the relationships among municipalities, and between municipalities and the unions.
- Raise awareness among municipalities on their rights and responsibilities according to the municipal law.
- Support the municipalities in setting up child centered plans.
- Increase budget allocations for children on the municipal level.
- Empower and build the capacity of SDCs to maintain the pivotal role granted by MOSA to implement the child protection plan of the LCRP.
- Raise DRR awareness and develop capacities of relevant actors to implement DRR measures in relation to the national disaster strategy.
- Allocate more funds to DRR, as Lebanon is susceptible to both natural and man-made disasters.
- Include a child specific component to the Lebanon DRR agenda with the engagement of civil society and local stakeholders.
- Activate the role of the inter-ministerial anti-corruption committee.
- Enforce laws and regulations to combat corruption.

Capacities and Interactions of Key Actors in Rights

- Activate the role of the Parliamentary Committee of Women and Children.
- Raising awareness on child rights amongst children and communities to change the current perception of children as passive members of society not as active citizens.
- Emphasise on the role of civil society as the driving change in the society and how to work in coalitions to increase impact on children and communities.
- Gather political parties and religious leaders to draft a common agenda together with the government and the civil society towards the realisation of child rights in Lebanon.
- Raise awareness among media agencies on how to handle children issues ethically and respectfully.
- Empower media to be a platform for children development.
- Collaborate with universities to lead on research around children issues and needed studies, in addition to providing university students at several faculties with courses on international conventions and treaties, focusing on the UNCRC.
- Raise awareness among the private sector agencies to adopt the "Child Rights and Business Principles".
- Play an active role at the Motherhood and Childhood Committee at the League of Arab States.
- Strengthen cooperation with regional child rights networks to share experiences and available expertise.

Summary

Child Rights Situation Analysis

Lebanon
December 2016

Save the Children