

Human Rights Watch Submission to the Committee on the Rights of the Child in advance of its review of Lebanon

We write in advance of the Committee on the Rights of the Child pre-session review of Lebanon to highlight the impact of Lebanon's residency policies on child labor among Syrian refugees; the lack of access to formal education for all children; and education barriers for high-risk groups.

For deeper analysis of these issues, please see the following Human Rights Watch reports:

- *Growing Up Without an Education: Barriers to Education for Syrian Refugee Children in Lebanon*, 2016, <http://bit.ly/29W3qRM>

- *I Just Wanted to be Treated Like a Person: How Lebanon's Residency Rules Facilitate Abuse of Syrian Refugees*, 2016, <http://bit.ly/1ZQpgGJ>

To view testimony from Syrian refugees, including children, living in Lebanon, please see these two videos:

- *No School for Thousands of Syrian Refugee Children in Lebanon*: <http://bit.ly/2buBxB6>

- *Syrian Refugees Forced to Live in the Shadows*: <http://bit.ly/2bk6t3K>

Child Labor (Article 32)

Residency policy for Syrian refugees

There are currently 1.1 million Syrian refugees registered with the United Nations High Commissioner for Refugees (UNHCR) in Lebanon. The government estimates that the total number, including unregistered Syrians, is 1.5 million people.¹ Since Lebanon implemented new residency regulations on January 5, 2015, many Syrian refugees have found it difficult or impossible to renew their residency permits and are now unable to work for fear of arrest and increasingly rely on income from child labor for survival.

Lebanese authorities now require Syrians to pay an annual US\$200 renewal fee per person age 15 and older, present valid identification and an entry slip obtained at the border, submit a housing pledge confirming their place of residence, and provide two photographs stamped by a Lebanese local official (*mukhtar*).² Lebanon also requires refugees registered with UNHCR to submit their UNHCR registration certificate in order to renew their residency. In May 2015, UNHCR ceased registration of Syrian refugees in Lebanon at the direction of the Lebanese government.³ Syrians not registered with UNHCR have to provide a "pledge of responsibility" signed by a Lebanese national or registered entity to sponsor an individual or family of Syrian refugees. Humanitarian agencies estimate that more than two-thirds of refugees now lack legal residency in Lebanon.⁴

¹ Government of Lebanon and the United Nations, "Lebanon Crisis Response Plan 2015-2016 Year Two," December 15, 2015, <http://data.unhcr.org/syrianrefugees/download.php?id=10057> (accessed March 28, 2016), p. 1, 38.

² International Rescue Committee and Norwegian Refugee Council, "Legal Status of Refugees from Syria: Challenges and Consequences of Maintaining Legal Stay in Beirut and Mount Lebanon," June 2015, <https://data.unhcr.org/syrianrefugees/download.php?id=9682> (accessed April 15, 2016), p. 14.

³ United Nations High Commissioner for Refugees (UNHCR), "Syria Regional Refugee Response Inter-agency Information Sharing Portal," <http://data.unhcr.org/syrianrefugees/country.php?id=122> (accessed August 29, 2016).

⁴ Human Rights Watch interview with international humanitarian NGO child protection staff, Beirut, November 9, 2015; Norwegian Refugee Council, "Drivers of Despair: Refugee protection failures in Jordan and Lebanon," January 2016, <http://www.nrc.no/globalassets/pdf/reports/drivers-of-despair.pdf> (accessed March 28, 2016), p. 2; Government of Lebanon and the UN, "Lebanon Crisis Response Plan 2015-2016: Year Two," December 15, 2015, p. 6, 14.

