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**LEBANON
CHILDREN'S RIGHTS: INTERNATIONAL AND NATIONAL LAWS AND PRACTICES**

Executive Summary

Despite the armed conflict that consumed the country and its institutions for a long period until 1989, Lebanon ratified the Convention on the Rights of the Child relatively quickly. The existing Lebanese laws comply with most of what is required under the Convention, and the Lebanese government adopted a number of amendments in its attempt to comply fully with the balance of such requirements.

I. Introduction

Lebanon endured about fifteen years of civil strife, coming close to a full-blown state of chaos and civil war before a political agreement was reached among the warring factions in October 1989 in the city of Taef in Saudi Arabia. The recovery from the devastating damage to the infrastructure of that period is still proceeding as of this date. On the social level, and especially with respect to children the harm was more complex to assess and more difficult to repair.

Lebanon became a party to the 1989 Convention on the Rights of the Child in 1991,¹ and to the Optional Protocol on the sale of children, child prostitution and child pornography, in 2004. On February 11 2002, Lebanon signed (but has not yet ratified) the Optional Protocol on the involvement of children in armed conflict.²

II. Implementation of International Rights of the Child

It is not clear to what extent the Lebanese government has been able so far to produce tangible results in protecting the rights of children, but the legal framework is in place to provide such protection.

A. Definition of Child

The Lebanese law adopts the same definition of child adopted by the Convention on the Rights of the Child (CRC). For the purpose of civil obligations and contracts, a child is any person who has not yet

¹ The Convention on the Rights of the Child, with a Preamble and fifty-four articles, was adopted by the U.N. General Assembly Nov. 20, 1989, and entered into force Sept. 2, 1990. G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989); 28 I.L.M. 1448 (1989). For an online text, see the OHCHR Web site, <http://www.ohchr.org/english/law/crc.htm> (last visited July 23, 2007).

² The Child Soldiers Protocol entered into force Feb. 12, 2002. G.A. Res. A/RES/54/263 of May 25, 2000. For an online text, see the OHCHR site, <http://www.ohchr.org/english/law/crc-conflict.htm> (last visited July 23, 2007).

reached the age of eighteen.³ The same definition applies in matters of criminal responsibility,⁴ with further distinction as to punishments among:

- children under seven years old;
- children between seven and twelve years old;
- children between twelve and fifteen years old; and
- children between fifteen and eighteen years old.⁵

B. Rights of Children to Registration, Nationality, and Protection of Identity

Lebanese law requires that a birth certificate be prepared and filed for registration within thirty days from the date of birth.⁶ As to nationality, the child acquires Lebanese citizenship by being either:

- born to a Lebanese father,
- born in Lebanon and not acquiring by birth a foreign nationality, or
- born in Lebanon to unknown parents or to parents without a nationality.⁷

There are a number of provisions in the Penal Code aiming at protecting the sanctity of the identity of children. The following acts are criminal offenses:

- the abduction or hiding of a child under seven years old, any substitution of one child for another, or any attribution of a child to a woman not its natural mother are felonies punished by three to fifteen years hard labor;⁸
- the placement of a child in a foundling shelter and the concealment of its identity as reflected in the personal status records, whether the child is legitimate or illegitimate but recognized, is also a felony punished by three to fifteen years hard labor;⁹
- any other acts not mentioned above aiming at eliminating or altering the personal status records of a person are felonies punished by three to fifteen years hard labor;¹⁰ or

³ Civil Code, issued Mar. 9, 1932, art. 4.

⁴ Law Number 422 of 2002 (Protection of at-Risk Children or Children Violating the Law), art. 1

⁵ *Id.*, art. 6.

⁶ Personal Status Records Registration Law of 1951, art. 11.

⁷ Lebanese Nationality law issued by Decree Number 15 of 1925, art. 1.

⁸ Lebanese Penal Code, art. 492.

⁹ *Id.* art. 493.

¹⁰ *Id.* art 494.

