

*The Challenges Regarding the Protection and Education on the Rights of Children*  
*An Overview of the situation of the Child within the Legal and*  
*Practical Compliance in Lebanon*

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A Thesis presented to the Faculty of Law and Political Science at Notre Dame University-  
Louaize

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In Partial fulfillment of the requirements for the Degree of Master of Arts in Political  
Science – Human Rights

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by  
Rebecca Zammar

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## List of Acronyms

CRC	Convention on the Rights of the Child
UN	United Nations
NGOs	Non-Governmental Organization
INGOs	International non-governmental organization
CAS	The Central Administration of Statistics
UNICEF	The United Nations Children's Fund
GDP	The Gross Domestic Product
ILO	The International Labour Organization
NHRI	National Human Rights Institutions
MEPA	Multiethnic Placement Act
PW Ds	The People with Disabilities
CEDAW	The Convention on the Elimination of all Forms of Discrimination Against Women
KAFA	Violence & Exploitation is a feminist, secular, Lebanese, non-

	profit, non-governmental civil society organization
ABAAD	Specific training fields including Stress and Anger Management, Self-care Using Art Techniques and Neuro-linguistic Programming, Clinical Management of Rape, and Gender-Based Violence Case Management
UNFPA	The United Nations Population Fund
WHO	The World Health Organization
PPM	Parts per million
UNODC	The United Nations Office on Drugs and Crime
ALEF	Act For Human Rights
UPR	The Universal Periodic Review
RDFL	The Lebanese Democratic Women Gathering
MoSa	Ministry of Social Affairs
CLES	The Lebanese Center for Special Education
SKILD	Smart Kids with Individual Learning Differences



BBS	Beirut Baptist School
U.K	The United Kingdom
EU	The European Union

## List of interviewees

<b>1</b>	Dr. Muna Maksood	Director of Psychosocial Research
<b>2</b>	Dr. Maral Tutelian	General Directorate of Statistics in Lebanon
<b>3</b>	Ms. Seema Mouawiya	Member of the Ministry of Social Affairs in Lebanon
<b>4</b>	Claudine Aoun Roukouz	The president of the National Commission for Lebanese Women
<b>5</b>	Lama Fakih,	Deputy Middle East Director at Human Rights Watch
<b>6</b>	Antoinette El Bouery	Social worker, a Coordinator Project and a Case Manager in an Non-Governmental Organization called RDFL
<b>7</b>	Khalil Zehri	The Director of the Principal Public School of Zibdeen, Nabatiye in South Lebanon
<b>8</b>	Kamel Hamdan	The father of Abbas; a child who is blind and studies in Zibdeen school
<b>9</b>	Ms. Rima Haidar	The New School Principal of Zibdeen Public School
<b>10</b>	Ms. Rita Maria Hawila	The Psychologist at Notre Dame Louaize School
<b>11</b>	Ms. Marelene Maroun	The Psychologist at Central College in Jounieh
<b>12</b>	Ms. Hayat Ousseiran	The Senior Child Labor Consultant in the International Labor Organization

**Abstract:**

Children in Lebanon suffer desecrations of their rights because governments fail to enforce laws and regulations and to generate the economic and social conditions essential for a better living situation for children. Despite the armed conflict that consumed the country and its institutions for a long time until 1989, Lebanon ratified the Convention on the Rights of the Child relatively quickly. The CRC is a unique human rights agreement in that it safeguards not only the child's civil and political rights but that it also brings protection to the child's economic, social, cultural, and humanitarian rights. The existing Lebanese laws comply with most of what is required under the Convention. However, the weaknesses of the state, the feebleness of some laws, and the political instability in Lebanon continue to limit the protection of children's rights. This research examines, a brief historical overview of the children's rights evolution in Lebanon, the international obligations of the states over the CRC, a review of the seminal importance of the rights of children under the CRC, the legal and practical application of the CRC in Lebanon, and a comparison between the application of the rights of children in Lebanon and in Denmark since Denmark is the tiniest corrupt nation in the world. However, a utopian country discharge from corruption is difficult to find, thus, the application of the children's rights is also compared to other countries that have succeeded in several topics to protect children from harm. This research is relevant to gain an understanding of the extent to which children's rights are being realized or violated in Lebanon. It is also used to assess how and why this harm is happening, and what steps should the government and the society take to address this issue. Corruption involving the rights of children is present in all countries, rich and poor, North and South, developed and developing. When corruption is believed to be the way of the public sector or one of its agencies, public administration jeopardizes and lose both its capacity to be effective and the trust of its citizens. The Lebanese state's obligation is to take operative enforcement measures that is to explore,

decide, and amend violations of children's rights when they arise. The obligation of exploring demand to discover where is the lack found in the CRC and the Lebanese law and try to modify them by the assistance of social and psychological expertise. The responsibility to decide requests a check and balance between the public sectors in the government. To close, accountability and transparency of the legislative, executive, and judicial branches are significant to amend the gaps which are found in the Lebanese Law.

## Chapter I

### Introduction

#### Relevance

Nelson Mandela, Former President of South Africa, said that “Any country, any society which does not care for its children is no nation at all. There can be no keener revelation of a society’s soul than the way in which it treats its children.”<sup>1</sup>

Children all over the world suffer violations of their rights to life, development, health, food, water, education, culture, play, and other privileges because governments fail to enforce laws and regulations and to generate the economic and social conditions required for a better living situation for the majority of the world's children.<sup>2</sup>

In Lebanon, the status of children and the approach to developing that standing are both determined by a multitude of influences. Socio-economic impacts comprise trends in social movement, social and regional disparities, the accessibility of resources, spending and investment priorities, and the fundamental pattern in exploiting natural resources and handling environmental matters. Socio-cultural inspirations contain the structure of the social fabric, the family and traditional social structures, the cultural and value system, comprising religion, customs, social traditions, and prevailing morals, the features and effectiveness of the education system, and the role of the media.

