



**Meeting of the States Parties
to the Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-second session

SUMMARY RECORD OF THE 1142nd (Chamber A) MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 24 May 2006, at 10 a.m.

Chairperson: Mr. DOEK

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Third periodic report of Lebanon

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (item 4 of the agenda)
(continued)

Third periodic report of Lebanon (CRC/C/129/Add.7; core document (HRI/CORE/1/Add.27/Rev.1); list of issues (CRC/C/LBN/Q/3); written replies of the State party to the list of issues (CRC/C/LBN/Q/3/Add.1))

1. *At the invitation of the Chairperson, the delegation of Lebanon took places at the Committee table.*

2. Mr. SOUFAN (Lebanon) said that the Lebanese delegation comprised representatives on non-governmental organizations (NGOs) alongside officials from the Ministries of Public Health, Education and Justice. The values and principles enshrined in the Charter of the United Nations were deeply rooted in Lebanese traditions and lifestyles and Lebanon was determined to promote the cause of children and to respect its commitments undertaken under the Convention on the Rights of the Child. Its report dealt with the progress made and difficulties encountered in the implementation of the Convention. Any constructive criticism would be welcome.

3. Mr. MEKHAEL (Lebanon) said that the NGOs, civil society and children had been involved in the preparation of the periodic report – a process that had served to provide an objective picture of the situation. Laws had been passed, conventions ratified, and regulations published. However, persistent financial and political obstacles had hindered the implementation of some legislation, especially the Juvenile Protection Act and the Compulsory and Free Education Act. The Higher Council for Childhood had been reactivated and was engaged in bringing national laws into line with the provisions of the international instruments, while assuming the function of coordinator. All the same, its activities were hampered by the lack of financial resources and of data, especially on the situation of marginalized children.

4. The creation of a national human rights protection institution had been the subject of debate in the National Assembly and among the society as a whole. Since consideration of its second periodic report, Lebanon had endeavoured to promote a culture of children's rights at all levels of Lebanese society, including through seminars and publications. Progress had been made on several fronts, including raising the age of criminal responsibility and providing free education up to age 15. However, the age of marriage had not been changed owing to the diversity of the personal status laws, and the fact that the public anti-marginalization and exclusion services still lacked adequate resources and that there was still no real reintegration strategy.

5. Lebanon was in the process of establishing an institutional framework to promote children's involvement and to ensure that their views were taken more widely into account in the framing of public policy. Soon to be implemented was a national strategy to address child abuse, identify its causes and scope and amend the relevant laws, and there were plans to create a telephone hotline for children.

6. Efforts were being made further to reduce infant mortality and to improve reproductive health. A policy in favour of children in need was being formulated.

7. A national plan to combat failure at school and to improve educational quality and children's participation was being developed. Not all children had access to education and culture.
8. The decree implementing the Juvenile Protection Act, instituting various guarantees in favour of children, had not yet been promulgated and the juvenile police service force had not yet been established.
9. The Government was determined to limit child labour, and Lebanon had ratified ILO Conventions Nos. 138 and 182. Trained inspection teams were dispatched on the ground to eradicate that scourge.
10. The social rights of Palestinian refugee children were guaranteed, as were their right to health, but the actual exercise remained difficult owing to financial problems. The new national plan of action took into account the Committee's previous concluding observations, which had been disseminated among the population.
11. Ms. AL-THANI commended Lebanon's ratification of ILO Conventions Nos. 138 and 182 and the Optional Protocol on the involvement of children in armed conflict, but regretted its failure to ratify the Optional Protocol on the sale of children. The Lebanese Government had submitted an excellent analytical report in keeping with the Committee's guidelines, and its written replies had provided a wealth of information.
12. However, details on cooperation between the Lebanese Government and civil society, and children's contribution to preparation of the third periodic report would be welcome. It would also be useful to know whether the participation of all the parties concerned had increased in the interval between the first two reports and the third.
13. The Committee would like to know whether domestic legislation had been entirely reviewed to determine its compatibility with the Convention and how the State party would overcome the financial and political obstacles to which it had referred.
14. The delegation could perhaps say whether the Higher Council for Childhood had a specific strategy for implementing the Convention and possessed the means to accomplish that mission. The national plan for the protection of children was still not ready and it would be good to know whether a timetable had been set, and whether it was based on the international instruments.
15. It was unfortunate that Lebanon did not yet have an independent institution, operating under the Paris Principles, whereby children could lodge complaints.
16. The third periodic report did not appear to provide information additional to that in the second regarding corporal punishment, and it would seem that there was no law prohibiting or punishing corporal punishment.
17. Mr. SIDDIQUI asked about the relationship between the Research, Information and Documentation Centre and the Central Administration for Statistics; which body coordinated the various information-gathering activities; and whether private agencies were involved in the collection and processing of data concerning children.

