

Human Rights Watch Submission to the Committee on Economic, Social, and Cultural Rights in advance of its review of Lebanon

We write in advance of the Committee on Economic, Social, and Cultural Rights' pre-sessional review of Lebanon to highlight the impact of Lebanon's residency policies on Syrians' access to work; legislation affecting the right to unionize; the lack of access to formal education for all children; education barriers for high-risk groups; and the effect of discriminatory personal status laws on women's economic rights.

For deeper analysis on 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>

- *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Laws*, 2015, <http://bit.ly/2bjt7gj>

- *Without Protection: How the Lebanese Justice System Fails Migrant Domestic Workers*, 2010, <http://bit.ly/2bjN5md>

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>

The Equal Rights of Men and Women (Covenant Articles 3, 11)

Lebanon has 15 separate personal status laws for its recognized religions, but no civil code covering issues such as divorce, property rights, or care of children. This despite a 1936 decree which recognized the ability of religious groups to apply their own laws to their communities, but also gave every citizen the right to choose his or her religious affiliation or to choose not to affiliate with any religion.¹

The lack of a civil code subjects women to discriminatory personal status laws that limit their economic rights, which in turn reinforces the power of these discriminatory measures over their lives. Twenty-three out of the 27 women Human Rights Watch interviewed said that the principal obstacle they faced in trying to get a divorce was their vulnerable economic position.

Lebanon's personal status laws fail to recognize a woman's economic and non-economic contributions to the marriage, including the value of unpaid domestic labor, or the concept of marital property. This contributes to her financial dependence on her husband and discourages women from initiating the divorce process. Those women who do initiate a divorce face many more restrictions than men, though the extent of discrimination in the divorce process varies across religious confessions. For instance, some Sunni Muslim women preemptively relinquish their pecuniary rights, or even pay money, to persuade their husband to agree to divorce. Women's economic vulnerability may leave them susceptible to domestic violence and unable to end abusive marriages.

¹ Human Rights Watch, *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Laws*, January 2015, <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>.

Based on Human Rights Watch’s review of court cases, judgments on “spousal maintenance” (a husband’s obligation to meet his wife’s needs for food, clothing, shelter, and other living expenses during marriage, and in some cases after dissolution) are often inadequate. Judges fail to use clear criteria in applying the standards provided for by the personal status laws when assessing adequate levels of maintenance, resulting in arbitrary judgments. They do not, for example, regularly rely on factors such as the minimum wage, the value of the husband’s assets, or his annual salary to determine spousal maintenance. Judges may also refuse to award maintenance to a wife who is deemed to be “recalcitrant”—a concept that religious courts apply to women who have left the marital home and refuse to cohabit with their husbands. Even when awarded, maintenance is often too low to cover basic living costs, rarely exceeding LBP600,000 a month (US\$400). Lawyers working on personal status cases before the courts said that judges are notably reluctant to award higher sums, even when the husband could afford to pay more. For example, in one case, a French national married to a wealthy Lebanese man was awarded just \$300 a month, even though her lawyer said the husband owns several properties and has a net worth of millions of dollars. Unable to afford suitable accommodation, the lawyer said her client was living in a convent.

During severance cases a judge can reduce or eliminate these payments if he finds the wife at fault for the divorce, leaving some divorced women stripped of all financial resources. In addition, under all personal status codes, the man’s obligation to support his spouse expires when a court finally dissolves the marriage. Lebanon’s personal status laws and court decisions fail to guarantee equality in marriage and divorce, permitting discrimination against women.

Recommendations

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

- Adopt an optional civil code that would ensure equal rights for all Lebanese citizens who wish to marry under it and ensure that it complies with Lebanon’s international human rights obligations.
- Establish a monitoring mechanism to oversee personal status court proceedings to ensure that judgments are non-discriminatory and comply with Lebanon’s international human rights obligations, guaranteeing women and men equal rights in all personal status matters.
- Fully affirm the concept of marital property and allow for its division on an equal basis between spouses at the time of dissolution of marriage for all communities, recognizing financial and non-financial contributions made by women.

The Right to Work (Article 6) and to Unionize (Article 8)

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.² 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.

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

² 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.

place of residence, and provide two photographs stamped by a Lebanese local official (*mukhtar*).³ 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.⁴ 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.⁵

Syrians interviewed by Human Rights Watch said that, due to their lack of residency, many are too afraid to look for work due to fear of arrest. Those who are working said employers often underpaid them, exploiting their inability to complain to authorities. Five Syrian women told Human Rights Watch that sponsors and employers attempted to sexually exploit them and that they did not dare approach the authorities to complain.⁶ Many Syrian women in Lebanon have no legal residency status in the country, which increases risks of sexual and other exploitation and also leaves them afraid to file criminal complaints against abusers. In one recent case, security officers freed as many as 75 Syrian women from two brothels in March 2016.⁷

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. Some Lebanese employers are willing to hire refugee children because they are cheaper and easier to exploit than adults.⁸

Domestic workers

The domestic worker sector is rife with complaints of non-payment of wages, excessive working hours, forced confinement, as well as physical and sexual abuse. Domestic workers, both Lebanese and migrants, are at greater risk for abuse and exploitation by their employers. The labor code specifically excludes domestic workers from key protections afforded to other workers such as the right to a weekly day of rest, paid leave, benefits, and worker compensation.⁹ Moreover, migrant domestic workers—of which there are an estimated 250,000 in Lebanon—are subject to the visa sponsorship system, known as *kafala*, which ties migrant workers legal status to their employers. These women are also obliged to live in the home of their employer as a condition of their work visa. A migrant domestic worker cannot change employers without their original employer’s consent, and those who leave an employer lose the right to work and face potential detention and deportation. Such a system provides employers with an inordinate amount of control and heightens migrant domestic workers’ risk of abuse and exploitation. Human Rights Watch has documented an alarming number

³ 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.