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<sup>1</sup> Niles, C. (2013). Nelson Mandela: Any society which does not care for its children is no nation at all. UNICEF. Retrieved from: [https://www.unicef.org/infobycountry/southafrica\\_69771.html](https://www.unicef.org/infobycountry/southafrica_69771.html)

<sup>2</sup> Fernando, J. (2001). Children's Rights: Beyond the Impasse. Sage Publications, Inc. in association with the American Academy of Political and Social Science. Vol: 575. Pages: 8-24.

Socio-political influences that embrace the Israeli occupation, repeated attacks, the effects of those attacks, ideological strife, and the continuing problem of the displacement resulting from the Lebanese war.<sup>3</sup>

Despite the armed conflict that consumed the country and its institutions for a long time until 1989, Lebanon ratified the Convention on the Rights of the Child relatively quickly. The existing Lebanese laws comply with most of what is required under the Convention, and the Lebanese government adopted several amendments in its attempt to comply fully with the balance of such requirements.<sup>4</sup>

The Convention on the Rights of the Child is a unique human rights agreement that safeguards the child's civil and political rights and binges protection to the child's economic, social and cultural rights and humanitarian rights. It is a global human rights schema for every person under the age of eighteen. The Convention on the Rights of the Child carries together the children's human rights articulated in other international instruments. In other words, the CRC articulates the rights more completely and affords a set of managerial principles that primarily shapes the tactic in which people interpret children.<sup>5</sup>

Moreover, since Lebanon ratified the CRC, the child's situation has significantly improved in law and practice. NGOs and INGOs, and the UN are also working to support better the Lebanese

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<sup>3</sup> Fortin, J. (2006). Accommodating Children's Rights in a Post Human Rights Act Era. Wiley on behalf of the Modern Law Review. The Modern Law Review. Vol: 69. Pages 299- 366.

<sup>4</sup> Convention on the Rights of the Child. (2001). COMMITTEE ON THE RIGHTS OF THE CHILD CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION. United Nations. Retrieved from: <https://www.loc.gov/law/help/child-rights/lebanon.php>

<sup>5</sup> Khadka, S. (2013). Social rights and the United Nations - Child Rights Convention (UN-CRC): Is the CRC a help or hindrance for developing universal and egalitarian social policies for children's wellbeing in the 'developing world'? International Journal of Children's Rights. Monash University. Melbourne: Australia. Pages 616- 628.

government and civil society in moving towards the full actualization of children's rights and protections in Lebanon. However, the weaknesses of the state and political instability in Lebanon continue to limit complete compliance with the CRC.<sup>6</sup>

Denmark is the least corrupt nation in the world, according to the 2018 Corruption Perceptions Index, which proposes corruption is contributing to a catastrophe in democracy around the world. Corruption damagingly impacts the enjoyment of all human rights, civil, political, economic, social, and cultural, as well as the right to development, which underlines the indivisible and interdependent nature of human rights. The state embraces the primary responsibility to develop and safeguard the citizens' human rights and other individuals within its authority.<sup>7</sup>

Corruption in the public sector is said to exist when officials, whether politicians or civil servants, behave unlawfully and misuse the public power entrusted to them in order to satisfy their private interests<sup>8</sup>. It is one of the most unethical practices that challenge the confidence and trust of public officials that can only be reclaimed by forming a reputation of honesty and integrity. Corrupted officials make prejudiced decisions that serve their private interests instead of the public ones – taxpayers swallow the cost. In such a client-centered public administration, resources that are

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<sup>6</sup> Hussein, B. (2018). Lebanon Events 2018. Human Rights Watch. Retrieved from: <https://www.hrw.org/world-report/2019/country-chapters/lebanon>

<sup>7</sup> Pippidi, A. (2013). Becoming Denmark: Historical Designs of Corruption Control. The Johns Hopkins University Press. Social Research. Vol: 80. Pages: 1259-1286.

<sup>8</sup> Stapenhurst & Kpundeh (1998). Public Participation in the Fight Against Corruption. Canadian Journal of Development Studies. Pages: 491-508.

supposed to be reallocated for productive uses are instead devoted to corrupt practices. Corruption leads to unresponsive policies and poor administration.<sup>9</sup>

Thus, in this research paper, comparing Denmark to Lebanon is very useful to develop a better sustainable development for children since Denmark is the smallest corrupt nation in the world, which prioritizes its work in protecting the rights of its citizens, particularly the rights of children. Nevertheless, in each state, there are weaknesses and strengths in its way it children's rights. That's why the gap found in children's rights in Denmark is compared to other countries that are handling the rights far better.

## **Literature Review**

The idea of human rights has converted one of the vital moral notions of both the theory and practice of international politics. Near the beginning of the Idea of human rights, Michael Perry states that basic principles of morals and legislation are objective, accessible to reason and based on human nature."<sup>10</sup> Natural law theory grasps that the dependence of laws upon social facts such as legislation, custom or judicially recognized precedents, is a major and main element in law's capability to improve the common good, to shelter human rights, or to govern with reliability.<sup>11</sup>

John Locke considers that all individuals are equal in the sense that they are born with certain unchallengeable natural rights. That is, rights that are God-given and can never be taken or even

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<sup>9</sup> Mills, A. (May, 2012). Causes of corruption in public sector institutions and its impact on development. UNPAN. Retrieved from: <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan.pdf>.