Refugees without residency who look for work risk being stopped at checkpoints and arrested. In some cases, parents unable to look for even informal work due to lack of valid residency depend on child labor for survival. In 2015, 19 percent of families facing food insecurity coped by pulling their children out of school.⁵

Forty families told Human Rights Watch that they had at least one child working to support the family. One humanitarian organization said that a quarter of the households it works with relied on the income of at least one working child to secure basic needs.⁶

Some Lebanese employers are willing to hire refugee children because they are cheaper and easier to exploit than adults.⁷ In addition, several refugees told us that employers routinely delayed or withheld payment to children.⁸

In 2013, Lebanon adopted a National Action Plan to eliminate the worst forms of child labor by 2016.⁹ But rates of child labor among Syrians in Lebanon appear to have increased since the beginning of the crisis.¹⁰ Syrian children in Lebanon start work as young as 6 or 7 and are engaged in agricultural work, selling goods, cleaning, and dangerous forms of work including construction, manual labor, and metal work.¹¹

Children, Lebanese and Syrian, often work long hours for low pay, without necessary safety equipment or precautions.¹² Several refugees told us that their children had suffered injuries while working, and staff at one humanitarian organization said they had documented a sharp increase in the worst forms of child labor in 2015.¹³

Recommendations

We encourage the Committee to make the following recommendations to the Lebanese government:

On Syrian refugees:

- Waive the \$200 renewal fee and the sponsorship requirements for Syrians in Lebanon.
- End the practice of detaining refugees merely because their residency documents have expired or because they don't have legal status.

⁵ World Food Programme (WFP), UNHCR, and United Nations Children's Fund (UNICEF), "Vulnerability Assessment of Syrian Refugees in Lebanon 2015," 2015, <http://data.unhcr.org/syrianrefugees/download.php?id=10006> (accessed March 28, 2016), p. 35, 56.

⁶ Human Rights Watch interview with international humanitarian nongovernmental organization (NGO) child protection staff, Beirut, November 9, 2015.

⁷ Human Rights Watch, *Growing up Without an Education: Barriers to Education for Syrian Refugee Children in Lebanon*, July 2016, <https://www.hrw.org/report/2016/07/19/growing-without-education/barriers-education-syrian-refugee-children-lebanon>.

⁸ See e.g., Human Rights Watch interview with Asma', Akkar, December 8, 2015.

⁹ Ministry of Labor and International Labour Organization (ILO), "National Action Plan to Eliminate the Worst Forms of Child Labour in Lebanon by 2016," 2013, http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_229103.pdf (accessed April 11, 2016).

¹⁰ The Freedom Fund, "Struggling to survive: Slavery and Exploitation of Syrian Refugees in Lebanon," April 2016, <http://freedomfund.org/wp-content/uploads/Lebanon-Report-FINAL-8April16.pdf> (accessed April 12, 2016), pp. 7-8.

¹¹ Ibid, p. 18; ILO and UNICEF, "Tackling Child Labour Among Syrian Refugees and their Host Communities in Lebanon: Project Proposal," March 2015, http://www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/briefingnote/wcms_368225.pdf (accessed April 11, 2016), pp. 3-5.

¹² Ministry of Labor and ILO, "National Action Plan to Eliminate the Worst Forms of Child Labour in Lebanon by 2016," 2013, http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_229103.pdf (accessed April 11, 2016), p.11.

¹³ Human Rights Watch interview with international humanitarian NGO child protection staff, Beirut, November 9, 2015.

- Implement the national plan to eliminate the worst forms of child labor.

The Right to Education (Article 28)

There are almost 500,000 school-age Syrian children in Lebanon, half of whom are still out of school.

Lebanon has taken important steps to include Syrian children in the public education system. Authorities have allowed Syrian children to enroll in public schools without providing proof of legal residency, waived school enrollment fees, and opened afternoon “second shift” classes in 238 public schools.

In 2014, Lebanon adopted the Reaching All Children with Education (RACE) policy, and it opened 200,000 spaces for Syrian children in public schools last year. However, only 158,321 non-Lebanese children enrolled. In 2016, Lebanon adopted a five-year RACE II plan with the goal of enrolling 440,000 Syrian children in formal education by the 2020-2021 school year.

Harsh regulations that prevent most refugees from maintaining legal residency or working are undermining Lebanon’s generous school enrollment policies (see above under Right to Work). Many poor families cannot find work because they lack legal residency and fear arrest if caught while out searching for jobs, leaving them unable to afford school-related costs like transportation and school supplies, or reliant on their children to work instead of attending school. Corporal punishment, bullying in schools, and concerns about the quality of education have also deterred enrollment or caused students to drop out.