18. There was too little information in the report on the fate of vulnerable groups of children: Palestinian refugee children, children from minorities, migrants, orphans, child workers, street children, child victims of commercial sexual exploitation, children in conflict with the law and disabled children. The delegation could perhaps say whether that deficiency was due to a lack of resources or whether the State delegated certain functions to NGOs or faith-based bodies.

19. It would be interesting to know whether increased public spending on social services between 1993 and 1998 had helped the poor and households headed by women, whether the State subsidized under-funded schools and care centres, what local mechanisms were in place to provide services accessible to the disadvantaged and whether those mechanisms were entirely Government-run or received assistance from civil society. He would also like to know whether any measures were being envisaged to improve control of public spending, evaluation of results and use of local public revenue, whether local administrations were audited and how the Government attempted to improve the quality and cost effectiveness of social services.

20. Mr. KRAPPMANN asked whether all schools had adopted methods for improving the participation of children, what the Government was doing to promote those methods in schools that had not yet adopted them, and whether they also applied to Palestinian refugee children. The delegation could perhaps also furnish details on the activities targeting parents in order to encourage them to pay greater heed to their children's views, respect their rights and encourage their children to form and express their own opinions.

21. While he did not doubt that the NGOs had helped to prepare the report, he regretted that they had not presented their own report so as to express their ideas and experience, as was usually the case; perhaps they lacked the resources to do so. The delegation could perhaps say whether the State subsidized the NGOs to which public responsibilities were delegated and what form of cooperation existed between the Government and NGOs.

22. Noting with satisfaction that the State party had held a symposium on corporal punishment, he wished to know whether its impact had been evaluated and whether there were plans to organize activities of that type on other forms of violence against children. While doctors were obliged to report any cases of ill-treatment of children that came to their attention, it would also be useful to know what other roles they played should the need arise. The delegation could perhaps provide more details on the measures taken by the Higher Council for Childhood under the national strategy to combat violence against children and on the reporting procedures available to victims of child abuse. It would also be useful to have updated information on honour crimes committed by minors and what treatment was meted out by the justice system. In conclusion, it would be interesting to know whether children could have their cases heard before a religious court.

23. Ms. OUEADRAOGO, deploring the fragmented perception of the implementation of the Convention in Lebanon, which lacked a holistic approach, said that while the presence of NGO representatives on the delegation was positive she would like to know how they were selected.

24. It was deplorable that the State party continued to use the expression “illegitimate child”, which immediately undermined recognition of the child in question.

25. She would be grateful if the State party could say what it intended to do to remedy the serious shortcomings in its birth registration system, which deprived unregistered children of access to health, education and social services, problems that particularly affected some Palestinian children. Also, did Lebanon plan to speed up and simplify the registration procedure for Syrian children born on its territory? The current procedure was long and such children could only be registered as foreigners.