<sup>10</sup> Pennock, R. (1981). RIGHTS, NATURAL RIGHTS, AND HUMAN RIGHTS—A GENERAL VIEW. American Society for Political and Legal Philosophy. Vol: 23. Pages: 1- 28.

<sup>11</sup> Pennock (1981). Op. cit.



given away. Among these ultimate natural rights, Locke said, are "life, liberty, and property." Locke supposed that the greatest basic human law of nature is the protection of mankind. To serve that purpose, individuals have both a right and a responsibility to preserve their own lives. Executioners, however, forfeit their right to life since they act outside the law of reason.<sup>12</sup> Locke also reasoned that individuals should be free to make choices about how to conduct their own lives as long as they do not interfere with the liberty of others. By "property," Locke destined more than land and goods that could be sold, given away, or even removed by the government under certain conditions. Property also mentioned to ownership of one's self, which encompassed a right to personal well-being.<sup>13</sup>

Thomas Jefferson's beliefs of natural law is very similar to Lock's Philosophy. He considered that all men are created equal, that they are awarded by their Creator with certain unalienable Rights that among these are Life, Liberty, and the Pursuit of Happiness.<sup>14</sup> In addition, Locke's view of the state of nature is more docile than that of Thomas Hobbes, who thought that all men begin in a state of war of "every man, against every man." Locke by contrast could imagine men living together "according to reason", that is, peacefully, "but without a common superior on earth with authority to judge between them".<sup>15</sup> Furthermore, Alexander Hamilton's Theories are comparable to Thomas Paine. Both argue that God created a natural moral law that was "an eternal and immutable law, which is indispensably obligatory upon all mankind. He also upholds that human beings are awarded by their Creator with reason to realize this moral law as well as with natural

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<sup>12</sup> Donnelly, J. (1982). Human Rights as Natural Rights. Human Rights Quarterly. Retrieved from: <https://heinonline.org/HOL/LandingPage?handle=hein.journals/hurg4&div=30&id=&page=>

<sup>13</sup> Donnelly (1982). Op. cit.

<sup>14</sup> Tuck, R. (1979). Natural Rights Theories: Their Origin and Development. The Press Syndicate of the University of Cambridge. Pages: 1- 178.

<sup>15</sup> Tuck (1979). Op. cit.

rights constructed into their natures. They were suggested in the Declaration of Independence as the foundation of man's existence upon which rightful government is constructed, and on which such a government must then be planned to accommodate.<sup>16</sup> Nevertheless, for Aquinas natural law is not whether we should follow good and avoid evil, as it is just part of how people think about things. Aquinas bounces some more samples of primary principles such as to protect and preserve human life, to reproduce and educate one's descendants, to recognize and worship God, and to live in a society.<sup>17</sup> On the other end of the spectrum, more researchers have embraced the view of Dunn, Tully, and Ashcraft that it is natural law, not natural rights, that is major. They clamp that when Locke emphasized the right to life, liberty, and property he was principally making a point about the obligations we have toward other people; the duties not to kill, enslave, or steal.<sup>18</sup>

Furthermore, the Liberal Political Theory is also based on what John Locke expresses natural law. In other words, it is constructed on the moral argument that guaranteeing the right of an individual person to life, liberty and property is the main aim of government. The potential of social order and advancement can be identified only through institutions that conduit private inducements toward social goals of wealth and security. A political system categorized by abandoned power, such as a monarchy or a dictatorship, cannot guard the life and liberty of its citizens. Therefore, the main concern of liberalism is to create institutions that protect individual freedom by

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<sup>16</sup> Tierney, B. (2001). *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law*. Scholars Press for Emory University. America: U.S. Vol: 15. Pages: 13- 347.

<sup>17</sup> Pennock, R. (1981). *RIGHTS, NATURAL RIGHTS, AND HUMAN RIGHTS—A GENERAL VIEW*. American Society for Political and Legal Philosophy. Vol: 23. Pages: 1- 28.

<sup>18</sup> Tuck, R. (1979). *Natural Rights Theories: Their Origin and Development*. The Press Syndicate of the University of Cambridge. Pages: 1- 178.

restraining and checking political power.<sup>19</sup> Liberalism is thus a meliorist doctrine, admitting the possibility of evolutionary social progress. Political and socioeconomic development in the course of greater wealth and security is conceivable. Thus, the republican forms of government and private economies would succeed broadly, though the procedure might be slow and the results defective.<sup>20</sup>

In addition, the division of human rights into three dimensions existed in 1979 by Czech jurist Karel Vasak. The three groups bring into line with the three doctrines of the French Revolution: liberty, equality, and fraternity.<sup>21</sup>

The civil-political rights are intensely distinctive and negatively built to protect the individual from the state. Civil-political human rights include two subtypes: norms pertaining to physical and civil security such as no torture, slavery, inhumane treatment, arbitrary arrest; equality before the law and norms concerning civil-political liberties for sample, freedom of thought, conscience, and religion; freedom of assembly and voluntary association; political participation in one's society. Civil-political rights have been legitimated and given status in international law by Articles 3 to 21 of the Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights.<sup>22</sup> The socio-economic human rights guarantee equal conditions and treatment. They are not rights directly controlled by individuals but establish positive duties upon the

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<sup>19</sup> Chau, R. (2009). Liberalism: A Political Philosophy. Retrieved from: <https://www.mannkal.org/downloads/scholars/liberalism.pdf>

<sup>20</sup> Moravcsik, A. (Liberalism and International Relation Theory. Harvard University and University of Chicago. Retrieved from: [https://www.princeton.edu/~amoravcs/library/liberalism\\_working.pdf](https://www.princeton.edu/~amoravcs/library/liberalism_working.pdf)