Use of Corporal Punishment

The use of corporal punishment in Lebanese public schools has caused children to drop out. Article 186 of Lebanon’s Penal Code permits corporal punishment of children. Although a 2001 memorandum from the Ministry of Education and Higher Education banned corporal punishment in Lebanese public schools, the practice remains widespread.¹⁴ One survey conducted by the United Nations Children’s Fund (UNICEF) and Save the Children in 2012 found evidence of corporal punishment in 70 percent of 27 schools visited.¹⁵

Twenty-three Syrian families told Human Rights Watch that teachers, school administrators, or bus drivers hit their children—some as young as six. Several families said that their children dropped out or they withdrew their children from public school because of corporal punishment. Syrian refugee children appear to be especially at risk; most of the Syrian families who described corporal punishment by teachers had children enrolled in the all-Syrian second shifts.

Quality of Education in Public Schools

Lebanon’s public school system struggled even before the ongoing refugee crisis, when only 30 percent of Lebanese students attended public schools, which suffer high rates of grade repetition and dropouts.¹⁶ In 2010, the education ministry found that 54.5 percent of public school teachers did not hold a university degree.¹⁷ It

¹⁴ Global Initiative to End All Corporal Punishment of Children, “Corporal Punishment of Children in Lebanon,” April 2016, <http://www.endcorporalpunishment.org/assets/pdfs/states-reports/Lebanon.pdf> (accessed April 14, 2016); Human Rights Watch interview with international humanitarian agency education staff, Beirut, November 11, 2015.

¹⁵ UNICEF and Save the Children, “Education Rapid Needs Assessment for Displaced Syrian Children in Schools, Community and Safe Spaces,” July 2012, <https://data.unhcr.org/syrianrefugees/download.php?id=535> (accessed April 13, 2016), p. 31.

¹⁶ Ministry of Education and Higher Education, “Reaching all Children with Education in Lebanon,” June 2014, <http://www.mehe.gov.lb/uploads/file/2015/Feb2015/Projects/RACEfinalEnglish2.pdf> (accessed March 28, 2016), p. 7.

¹⁷ Ministry of Education and Higher Education, “Quality Education for Growth,” March 2010, http://planipolis.iiep.unesco.org/upload/Lebanon/Lebanon_ESDP_2010-2015.pdf (accessed March 28, 2016), p. 8.

cited the absence of laws governing the recruitment of properly qualified teachers as one reason for the low achievement rate of public schools in Lebanon.¹⁸

This problem is exacerbated for Syrian children enrolled in newly opened second shift classes, which are run in the afternoon to accommodate additional students. Under the ministry's operating procedures, second shift teachers are drawn from the first shift, and new teachers are only hired if there are an insufficient number of teachers or qualified staff available from the first shift.¹⁹ This leaves many teachers tired and overworked, reducing the quality of both shifts.

According to the Lebanon Crisis Response Plan, "teachers were not always sufficiently prepared or experienced to meet the emergency education needs of students" and teachers newly hired for the second shift "did not always meet optimal qualifications for managing classrooms, dealing with traumatized children, or working well for an extended number of teaching hours."²⁰

Some parents have hired private tutors to make sure that their children are learning, but few can afford to do so.²¹ Nineteen families interviewed by Human Rights Watch said that their children had still not received all of their textbooks as of November and December 2015, several months into the school year.²²

Barriers for High-Risk Populations

Secondary school-aged students

In 2013, Lebanon had a net secondary enrollment rate of 70 percent.²³ Syrian refugee families told Human Rights Watch researchers that secondary-aged children face particular barriers to enrollment, including difficulty obtaining legal residency, classes taught entirely in unfamiliar English or French, greater distances to schools, and pressure to work to support their families.²⁴

At the beginning of the 2015-2016 school year, 82,744 Syrians of secondary school age were registered with the United Nations refugee agency in Lebanon, but only 2,280 non-Lebanese students enrolled in public secondary schools that year.