26. In Lebanon a child born of a Lebanese mother and foreign father could obtain Lebanese nationality only if it was not recognized by the father, which constituted a violation of the right of the child to have a nationality; the delegation might indicate how the State planned to remedy that situation. Since the religious courts were competent to rule on a child’s legitimacy and family origins, the Committee would like to know whether the members of those courts were trained in the Convention and abided by the principle of the best interests of the child.

27. The Committee would like to know whether children whose identity changed on adoption were consulted (if they had reached the appropriate age), whether adopted children had access to information on the adoption procedure and whether they were allowed to know who their biological parents were if they so wished. With reference to paragraph 151 of the report, a child’s right to know its parents and to be raised by them was breached with regard to children born out of wedlock, given that the parents’ names were not mentioned, except in special cases.

28. Ms. LEE asked what rights Lebanese law conferred on a child born out of wedlock and whose Lebanese nationality could not be proven between its birth and legal age of maturity. She would like the delegation to indicate if the steps currently being taken to amend the provisions referred to in paragraph 132 of the report, which denied the Lebanese widow of a foreigner the right to pass her nationality to her child, also applied to unregistered Palestinians.

29. She was perturbed about the power conferred on the religious authorities with regard to marriage, which could give rise to early marriages and forced marriages, especially of young Lebanese women living abroad when visiting Lebanon.

30. Ms. ORTIZ asked how the State party monitored respect for the best interests of the children in the country’s various cultural and religious communities, especially before separating them from their parents.

31. She wished to know how the Development Service Centres worked, whether they offered adults and children places where they could find information, for instance on receiving food assistance, disability assistance or in the case of domestic violence, whether they covered the entire territory and whether they came under the local authorities.

32. The delegation might wish to explain why the State party continued to register children as of unknown parentage, which apparently constituted a very serious form of exclusion.

33. Mr. KOTRANE said he was pleased that Lebanon had signed and ratified the Optional Protocol on the sale of children, child prostitution and child pornography,

but would like to know why the State party had still not ratified the Optional Protocol on the involvement of children in armed conflict.

34. He was disturbed by the absence of measures for harmonizing the interpretation of religious law with that of the rights of the child and would like to know whether any links likely to harmonize child policies at the central, regional and local levels existed between the Higher Council for Childhood and the various ministries concerned.

35. While the Constitution enshrined the principle that all Lebanese were equal before the law, three types of discrimination against children remained: discrimination based on religious affiliation (for example, children were registered in their parents' religious community); discrimination founded on belief (for example, children were obliged to form part of a religious group); and discrimination founded on traditions, sex and origins (for example, non-Lebanese citizens). It was therefore essential to know how Lebanon envisaged guaranteeing the principle of non-discrimination in all its policies and programmes.

The meeting was suspended at 11.20 a.m. and resumed at 11.35 a.m.

36. Mr. MEKHAEL (Lebanon) said that the Optional Protocol on the involvement of children in armed conflict had been sent to Parliament for ratification, but that Parliament was very busy with the national dialogue currently taking place and had not had time to examine it. Cooperation between the Higher Council for Childhood and the various relevant parliamentary committees was at a standstill at the moment. Parliament had, however, studied the Committee's previous concluding observations (3,000 copies of which had been disseminated countrywide) in order to take account of the various social programmes, including the Pan-Arab Plan of Action for protection of the rights of the child.

37. The NGOs and civil society had participated in the preparation of the report of the Ministry of Social Affairs and had mobilized budgetary and human resources to that end. Half of the members of the Higher Council for Childhood were representatives of civil society, and talks were under way to transform it into a body directly responsible to the Council of Ministers. Preparation of the report under consideration had served to strengthen the links among the various institutions working for the rights of children.

38. The Government was endeavouring to streamline the guiding principles governing children's involvement in the preparation of the report. From the outset, they had been invited to choose the topics of interest to them, following a nationwide debate in which various associations took part in order to establish the criteria. A special committee made up of representatives of ministries and NGOs had been formed to ensure children's democratic representation, and was supported by a Swedish NGO.