<sup>21</sup> Sucharitkul, S. (1987). Multi-Dimensional Concept of Human Rights in International Law. Notre Dame Law Review. Vol: 62. Retrieved from: <https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=2234&context=ndlr>

<sup>22</sup> Kuppe, R. (2009). The Three Dimensions of the Rights of Indigenous Peoples. International Community Law Review. Vol:11. Pages: 103-118.

government to respect and accomplish them. Socio-economic human rights likewise contain two subtypes: norms affecting to the provision of goods meeting social needs for instance, nutrition, shelter, health care, education and norms concerning to the provision of goods meeting economic needs for sample, work and fair wages, a suitable living standard, a social security. Socio-economic rights originated to be accepted by government after World War II and, like first-generation rights, are personified in Articles 22 to 27 of the Universal Declaration. They are as well counted in the International Covenant on Economic, Social, and Cultural Rights.<sup>23</sup> The collective-developmental rights of peoples and groups detained against their respective states line up with the final principle of fraternity. Collective-developmental human rights contain two subtypes: the self-determination of peoples. For sample, their political status and their economic, social, and cultural development and certain special rights of ethnic and religious minorities for instance, to the enjoyment of their own cultures, languages, and religions. They have been articulated in documents evolving aspirational soft law, such as the 1992 Rio Declaration on Environment and Development, and the 1994 Draft Declaration of Indigenous Peoples' Rights.<sup>24</sup>

What does natural rights theory, liberal political theory, and the three dimensions of human rights tell about the rights of children?<sup>25</sup> These principles are the sanctity of private property and the rule

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<sup>23</sup> Corradetti, C. (2012). Philosophical Dimensions of Human Rights: Some Contemporary Views. University of Rome "Tor Vergata". Retrieved from:

<http://www.institutorio Branco.itamaraty.gov.br/images/pdf/CAD/LXVII/Bibliografia/Direitos-Humanos-e-Desenvolvimento-Social/leitura-complementar/Cpt-Flynn-2012-HumRghtHistContPract.pdf>

<sup>24</sup> Fraser, E. (2004). The Dimensions of Human Rights: A Confirmatory Factor Analysis of Human Rights Provisions. *International Journal of Sociology*. Vol:33. Pages: 11-40.

<sup>25</sup> Sucharitkul, S. (1987). Multi-Dimensional Concept of Human Rights in International Law. *Notre Dame Law Review*. Vol: 62. Retrieved from: <https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=2234&context=ndlr>

of non-aggression. By guaranteeing life, liberty, equality, and security, human rights protect people specially children against abuse by those who are more powerful.

Nevertheless, The Lebanese civil war in 1975 has challenged the natural rights theory, the liberal political theory, and the three dimensions of human rights. It was difficult to implement and practice these theories. With the start of the Lebanese civil war, disorders on all the stages, where the social, economic, physiological, political, and human rights crises come across with the regional and international interferes. The heavy toll of 17 years of war, combined with adverse economic conditions facing the recuperation and reconstruction works, namely, the decline in the transmission of funds from Lebanese emigrants, the deterioration in alternative sources of income, the high inflation proportions, the reduction in the purchasing power of the Lebanese Lira and the decline in donations have all harmfully influenced the socioeconomic position of most of the population. Experts estimated that all this affects negatively the middle and low-income classes, who eye witnessed enlarged poverty and lacked social security. In 1995, almost 40% of the population was not sheltered by any social insurance system. Limited available data showed that 7.5% of Lebanese families live below the extreme poverty line, mostly in rural areas, and 28% live below the complete poverty line mostly in urban regions.<sup>26</sup>

Nowadays, around 16% of Beirut inhabitants live in poverty, the lowest frequency in the country, according to the study, compared to 36-38% of North Lebanon and Bekaa Valley residents, where

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<sup>26</sup> Allawi, S. (1995). THE SITUATION OF CHILDREN AND WOMEN IN LEBANON. UNICEF. Retrieved from: <http://www.pitt.edu/~ginie/lebanon/pdf/situatio.pdf>

the degree of poverty is the uppermost. Overall, 27% of the country's residents live below the poverty line.<sup>27</sup>

The worsening of economic situations, the death, the disability, or migrations of the family heads, forced children at an early age to drop out of school and pursue employment to sustain themselves and their families. A large number of children are seen roving the streets supplying or vending services and goods.<sup>28</sup>

For the pre-war period, the Lebanese evolution rate was in reality higher than the selected group, so there is no overestimation of the wellbeing cost of the civil war, as measured by the amount produced and income inevitable. At the end of the war, the Lebanese real GDP was less than 50% of 1969's and less than a third of what it was the year before the conflict. Even 14 years after the end of the war, GDP is still less than 1969 GDP and 60% of the pre-war level. This displays how punishing a war can be and how long the cost of war perseveres. Had the war never occurred, Lebanon could have had a real GDP over three times the 1969 level. This is an incomparable loss in welfare. While most of the developing world was rising, Lebanon struggled to recuperate from fifteen years of combat.<sup>29</sup>

The effects of the war were not restricted to the problems that were mentioned beforehand. Still, it also generated more difficulties; the psychological effects ensued from the war exceeded those

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<sup>27</sup> Issa, P. (2015). One in four Lebanese lives in poverty. The Daily Star. Retrieved from: <http://www.dailystar.com.lb/News/Lebanon-News/2015/Dec-16/327599-one-in-four-lebanese-live-in-poverty.ashx>

<sup>28</sup> Allawi, S. op.cit.