Lebanon has taken some steps to ease restrictions on secondary school enrollment for Syrian children. In March 2016, the education ministry stopped requiring Syrians to present transcripts to take the *Brevet* exam, which is required for admission to secondary schools.

Children turning 15 face particular challenges to renewing residency, because many do not possess the required passport or individual identification card. Although the education ministry does not require residency for school enrollment, Syrians told Human Rights Watch that some directors still require proof of residency. Older students without residency are vulnerable to arrest at checkpoints on the way to school.

Girls

Lack of access to private, clean sanitation facilities at schools can reduce girls' ability to manage their hygiene during menstruation and affect school attendance. The Lebanon Crisis Response Plan identified lack of water,

¹⁸ Ibid.

¹⁹ Ministry of Education and Higher Education, Decree no. 719/M/2015 Public Schools Afternoon Shift Schedule – Executive procedures for teaching non-Lebanese children 2015/2016, art. 9.

²⁰ Government of Lebanon and the United Nations, "Lebanon Crisis Response Plan 2015-2016 Year Two," December 15, 2015, <http://data.unhcr.org/syrianrefugees/download.php?id=10057> (accessed March 28, 2016), p. 63.

²¹ Human Rights Watch interview with Hanan, Bekaa Valley, November 23, 2015.

²² Human Rights Watch interviews, November and December, 2015.

²³ "Net enrolment ratio, secondary, both sexes (%)," World Bank, accessed July 27, 2016, <http://data.worldbank.org/indicator/SE.SEC.NENR/countries>.

²⁴ Bassam Khawaja (Human Rights Watch), "Syrian Refugee Children in Lebanon Miss Out on Secondary Education," June 8, 2016, <https://www.hrw.org/news/2016/06/08/dispatches-syrian-refugee-children-lebanon-miss-out-secondary-education>.

sanitation, and hygiene facilities as a “particular barrier to the retention of girls in public schools,” noting that “50 percent or more of public schools that welcome displaced Syrians do not have sanitary facilities that meet minimum requirements.”²⁵ Human Rights Watch found that Syrian students are sometimes denied access to sanitation facilities.

Child marriage is a serious barrier to girls’ education because most married girls stop going to school.²⁶ Human Rights Watch documented seven cases of child marriage among Syrian refugee girls in Lebanon, some as young as 15. None of the girls were in school. Six humanitarian organizations told Human Rights Watch that child marriage has become a barrier to Syrian girls’ education in Lebanon.²⁷ A 2015 report by Save the Children found that the untenable economic situations of many Syrian families is leading them to marry off young girls that they feel they cannot provide for.²⁸

The cost of transportation is too high for many Syrian families to afford, and girls walking long distances to school risk harassment. Human Rights Watch spoke to several families that kept older girls home because of these safety concerns.

Children with disabilities

Lebanese public schools are not inclusive, and many children with disabilities in Lebanon are unable to access quality education. Lebanon passed a law in 2000 that guaranteed access to education for children with disabilities, but has done little to implement the law.²⁹ Instead, Lebanese children with disabilities enroll in special schools or government-subsidized institutions. One 2006 study found that most of the children with disabilities who attended school were in special care residential institutions and that private schools systematically rejected children with disabilities.³⁰ A 2013 United Nations Educational, Scientific and Cultural Organization (UNESCO) study found that “a great number of [public] schools still refuse to accept students with disability in their classrooms.”³¹ In April 2016, the education minister announced a plan to open 60 schools over two years that “cater to children with learning disabilities.”³² Although a recognition of the need to improve access to education for children with disabilities is a positive step, we remain concerned as to whether these schools will be inclusive.

Syrian refugee children with disabilities encounter particular barriers to quality education. Thirteen humanitarian and disabilities organizations working in Lebanon told Human Rights Watch that little or nothing had been done to ensure that Syrian children with disabilities can access education. In discussing the options for children with disabilities, one local expert told Human Rights Watch, “For Syrians, the main option is that there is no option.... In most cases, public schools are not letting in Syrians with disabilities. Where they enroll,

²⁵ Government of Lebanon and the UN, “Lebanon Crisis Response Plan 2015-2016: Year Two,” December 15, 2015.