39. The report was therefore the outcome of cooperation between the Government and civil society organizations and had been disseminated at various levels, which explained why the NGOs did not consider it necessary to draw up a parallel report. Advocacy and education activities had been carried out with a view to possible discussion of parallel reports in the interest of transparency. The main concern had been, rather, to define a framework of reference for a full review of child-related legislation, the last having been held in 1996. That called for a comparative study. Workshops on harmonization of criminal law with international norms had also been

held in Parliament; in order to guarantee children's rights it would be necessary to establish an exhaustive set of laws harmonizing the laws applied by the country's 18 religious groups.

40. Ms. KEROUZ (Lebanon) said that relations between the NGOs and the Government were fairly flexible. The NGOs had played a major role in the preparation of the report. The civil society organizations that had opted to participate in the dialogue had therefore been able to shed light on the lacunae in the context of the committees that had been set up.

41. Ms. AL-THANI asked whether the fact that various religious groups applied their own laws, especially where the legal age of marriage was concerned, did not diminish the State's authority.

42. The CHAIRPERSON said that preparation of national law applicable to all groups would be difficult and that the Government could instead pronounce certain norms as guidance for religious groups. The Committee encouraged Lebanon to adapt the religious laws to the provisions of the Convention and would be happy to assist it in the task.

43. Mr. MEKHAEL (Lebanon) said that an awareness campaign on that topic had been launched among the religious authorities but that they were not prepared to amend their laws. In that regard, a study had shown that the average age of marriage was 29 for a woman and 33 for a man and that no cases of marriages contracted at a very early age had been notified.

44. Mr. RABAH (Lebanon) said that since its accession to independence in 1943 Lebanon had been seeking constitutional ways of solving problems relating to enforcement of the various laws by its 18 denominational groups, whose traditions were anchored in the country's history. The texts were often discriminatory, but the civil courts were trying to find solutions that respected the best interests of the child, by, for example, taking up decisions of the religious courts, especially with regard to custody.

45. Since 1995 the Ministry of Social Affairs and the Ministry of Justice had been assisting the NGOs. For a long time the Government had not had the means to undertake certain actions and had had to delegate them to the NGOs.

46. Awareness campaigns concerning honour crimes had been under way for 10 years. No minor had been prosecuted for such a crime. Enormous pressure had been brought to bear in order to amend the law because the authors of such crimes had earlier enjoyed impunity or benefited from extenuating circumstances or the clemency of the courts.

47. The birth of any child in a hospital was registered on the spot. In other cases the parents had one year in which to do so by appearing in court. Where the problems arose was with foreigners. Syrian law required Syrians to register their children in Syria. In the case of Palestinians, a child was registered with the Administration for Palestinian Affairs, which issued a birth certificate. Authorities from the relevant ministries had recently visited refugee camps in order to expedite the registration of children and to check that they fully enjoyed their rights.

48. Mr. MEKHAEL (Lebanon) pointed out that the Secretary-General of the Higher Council for Childhood made recommendations to the various ministries with a view to filling in the gaps observed during policy formulation, more particularly in

cases of incompatibility with the provisions of the Convention. When the Council had been set up in 1994 it had been decided that the Ministry of Social Affairs would be equipped with a group of technicians responsible for administering the Council's budget. Establishing an independent body might be a wise step, but the idea was not that that Council should be a parallel structure to the Government, but that the ministries should continue to be the guarantors of enforcement of laws concerning children.

49. Special technical committees had been created to prepare the national action plan in collaboration with the Higher Council for Childhood, which followed the guidelines of the Committee on the Rights of the Child. All public institutions had been asked to collaborate with those technical committees. NGOs, universities, trade unions and health professional associations had been invited to participate in the process. Preliminary meetings had been held to explain the basic principles of the best interests of the child and the recommendations of the Committee on the Rights of the Child. The intention was to establish a plan for education for all and a media information plan, with children involved in their implementation. The Ministry of Finance had been asked to assess the financial requirements and make the necessary budgetary allocations.