<sup>29</sup> Muhanna, K. (2008). No place for children during the war Lebanon case. Child Watch International. King Hussien Center for research and information and Kudos University. Retrieved from: <http://www.amel.org.lb/aaimages/pdf/childrenhavenoplacereinwar.pdf>

of materialistic devastation of economy and towns. These effects were exposed through psychological and neurotic diseases, through physical and mental rotations falsifications and disabilities, through a moral and behavioral worsening, through regression, anxiety, asthenia, amnesia, phobia, perversion, depression cases, and schizophrenia and mental illnesses; in short, all compulsive indications of behavioral grievances. The war was more overwhelming for the feeblest and less tolerating people, such as children, women, elders, and patients. The war helped raise a generation of children who consider that war and destruction are consistent elements of life instead of viewing them as negative parts.<sup>30</sup>

A study was done by Dr. Muna Maksood, who is a Director of Psychosocial Research; project on children and war pointed at the effects of the war on children who stumbled upon different varieties of damages during their childhood. Children exposed to numerous war traumas were grieving, became victims of violent actions, perceived intense acts, and were exposed to bombardment or to combat displayed. Children who were disconnected from parents conveyed more miserable symptoms, and children who experienced remembrance and were not displaced reported more painful behavior. Lastly, children who were detached from parents and who experienced violent acts described more unimaginatively conduct.<sup>31</sup>

Besides, the Lebanese civil war is dishonorable for its aggressiveness and urban guerrilla fighting in numerous news articles or movies, when somebody wants to designate how bad conflict is they would associate it to Beirut. Edgar O'Ballance has a section on the cost of the Lebanese War; he

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<sup>30</sup> Muhanna, K. (2008). No place for children during the war Lebanon case. Child Watch International. King Hussien Center for research and information and Kudos University. Retrieved from: <http://www.amel.org.lb/aaimages/pdf/childrenhavenoplacereinwar.pdf>

<sup>31</sup> Macksoud, M. (1996). The War Experiences and Psychosocial Development of Children in Lebanon. Child Development. Wiley on behalf of the Society for Research in Child Development. Vol: 1. Pages: 70- 88.

estimates about 150,000 to 200,000 perished during the war, and 20,000 to 30,000 were captured from a war population of 2.2 to 2.4 million. This means that there was one death or harm for every ten people. There is barely anyone in Lebanon who did not lose a relative through the civil war. Also, there are tens of thousands of missing people; no one recognizes what happened to them or ever recuperated their bodies.<sup>32</sup>

The 15-year civil war in Lebanon affected the welfare of vulnerable children, such as abused children, children from low-income families, refugee children, children of migrant workers, children in conflict with the law, children with disability, working children and other groups of children in specific need of protection facilities. Of particular concerns, the State's weakness restricts its capacity to thoroughly monitor the condition of children in the home, in schools, in refugee camps, in low-income zones, in institutions, and detention accommodations. Lebanon's continuous political and economic instability upsurges the risk of children's exposure to violence, poverty, trauma armed political groups, and discrimination.<sup>33</sup>

By the end of the war, Lebanon implemented the Declaration and Plan of Action of the Convention on the Rights of the Child, which was adopted at the World Summit for Children. It was apprehended at the United Nations Headquarters on 29-30 September of that year. Lebanon was a contributor State. Therefore, its government agreed to tolerate by the principle of the "first call for

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<sup>32</sup> Mounir, M. (2010). *The Lebanese Civil War (1975–1990): Causes and costs of conflict*. Masters Abstracts International. University of Kansas. United States: Kansas.

<sup>33</sup> Ressler, A. (2008). *Child Rights Situation Analysis: Lebanon*. Save The Children Sweden. Pages 7- 161. Retrieved from: <https://civilsociety-centre.org/sites/default/files/resources/Child%20Rights%20Situation%20Analysis%20for%20Lebanon.pdf>



children" which impasses the Government to disperse high priority to the distribution of resources, at all times, to the requirements of children.<sup>34</sup>

This commitment is principally appropriate to the children of Lebanon who have tolerated the traumas of war for 16 years, were banished by the thousands, orphaned and disabled, and robbed of the simple enjoyments of childhood. This plan action is envisioned as a monitor for national governments, international organizations, agencies, non-governmental organizations, and all other segments of society in articulating their agendas of action for safeguarding the application of the Declaration of the World Summit for Children.<sup>35</sup>

Pierre Bou Assi, previous Minister for Social Affairs of Lebanon, restated in May 2017, Lebanon's promise to generating a safe environment in which children could improve their potential in line with the essential principles of the Convention on the Rights of the Child. The Convention's proceedings assume the correct view that the realization of the child's rights in the way, visualizes and implies that the pathway of human development should be followed, together with procedures intends to preserve the environment, answer the debt problem and eradicate poverty. The Convention also rightly urges Governments to respect their duties towards their children as they regulate the displays for measuring the efficiency of their performance in this arena. Conversely, the feeling is that inadequate effort is exercised to ensure that international bodies assume their share of responsibility in providing an appropriate global environment for the rights of the child. This is mainly done through appraising the international economic and political arrangements,

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<sup>34</sup> Cohen, C. (1997). The United Nations Convention on the Rights of the Child. Proceedings of the Annual Meeting. Cambridge University Press on behalf of the American Society of International Law. Vol: 91. Pages: 74-88.