²⁶ Girls Not Brides, “What is the Impact?,” undated, <http://www.girlsnotbrides.org/what-is-the-impact/> (accessed April 8, 2016).

²⁷ Human Rights Watch interviews, Beirut, November 9, 10, 12, 16, and 17, 2015.

²⁸ Save the Children, “Childhood in the Shadow of War,” 2015, <http://resourcecentre.savethechildren.se/sites/default/files/documents/childhood-in-the-shadow-of-war.pdf> (accessed April 8, 2016), p. 19.

²⁹ Bassam Khawaja (Human Rights Watch), “War is No Excuse for Depriving Children with Disabilities of an Education,” commentary, May 16, 2016, <https://www.hrw.org/news/2016/05/16/war-no-excuse-depriving-children-disabilities-education>.

³⁰ Susan J. Peters, “Review of marginalisation of people with disabilities in Lebanon, Syria and Jordan, 2009,” Paper commissioned for the Education For All Global Monitoring Report 2010, Reaching the marginalized, 2009, <http://datatopics.worldbank.org/hnp/files/edstats/JORgmrap09.pdf> (accessed April 14, 2016), p. 11; “Disabled remain marginalized, study finds,” *IRIN*, January 15, 2006, <http://www.irinnews.org/report/26050/lebanon-disabled-remain-marginalised-study-finds> (accessed April 14, 2016).

³¹ United Nations Educational, Scientific and Cultural Organization (UNESCO), “Social Inclusion of Young Persons with Disabilities (PWD) in Lebanon: Where do we stand and what should be done to promote their rights?,” September 2013, <http://unesdoc.unesco.org/images/0024/002442/244263e.pdf> (accessed May 12, 2016), pp. 14-15.

³² “Students with learning disabilities to get schools,” *Daily Star*, April 23, 2016, <http://www.dailystar.com.lb/News/Lebanon-News/2016/Apr-23/348842-students-with-learning-disabilities-to-get-schools.ashx> (accessed April 26, 2016).

there are no services.”³³

The Ministry of Social Affairs subsidizes a number of residential institutions where Lebanese children with disabilities live, but this funding does not extend to Syrians.³⁴ Children in these institutions receive some form of education, however local experts have questioned its quality. One disability rights expert told Human Rights Watch, “These are really institutions, not schools. They aren’t focused on education.”³⁵

Refugees with whom Human Rights Watch spoke told us they cannot afford either the unsubsidized institutions or private segregated schools created exclusively for children with disabilities, and so must try to enroll children with disabilities in inaccessible public schools that often reject them.³⁶ Due to these barriers, some Syrian refugee children with disabilities remain at home, excluded from the education system altogether. Syrian children with disabilities, unable to benefit from education in mainstream public schools, do not have access to the same educational resources as Lebanese children with disabilities.

Armed conflict and education

Armed conflict presents a danger to education. Human Rights Watch would like to congratulate Lebanon on signing the Safe Schools Declaration. The Safe Schools Declaration provides non-binding guidelines aimed at reducing the impact of armed conflict on education. By committing to work towards safe schools for all children and teachers, Lebanon has made a step forward in defending the right to education. The Committee should inquire about the steps taken to implement the Safe Schools Declaration and its Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into domestic policy and operational frameworks.

Barriers to non-formal education

Some Syrian children have benefited from non-formal education programs run by non-governmental organizations (NGOs), often in informal refugee camps. Syrian families told Human Rights Watch they chose non-formal education because public schools were full, required documents they did not have, or were too far away. They said that non-formal programs are important because they ensure children continue learning and remain engaged even when they are not able to enroll in formal schools. Non-formal education may also be more appropriate or necessary for some children who have missed several years of school as a first step before enrolling in formal schools.