50. UNICEF was to assist in statistical data management, but certain problems had prevented it from doing so. Of the 237 indicators concerning attainment of the Millennium Development Goals, 173 had been established and would shortly be posted on the website of the Higher Council for Childhood to ensure their wide dissemination.

51. There were still gaps in statistics on marginalized children and child abuse. A framework had been established in collaboration with UNICEF for a study to determine the scope of those phenomena, but the field had been restricted owing to problems facing the UNICEF Office in Lebanon. The Government intended to promote the creation of a network for gathering data on the status of children, particularly at the local level, with the collaboration of the municipalities, NGOs and health centres.

52. Mr. SOUFAN (Lebanon) explained that the basic principle in Lebanon was the representation of religious groups. Article 7 of the Constitution provided that all Lebanese were equal before the law and enjoyed the same civil, economic and social rights. The Charter of the United Nations and the Universal Declaration of Human Rights were enshrined in the Constitution and incorporated in domestic law. The fact that article 7 did not mention foreigners did not mean that Lebanon lived in a bubble. The system founded on religious groups, which was provisional, was not perfect but it was better to engage in dialogue in order to attenuate the deficiencies than to abolish the entire system. Lebanon had a set of laws that gave effect to the principle of non-discrimination.

53. Palestinian refugees came under the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), but Lebanon assisted in the quest for solutions, within the limits of its resources, pursuant to article 4 of the Convention.

54. The CHAIRPERSON said that the Committee was not making any negative judgment on the coexistence of different religious groups in Lebanon. A multi-faith society was not a concern in itself; what the Committee wished to underscore was

the Lebanese authorities' responsibility to ensure that the rights of the child were known to and guaranteed by all religious groups.

55. Mr. KOTRANE said that the Committee was well aware that only nationals were covered by the Constitution. It was other legislation that needed to be passed in order to guarantee the principle of non-discrimination between nationals and foreigners. The promulgation of a children's code, currently in preparation, would doubtless establish a common denominator of rights for all children, without distinction of nationality or religion.

56. Mr. MEKHAEL (Lebanon) said that a debate was currently taking place in Lebanon on whether it was better to set up a national human rights institution, in accordance with the relevant international norms, or an ombudsman-type institution – as initially planned – or those two institutions simultaneously.

57. Ms. AL-THANI said that the problems in the area of health referred to in the Committee's previous concluding observations were still a matter of concern. Despite actions undertaken to improve the health system, the mortality rate was decreasing only slowly and malnutrition and anaemia were still widespread in certain sectors of the population, while other sectors suffered from obesity. The healthcare system relied heavily on the private sector, and health insurance was still expensive, which explained why not all inhabitants were covered and regional disparities remained very marked.

58. Additional information on health services for adolescents and on reproductive health would be welcome. The efforts made to provide sex education and awareness of HIV/AIDS were laudable, but reception centres for adolescents were not apparently accessible to all and young people did not know how to protect themselves against sexually transmitted diseases, which raised the question of whether there had been an impact evaluation of the initiatives taken. He would also welcome additional information on mental health. The suicide rate among young people was rising, as was smoking and alcohol and drug use. While awareness campaigns were a good idea, it was more important for the country to have a network of mental health professionals trained in early detection of mental disorders.

59. While there were fewer traffic accidents than in the past, they caused more fatalities, so that it would be useful to know whether the accidents were more serious or whether there were problems with the emergency hospital services.

60. Finally, he would like delegation to say what progress had been made with demining, for, as the Committee had pointed out during the dialogue with Israel, anti-personnel mines posed a serious public health problem in southern Lebanon.