- the abduction or taking of a child, even with his consent, away from the authority of his legal guardian is a misdemeanor punished by six months to three years imprisonment and by a fine of 50,000 to 200,000 Lebanese pounds (US\$33 to 133).¹¹

C. Protection against Neglect, Abuse, and Delinquency

Lebanese law gives the judicial authority the power to interfere *sua sponte* whenever a child's interest is at risk.¹² The following situations may trigger a judicial action for imposing protective or corrective measures whenever:

- A child is in an environment exposing him to exploitation, or adversely affecting the child's health, safety, morality, or upbringing;
- Was exposed to sexual or violent corporal attack beyond the customary non-harmful disciplinary measures; or
- Was found in a state of mendacity or vagrancy.¹³

In any of these situations the judge has the discretion of taking whatever measures deemed necessary for the protection of the child, including rehabilitative measures when appropriate.¹⁴

III. Child Health and Social Welfare

The Lebanese Law gives the government the right to enter into contracts with medical doctors and nurses for supervising the medical environment in the public schools and of attending to the health of their students.¹⁵

In a report prepared in 1994 the Lebanese Government informed the Committee on the Rights of the Child that the Lebanese Ministry of Public Health had set several objectives to be achieved in 1995 regarding the health and welfare of children through various programs in cooperation with the Ministry of Social Affairs, UNICEF, and non-governmental organizations. Among these objectives were:

- the reduction of the infant mortality rate;
- the reduction of severe malnutrition; and
- the reduction of the incidences of intestinal diseases, measles cases, and deaths.¹⁶

In its report prepared in 1989 the Lebanese Government reported that the health status of the Lebanese population had improved and that this was evident in "the increase in life expectancy at birth, in

¹¹ *Id.* art 495.

¹² Law Number 422 of 2002, art. 26.

¹³ *Id.*, art. 25.

¹⁴ *Id.* art. 26.

¹⁵ Legislative Decree Number 26 of 1955, art. 19.

¹⁶ *See* CRC/C/8/Add.23, 3 February 1995, para. 63.

the reduction of child mortality, and in other positive indicators.”¹⁷ The report also concluded that “the health sector in Lebanon ... suffers from a number of structural and functional deficiencies which have an adverse effect on its performance and also have particular implications for the health status of children.”¹⁸

In 2000, a new law gave disabled persons, including children, specific rights; among them is the right to free health services paid by the Government.¹⁹

IV. Education and Special Needs

Since at least 1955, the Lebanese Government has adopted a policy of providing free education at the primary level to all Lebanese children.²⁰ In addition, in 1998 primary education up to age twelve became mandatory.²¹ Children with disability have the same right to an education²² and the Government covers all expenses in this regard.²³

The educational system prior to entering college is divided into four phases, kindergarten to be completed in two years, elementary school to be completed in five years, secondary school to be completed in four years, and high school to be completed in three years.²⁴

The primary purpose of education during the kindergarten years is to nurture the development of children’s motor functions and senses in general, accustom them to spontaneous reactive impulses through imitation, games, drawing, and free manual work, train them for the correct use and pronunciation of words and expressions relevant to their daily life, and strengthen in them the spirit of taking initiatives, assuming responsibilities, respecting cooperation, and adopting good traditions and moral behavior.²⁵ The main purpose during the elementary years is to nurture the physical, mental, and cultural capabilities of children through reading, writing, conversations, mathematics, and the study of the natural and human environments.²⁶ The secondary years are intended to help the student discover his or her personal capabilities and interests and to direct him or her to take the courses compatible with these capabilities and interests.²⁷ The high school years are intended to help the student attain intellectual maturity and obtain the essential knowledge necessary to choose the appropriate field of higher education compatible with his or her capabilities, preparing him or her to pursue such a field of study.²⁸

¹⁷ See CRC/c70/Add.8, 26 September 2000, para. 286.

¹⁸ *Id.*, para. 288.