But some groups told Human Rights Watch that the education ministry withdrew support for their programs in 2015, or that they discontinued programs because it was unclear what they were allowed to provide.³⁷ One organization told Human Rights Watch that it has shut down some of its non-formal schools at the request of the government and is suspending basic literacy and numeracy programs for the 2016-2017 school year. The organization said that none of its education programs had been approved in the 2015-2016 school year.³⁸

³³ Human Rights Watch, *Leave No One Behind: Persons with Disabilities in Humanitarian Emergencies*, May 2016, <https://www.hrw.org/news/2016/05/19/leave-no-one-behind>.

³⁴ Human Rights Watch interviews, Beirut, November 17 and December 3 and 11, 2015; War Child Holland, “Education in Lebanon,” 2013, https://www.warchildholland.org/sites/default/files/bijlagen/node_14/31-2013/education.pdf (accessed March 28, 2016), p. 8; Women’s Refugee Commission, “Disability Inclusion in the Syrian Refugee Response in Lebanon,” July 2013, http://reliefweb.int/sites/reliefweb.int/files/resources/Disability_Inclusion_in_the_Syrian_Refugee_Response_in_Lebanon.pdf (accessed April 26, 2015), p. 8.

³⁵ Human Rights Watch interview with disability rights expert, Beirut, November 17, 2015.

³⁶ Human Rights Watch interviews, Beirut, November 17 and December 3 and 11, 2015.

³⁷ Human Rights Watch interview with international humanitarian NGO education officer, Beirut, June 11, 2016.

³⁸ Human Rights Watch interview with international humanitarian NGO education staff, (name and details withheld by Human Rights Watch).

The education ministry has since adopted a policy framework for non-formal education, and in January launched an accelerated learning program for children who have missed two or more years of school. However, officially approved programs to reach children who cannot attend formal schools remain limited.

Recommendations

We encourage the Committee to make the following recommendations to the Lebanese government:

On corporal punishment:

- Strengthen child protection mechanisms in schools and local communities to ensure any allegations of corporal punishment, harassment, or discrimination against students are promptly investigated, redressed, or prosecuted.
- Criminalize all forms of corporal punishment in schools, publicize this prohibition, and prosecute violations.

On quality of education and second shifts:

- Explore with the Ministry of Labor the utilization of qualified Syrian teachers, whether through an incentive structure in partnership with humanitarian agencies or by offering lawful work permission.

On education for Syrian refugee children:

- Raise the age below which Syrian children can renew residency for free and without individual identification from 15 to 18 years old.
- Ensure that Syrian children can enroll in secondary schools without providing transcripts of past school years.

On barriers for high risk populations:

- Ensure that schools have accessible, clean, gender-segregated, and locking bathrooms and sanitation facilities that are accessible to all students.
- Enact legislation that sets a minimum age for marriage at 18 years of age for both spouses.
- Provide inclusive education for all children, including children with disabilities. In the interim, identify high need areas and schools in which to immediately develop inclusive education programs equipped to support children with disabilities, including by making necessary accommodations, creating accessibility, and allocating qualified trained teachers.
- Develop an action plan that establishes and defines short-term goals and timeframes to ensure students with disabilities can transition from “special needs education” or segregated schools and institutions to inclusive mainstream schools.
- Ratify the Convention on the Rights of Persons with Disabilities.

On armed conflict and education:

- The Government should take concrete measures to deter the military use of schools, following UN Security Council Resolutions 2143 (2014) and 2225 (2015), including by bringing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into domestic policy and operational frameworks, as per the commitment made in the Safe Schools Declaration which Lebanon endorsed. In this framework, the Government should create or strengthen explicit protection of educational facilities from military use, for instance in military doctrine, military manuals, rules of engagement, operational orders or other relevant means of dissemination, and consider incorporating such explicit protections in national legislation.

On non-formal education:

- Implement the 2016 non-formal education framework, including through the creation of programs for early childhood education, basic literacy and numeracy, and retention support. Until formal education is available for all children in Lebanon, include nongovernmental organizations in the design and provision of quality non-formal education with an emphasis on basic literacy and numeracy, remedial education, and language support.