61. Ms. OUEADRAOGO requested additional information on street children and child beggars, who were governed by Act No. 422/2002 on minors in conflict with the law and at risk because, according to some sources, such children were treated more as delinquents than as victims in need of assistance. The delegation could perhaps say whether everything was being done not only by NGOs but also by the public services to find their families, take care of them and reintegrate them. She would like to know exactly what the gaps in the rehabilitation services mentioned by the delegation were and would like further information on the procedure whereby minors could report cases of violation of their rights to the competent authorities,

which those authorities were and whether children were aware of that right conferred on them by Act No. 422.

62. Mr. KRAPPMANN said that, while the Lebanese Government had ambitious educational objectives, especially that of raising the age of ending compulsory education from 12 to 15 years, more information was needed. It had to be said that all children did not now attend school, since there was a dropout rate of some 10 per cent in class six. The State party must take steps to ensure that children completed the nine-year mandatory school cycle and give those who had dropped of or never gone to school a second chance at schooling. It would also be useful if the delegation could supply details on vocational training methods.

63. Education was not free for everyone. Parents sometimes needed to pay registration fees and for textbooks, school materials and transport, which were sometimes beyond their means. Moreover, the quality of education was not of the best: the number of trained teachers was low, especially in rural areas, and the State-approved curricula were not always followed. Those problems meant that some middle- and upper-class families enrolled their children in private schools. The Committee would therefore like to know if teaching methods and the aims of education in those schools were State-controlled. The Committee also felt that the level of qualification required of preschool teachers was too low, and would like to know how the quality of that level of education was guaranteed.

64. Ms. ORTIZ said that, according to paragraph 188 of the report, parents could not be deprived of guardianship of their minor children or separated from them unless a court ruling was issued, whereas it was stated in paragraph 172 that, owing to economic difficulties, in the majority of cases the Development Service Centres approved applications for residential care at institutions, with the result that children were admitted without a court decision to separate them from their families. To admit a child on account of his/her family's financial situation – an apparently normal occurrence in Lebanon – ran counter to the Convention. The response to financial difficulties ought to be social and economic.

65. The State party might wish to indicate what measures it intended to take to accord priority to measures other than placement in an institution: *kafala*, placement in foster families or return to their families, and to say what mechanisms were in place to protect children placed in institutions, who were by definition extremely vulnerable, from abuse and to give them access to help and the opportunity to report violations of their rights. A life project should also be defined for every child, accompanied by individual follow-up, with regular review of the placement.

66. Since Islam did not permit adoption, one wondered how the extent to which the rights and best interests of the child were respected in the *kafala* was evaluated. Regarding Christian groups, it would be interesting to learn how adoptions approved by the religious courts differed from those approved by the civil courts. The State party was encouraged to ratify the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, The measures taken to prevent adoption from becoming an object of trade were laudable.

67. The CHAIRPERSON asked whether it was true that the *kafala* system no longer worked in favour of Palestinian children and whether those children were systematically institutionalized.

68. Mr. SIDDIQUI expressed concern that, according to information at his disposal, in Lebanon extreme poverty was gaining ground, inequalities were on the increase and disparities between rural and urban areas were widening. He wondered whether the necessary safety nets had been put in place and whether the MDGs had been taken into consideration.

69. Mr. KOTRANE commended the satisfactory coordination between the State party and UNHCR and UNRWA but regretted that the fact that Lebanon had not ratified the Protocol relating to the Status of Refugees meant that children of refugees and unaccompanied minors were expelled, in violation of international law.

70. Mr. SOUFAN (Lebanon) said that, although not a party to the 1951 Convention relating to the Status of Refugees, Lebanon had signed with the Office of the United Nations High Commission for Refugees (UNHCR) a memorandum of understanding, which was currently being amended. Possible accession to those instruments was a topic of serious consideration in the country and had been the subject of a 2005 workshop. Any decision thereon called for serious reflection, given national interests, the small size of the country and its limited integration capacities.

The meeting rose at 1.05 p.m.