<sup>35</sup> Grant, J. (1990). First Call For Children: World Declaration And Plan of Action From the World Summit For Children. UNICEF. Retrieved from:  
[https://www.unicef.org/about/history/files/WSC\\_declaration\\_first\\_call\\_for\\_children.pdf](https://www.unicef.org/about/history/files/WSC_declaration_first_call_for_children.pdf)

which have an opposing effect on the situation of innumerable millions of children in the developing world.<sup>36</sup>

Therefore, it is not an easy mission for a country to function normally after 16 years of disorder and devastation, which left its infrastructure wasted, and communication among people next to unmanageable. The means for obtaining data in Lebanon at the present-day time are nearly non-existent. Also, concerning the suggestion of the effects of continuing or past project or program interventions, data are often missing.<sup>37</sup>

### **Research Question**

It's been a long-standing focus on protecting vulnerable children as a generous response to misery. The main research question is why until the 21<sup>st</sup> Century violation of children's rights in Lebanon is still in existence, despite procedures that are being taken to reduce it? In other words, the objective of this research is to find an answer to why children, particularly in a democratic state such as Lebanon, which contains several institutions that take care of children's rights, endure lacking the bare minimum of fundamental needs? To answer this problematic question, several sub-questions will be concealed as the following. How the idea that children should have rights began promoting at the start of the 20<sup>th</sup> Century until reaching the CRC? What are the international obligations of the state parties that have ratified the CRC to maintain the articles of the convention?

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<sup>36</sup> Thai News Service Group. (2017). Lebanon: Human Rights Watch Updated Submission to the Committee on the Rights of the Child on Lebanon. General Interest Periodicals--Philippines, General Interest Periodicals--Vietnam, General Interest Periodicals—Thailand. Thailand, Bangkok.

<sup>37</sup> Karin, A. (2014). Twenty-Five Years of the United Nations Convention on the Rights of the Child: Achievements and Challenges. Springer Nature B.V. Netherlands, Dordrecht. Vol: 61. Pages: 267-303.

Why, despite the almost universal ratification of the Convention in the rights of the child, the extended and intensify violence exerted on children is on the rise? What are the significant amendments the Lebanese government adopted in its attempt to comply fully with the balance of such requirements? How are the rights of children being practiced in Lebanon? How different agencies and institutions have worked to maintain the rights of children in Lebanon? What actions should Lebanon take to eliminate the worst forms of child violations? How has this inspiration from the Convention taken hold in a country like Denmark with an initial welfare system comprising children's rights? Has the Convention been a driving force in the protection of children? Has the Convention primarily been a vital factor in the development of children's rights? Or, from a less determined standpoint, has the Convention contributed to keeping a focus on children's rights? Did the Convention outline in a positive way the general development of welfare legislation and services for children? If not, how other countries dealt with the difficulties when it's related to the rights of children? And, finally, did the Convention impose the rights of especially vulnerable children? The last chapter addresses these questions and includes a critical evaluation of the role and status of the CRC in Danish social legislation and practice in children's lives, with particular stress on vulnerable children. How different agencies and institutions have worked to maintain the rights of children in Lebanon? What actions should Lebanon take to eliminate the worst forms of child violations? Those questions are put in chronological order because each answer will promote the result of the other. Moreover, those questions will highlight how a child's rights are significant to be addressed in Lebanon.

## **Methodology**

Intending to answer the above – mentioned questions and to provide the appropriate set of propositions and recommendations comprehensively, a qualitative method is adopted in this study. A qualitative approach seeks to answer questions about why and how. Thus, the paper will use a qualitative method and not a quantitative one to try to find an answer of why do children, in particular in a democratic state such as Lebanon, which contains several organizations that take care of children's rights, endure to lack the most minimum necessities? Also, a qualitative approach seeks to answer the question of how can the state of Lebanon reduce almost all the violations that the child is exposed to. Furthermore, there is a lack of reliable statistics in the administrative data concerning the topics of children in Lebanon makes it impossible to adopt a quantitative approach, Denmark, and Germany and all over the world. Thus, a qualitative strategy would be more effective and adequate to attempt to find an answer to the explored question.

Thus, a primary data based on comparative studies and several interviews conducted by several experts from different fields working on the protection of the rights of children are used to explore the interviewer's perspectives on the issues related to the existence of the children rights' violations and to clarify and obtain detailed information, perceptions, and opinions about the procedures that the government of Lebanon should take to safeguard these rights and reduce the harms that the children still endure suffering from. For instance, Ms. Hayat Ousseiran who is the Senior Child Labor Consultant in the International Labor Organization, Mr. Khalil Zehri who is the Director of the Principal Public School of Zibdeen, Nabatiye in South Lebanon, Antoinette El Bouery who characterizes the social worker, a Coordinator Project and a Case Manager in a Non-Governmental Organization called RDFL; The Lebanese Democratic Women Gathering, Ms. Claudine Aoun Roukouz who represents the president of the National Commission for Lebanese Women, Dr.

Maral Tutelian who is the General Directorate of Statistics in Lebanon, and other professional interrogators were asked open-ended questions to collect more academic and professional details responses around the study question. For instance, Ms. Antoinette El Boueirya has been asked several open-ended questions such as, what is the best solution to end child marriage. Why is it difficult for the government to enact a law that protects minors from marriage? Do you think that creating organizations that include religious leaders from different sects to raise awareness about ending child marriage would be challenging or effective? Also, other open-ended questions were asked to Ms. Hayat Ousayran about why do children on the streets do escape from the organization that sheltered them and what strategies should the government follow to end child labor?