⁴ United Nations High Commissioner for Refugees, “Syria Regional Refugee Response Inter-agency Information Sharing Portal,” <http://data.unhcr.org/syrianrefugees/country.php?id=122> (accessed August 29, 2016).

⁵ 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.

⁶ Human Rights Watch, “*I Just Wanted to be Treated like a Person*: How Lebanon’s Residency Rules Facilitate Abuse of Syrian Refugees,” January 2016, <https://www.hrw.org/report/2016/01/12/i-just-wanted-be-treated-person/how-lebanons-residency-rules-facilitate-abuse>.

⁷ “Lebanon: Syrian Women at Risk of Sex Trafficking,” Human Rights Watch news release, July 28, 2016, <https://www.hrw.org/news/2016/07/28/lebanon-syrian-women-risk-sex-trafficking>.

⁸ 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>.

⁹ Labor Code, Act of 23 September 1946, Art. 7(1). “This exclusion applies to all those who work inside the private home of individuals, such as cooks, be they Lebanese or foreigners.”

of deaths of domestic workers, primarily from suicide or risky escape attempts from high stories of residential buildings.¹⁰

Human Rights Watch in its 2010 report found that the Lebanese judicial system was failing to protect the rights of domestic workers, with many workers not receiving justice. It found that the system is, albeit with exceptions, largely inaccessible and unresponsive.¹¹ A number of factors contribute to the reality that these workers often do not file or pursue complaints against their employers, or else settle on unfavorable terms. These include lack of judicial support, fear of counter charges and being held in detention, and restrictive visa policies that make it hard for such workers to pursue cases that can take months—and often years—to wind through the protracted judicial process. For many, the need to earn money to support their families, and the impulse of abused workers to return home quickly, may also prompt them to withdraw their complaints rather than seek redress.

On December 29, 2014, six Lebanese workers submitted a request to the Labor Ministry to form a domestic workers' union.¹² The union proposal would include domestic workers and others who provide care in homes for the elderly and those with disabilities, those who provide cleaning services in homes and offices, and some other similar categories. With support of the Federation of Trade Unions of Workers and Employees (FENASOL) in Lebanon and others, approximately 350 domestic workers of various nationalities gathered for the union's inaugural congress on January 25, 2015. But union members said they have received no response to their request, and Labor Minister Sejaan Azzi denounced the union as illegal, media reports said.¹³

Although article 92 of the labor code allows some foreign workers to join unions and associations, the code has been interpreted to bar union membership for domestic workers and others excluded from the labor law. Under article 92, all foreign workers are also explicitly denied the right to elect or be elected as representatives of a union. As a result, thousands of workers have been denied the right to freedom of association and collective bargaining.

While Lebanon voted in favor of the ILO's adoption of Convention No. 189 on Decent Work for Domestic Workers in 2011, it has yet to take steps to ratify the treaty or bring itself into compliance.

Recommendations

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

On domestic workers:

- Extend labor protections in national law to domestic workers and introduce additional protections in line with the ILO Domestic Workers Convention. Such measures should ensure the right to freedom of association and the right to collective bargaining for all workers without discrimination.
- Reform the visa sponsorship system so that workers' visas are no longer tied to individual sponsors, and they can terminate employment without a sponsor's consent.

¹⁰ "Lebanon: Migrant Domestic Workers Dying Every Week," Human Rights Watch news release, August 27, 2008, <http://www.hrw.org/news/2008/08/24/lebanon-migrant-domestic-workers-dyingevery-week>. See also "Lebanon: Stop Abuse of Domestic Workers," Human Rights Watch News Release, March 31, 2012, <http://www.hrw.org/news/2012/03/23/lebanon-stop-abuse-domesticworkers>.

¹¹ Human Rights Watch, *Without Protection: How the Lebanese Justice System Fails Migrant Domestic Workers*, September 2010, <https://www.hrw.org/report/2010/09/16/without-protection/how-lebanese-justice-system-fails-migrant-domestic-workers>.

¹² "Lebanon: Recognize Domestic Workers Union," Human Rights Watch news release, March 10, 2015, <https://www.hrw.org/news/2015/03/10/lebanon-recognize-domestic-workers-union>.

¹³ "Lebanon unions denounce labor minister's 'backwards' maid protection proposal," *The Daily Star*, January 27, 2014, <http://www.dailystar.com.lb/News/Lebanon-News/2015/Jan-27/285510-lebanon-unions-denounce-labor-ministers-backwards-maid-protection-proposal.ashx> (accessed August, 29, 2016).

- Set up quick and simplified dispute resolution mechanisms to settle salary disputes between employers and migrant workers fairly.
- Allow domestic workers the right to unionize as per international human rights standards on freedom of association, including the right to form and join trade unions.
- Ratify ILO convention no. 189 and implement its provisions. Lebanon should also ratify ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize.

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.

The Right to Education (Article 13)

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 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.

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 United Nations Children's Fund 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.

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 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 enrolment 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.

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.

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

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, 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 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

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

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

²⁷ Human Rights Watch interviews, Beirut, November 9, 10, 12, 16, 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, "War is No Excuse for Depriving Children with Disabilities of an Education", Human Rights Watch 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/JORgmrpap09.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 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).

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, 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.

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.

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

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.

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).

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.