¹⁹ Law Number 220 of 2000, art.27.

²⁰ Legislative Decree Number 26 of 1955, art. 17.

²¹ Law Number 686 of 1998.

²² Law Number 220 of 2000, art. 59.

²³ *Id.*, art 61.

²⁴ Presidential Decree Number 9099 of 1968, art. 1.

²⁵ *Id.*, art. 2.

²⁶ *Id.*, art. 3.

²⁷ *Id.*, art. 4.

²⁸ *Id.*, art. 5.

V. Child Labor and Exploitation

The employment law in Lebanon basically divides children into two categories, those aged between fourteen and eighteen and those under fourteen. The law categorically prohibits the employment of children who have not completed thirteen years and requires a medical certificate proving that a child above thirteen is fit for the job he is hired to perform.²⁹ In certain types of work deemed harmful or detrimental the law prohibits employing any child under the age of sixteen years. Furthermore, in addition to other restrictions no child shall be employed for more than six hours per day and be given at least one hour rest whenever the total working hours exceed four per day.³⁰

Lebanon has joined and ratified the following International Labor Conventions:

- C 136 Benzene Convention of 1971 relating to prevention of hazardous poisoning resulting from benzene ratified on February 23, 1999;³¹
- ILO Convention 182 related to the prohibition and immediate action for the elimination of the worst forms of child labor, ratified on Sept. 11, 2001;³² and
- C 138 Convention of 1973 concerning Minimum Age for Admission to Employment, ratified on June 10, 2003.³³

VI. Sale and Trafficking of Children

There is no specific law prohibiting the sale and trafficking of children. The Lebanese Penal Code, however, specifically make the abduction or taking of a child a criminal offense punished by three months to three years imprisonment or by temporary hard labor if the child is under thirteen years of age, or was taken or abducted by force or by ploy.³⁴

Furthermore, anyone who repeatedly entices children or other persons under the age of twenty into prostitution or immoral acts, or helps and facilitates the commission of such acts shall be punished by one month to one year imprisonment and a 50,000.00 to 500,000.00 Lebanese pounds fine (US\$33 to 330).³⁵

VII. Juvenile Justice

In 2002, the Lebanese Parliament overhauled the juvenile justice system by enacting a self-contained law titled “Protection of Children in Violation of the Law or Exposed to Danger” to deal with juvenile courts emphasizing educational and rehabilitative measures rather than punishment.³⁶ The law requires compliance with the following principles in its implementation:

²⁹ Labor Code of 1946, as amended, art. 22.

³⁰ *Id.*, art 23.

³¹ Ratification date as reflected at: <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C136>.

³² Ratification date as reflected at: <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C182>.

³³ Ratification date as reflected at: <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C138>.

³⁴ Lebanese Penal Code, issued by Legislative Decree No. 340 of Mar. 1, 1943, art.495.

³⁵ *Id.*, art. 523.

³⁶ Law Number 422 of 2002.

1. the juvenile is in need of special help that enables him or her to play a role in society;
2. under all circumstances, the interest of the child shall be taken into consideration to protect it against delinquency;
3. a juvenile who violates the law should benefit from humane and fair treatment; the manner by which he or she is prosecuted, investigated, and tried shall be subject to special procedures that save him or her, to the extent possible, from normal criminal procedures through adopting amicable settlements and solutions, away from liberty depriving measures. The juvenile judge shall have the most discretion in this regard with the authority to amend or rescind whatever measures ordered, based on the results of its implementation on the child.
4. The juvenile court is the authority in charge of juveniles and the application of the law and the competent ministries provide all necessary means needed to this implementation.³⁷

Measures and punishment that may be imposed upon juveniles are:

1. public blame;
2. placement under probation;
3. protection;
4. supervised freedom; and
5. to provide labor to the benefit of the public or to compensate the victim.³⁸

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³⁷ *Id.*, art 2.

³⁸ *Id.*, art. 5.