Furthermore, a secondary collected data based on several books, academic articles are composed and used in the second and the third chapters to achieve a comprehensive understanding about the circumstances of the privileges of children in Lebanon. The research will expose in the second chapter a brief historical overview of the Children's rights evolution in Lebanon from the beginning of the 20th Century, where children became subjects of rights. In other words, the development of children's rights contributed to categorize children not as property, but as persons who can and should be participants in the decision-making processes that affect their lives. The paper will highlight in the scope the international obligations of the states over the convention on the rights of the child. This part shows the international duties of the state parties who have ratified the convention towards the rights of children living within its borders. This phase will be followed by a review of the seminal importance of the rights of children under the Convention on the Rights of the Child with the purpose to identify obstacles to the advancement of children's rights and to recognize children as worthy of citizenship and attempts to increase the commitment of nations worldwide to children's rights. Nevertheless, this research addresses that the convention is a

relatively weak instrument where there are still certain aspects or realms of children's lives that the CRC neglects or underemphasizes. The purpose of this phase is to provide an overview of the international procedures that have been realized to develop and protect the rights of children. The third chapter will focus on the legal and practical application of the CRC in Lebanon. Thus, concentrating on the Lebanese Law under the CRC is essential to gain an understanding of the extent to which children's rights are being realized or dishonored in Lebanon. In other words, this section discusses the national legislation regarding the rights of children. It embraces an analysis of the implementation of the Convention on the Rights of the Child and Optional Protocols in the local context. This part also addresses what harms the children, and what the government and the society have done to address the problem. Finally, the purpose of this phase is used to gain an understanding of the extent to which children's rights are being realized or violated in Lebanon. It is also used to assess how and why this harm is happening, and what steps should the government and the society do to address this issue.

Moreover, this research paper provides a comparative approach between the application of the rights of children in Lebanon and in Denmark since Denmark is the tiniest corrupted nation in the world, which leads to its efficiency in protecting the rights of its citizens, particularly the rights of children. The objective of this section is to compare Lebanon to another country's performance, which is Denmark in order to evaluate what Denmark has realized in the development of the right of children and what does Lebanon requisite to perform better and achieve some progress in reaching better objectives concerning the rights of the children. However, corruption can not be removed from any country. Denmark is failing, for instance, to take proper care of children's rights when it comes to asylum and immigration matters. Hence when it is related to the mentioned cases, another country will be compared to understand the best steps that Lebanon should take to identify

a sustainable development regarding the rights of children. In addition, academic reports such as the recent reports published on the rights of children entitled "The Situation Analysis Lebanon" published in 2011, "The UN Committee on the Rights of the Child Report" published in 2016 and other reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women published in 2016 and some statistics collected from the Central Administration of Statistics in 2017 were analyzed and used in the second and the third chapters to gain a broad understanding about the situation of the rights of children in Lebanon.

### **Delimitations**

As mentioned in the methodology section, the paper will present a qualitative approach and not a quantitative approach to deal with children's rights. An interview was done by Dr. Maral Tutelian; the General Director of the Central Administration of Statistics in Lebanon, who stated that recent data concerning the rights of children in Lebanon and worldwide is difficult to find. There is a lack of statistics in the administrative data. Nevertheless, members of CAS, which is the central administration of statistics in Lebanon, seeking to establish a Child Labor Force Survey in Lebanon and present it in the four upcoming years. This future data will focus on the labor children only. Dr. Tutelian added that nowadays, in Lebanon, the members of CAS are also delivering in 2020 Health Status Indicators for the Child and the Mother. However, these statistics will not encompass all the related issues on the protection of the child. It is difficult in Lebanon and worldwide to find current statistics about the rights of children. The timeframe of each survey will take five years to be accomplished. Thus, the paper will not concentrate on the statistics found in each topic concerning the child's rights but will emphasize the legal and applicable matters. Also it will embrace a comparison with other countries to respond to the research question.

## Chapter II

### The International Obligations Identified through the Convention on the Rights of the Child

#### A- The International Evolution on the Right of the Child:

It is important to understand that the idea that children should have rights dates much further back. It's been a long-standing focus on protecting vulnerable children as a generous response to misery. However, at the start of the 20<sup>th</sup> Century, some protestors started promoting the idea that children should have rights. In the aftermath of World War I, Eglantyne Jebb and others campaigned for the first international declaration of the rights of the child in 1924. The UN adopted an expanded version of this in 1959. During the international of the child in 1979, Poland suggested that there should be a Convention for Children over the next decade countries over the world discussed and negotiated the text of what would become the most extensively reinforced human rights treaty the UN ever produced; the United Nations Convention on the Rights of the Child. In other words, the principles delineated in the international human rights framework relate both to children and adults. Children are mentioned explicitly in many of the human rights instruments; principles are specifically modified or adapted where the needs and apprehensions surrounding a right are distinct for children. The Convention on the Rights of the Child brings together the children's human rights expressed in other international instruments. In other words, the CRC enunciates the rights and provides a set of guiding principles that primarily shape how people view children.<sup>38</sup>

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<sup>38</sup> Bennett, W. (1987).A Critique of the Emerging Convention on the Rights of the Child. Cornell International Law Journal. Vol: 20. Pages 3- 38. Retrieved from:



Nearly 30 years ago, the United Nations made a promise to children to do everything to protect and promote their rights to survive and succeed, to learn and grow, to make their voices heard, and to reach their full potential. The UN is an international organization dedicated to upholding peace and security and promoting human rights. One of the ways it does this is through international human rights agreements based on three core principles, which are dignity, equality, and respect.<sup>39</sup>

B- The International Obligations of the States through the CRC:

The CRC does not merely state what children's rights are but goes much further. Article 4 of the CRC strains that governments should undertake all suitable legislative, administrative, and other procedures for the application of the rights. In 2003, the Committee on the Rights of the Child emphasized the required steps that all governments must take, and for which they should be held responsible, in its General Comment No. 5 on General Measures of Implementation. The Convention defines the obligations state parties have to all children living within its borders.<sup>40</sup>

This section scrutinizes diverse measures States can employ to guard children's rights against corporate violations. The CRC is not simply a fixed document. Countries that have ratified the CRC are required to deliver periodic reports on their efforts to implement the treaty. These publicly available reports, which are comprehensive and self-critical, must be submitted within two years after ratification and every five years afterward to the Committee on the Rights of the Child, the

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<https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1168&context=cilj>

<sup>39</sup> Kaloudis, G. (1993). COULD THE UNITED NATIONS PRESERVE INTERNATIONAL PEACE? International Journal on World Peace. Professors World Peace Academy. Vol: 10. Pages 47- 52

<sup>40</sup> Blanchfield, L. (2013). The United Nations Convention on the Rights of the Child. Congressional Research Service. Pages 1- 18. Retrieved from: <https://fas.org/sgp/crs/misc/R40484.pdf>

official United Nations committee charged with supervising the implementation of the CRC in signatory countries.<sup>41</sup>

The formal Guidelines for Reports recognized by the Committee on the Rights of the Child precisely ask that States Parties offer information on the legislation implemented to recognize a right to child care. It also asks to "guarantee its realization", as well as the coverage concerning services and accommodations, by region and by urban and rural areas, and their financial suggestions and the children profiting from such dealings, including by age, gender, and national, social, and ethnic origin. In assessing these advancement reports, the Committee can recruit studies that go beyond the scope of the country reports by searching for the advice and opinions of outside experts and expert non-governmental organizations.<sup>42</sup>

In other words, States should present compulsory corporate reporting, which comprises children's rights. States can reassure reporting by creating instruments to target and identify good performance about children's rights; encouraging awareness of the benefits of reporting, necessitating state-owned companies to publish reports on their impact on children's rights, and expanding regulation so that foreign and domestic investment through private and state business is attentive and approachable to child rights.<sup>43</sup>

However, the CRC lacks a mechanism of individual petition. Its monitory mechanism comprises a system of periodic review of state reports acquiesced by state parties. The reporting system's purpose is collaboration rather than penalizing, and it strains the need for dialogue than a punitive

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<sup>41</sup> Lansdown, G. (1996). *Implementing The UN Convention On The Rights Of The Child: Governments Are Failing, But The Buck Also Stops With Us*. British Medical

<sup>42</sup> Powell, R. (2003). *The International Convention on the Rights of the Child: A Catalyst for Innovative Childcare Policies*. *Human Rights Quarterly*. The Johns Hopkins University Press. Vol: 25. Pages: 689- 719

<sup>43</sup> Karin, A. (2014). *Twenty-Five Years of the United Nations Convention on the Rights of the Child: Achievements and Challenges*. Springer Nature B.V. Netherlands, Dordrecht. Vol: 61. Pages: 267-303

approach. The Convention holds no power to sanction countries that breach its requirements or to necessitate them to do anything, even under the optional individual complaints instrument.<sup>44</sup>

Thus, the international obligations under the CRC recommend states to implement suitable legislation and interconnected regulations to protect children from business abuse of their rights. This might contain forbidding the employment of children under a certain age; caring children from violence in the place of work; presenting antidiscrimination law for private sector suppliers; marginalizing the sale of children, prostitution and child pornography; regulating the marketing of harmful constituents such as alcohol and tobacco to children; maternity leave in line with relevant ILO Conventions; and environmental regulation. It should also comprise guarding children's rights through trade law, investment rules, and related legal actions. Also, States should display business activity and certify that legislation and regulations are prescribed. Moreover, they must establish operative and available preparations for violations; occasionally assess legislation and regulations, and fill the gaps where compulsory.<sup>45</sup>

In addition, the state's administrative measures for the application of children's rights are significant. . The state must have a comprehensive approach for child rights that considers the relations between business and children and embraces a policy for avoiding and improving corporate violations. The state must also safeguard cross-sectorial coordination within all government departments on implementation of the CRC comprising those that outline business policy and action such as ministries of trade, investment, finance, and departments who shelter

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<sup>44</sup> Lang, A. (2016). UN Convention on the Rights of the Child: a brief guide. House of Commons Library. Pages 3-14. Retrieved from: file:///C:/Users/User/Downloads/CBP-7721.pdf

<sup>45</sup> Gerber, P. (2013). GENERAL COMMENT 16 ON STATE OBLIGATIONS REGARDING THE IMPACT OF THE BUSINESS SECTOR ON CHILDREN'S RIGHTS: WHAT IS ITS STANDING, MEANING AND EFFECT? Copyright Agency Limited. Australia: Melbourne. Vol: 14. Pages: 93-128

children's issues such as education, health, and family welfare. Moreover, they are indebted to observe how successfully the state is realizing the CRC both internally within government and externally through NHRIs and NGOs.<sup>46</sup>

Furthermore, the UN Committee commends that States need to increase awareness and understanding of the Convention across the whole of a society containing amongst children and by implication of the private sector. Advancement of the CRC can help guarantee that negative impression on children's rights linked to the activities of a business, such as the practice of exploitative child labor, discrimination in the workplace, child trafficking or discharging pollution which endangers children's survival and growth are no longer accepted or recognized. Still they are defined as clear and undesirable violations. States are the duty-bearers under international human rights law; only states undertake direct obligations concerning human rights. State obligations may be categorized into three classes that are to respect, protect, and to fulfill.<sup>47</sup>

The state's obligation to respect means that the state is obliged to abstain from interfering directly or indirectly to the fulfillment of rights. It involves the prevention of specific acts by governments that may destabilize the enjoyment of rights. Such obligations are sometimes called “negative obligations”. They depict on states what they must not do, such as, use the violence, employ children in armed conflict or allow harmful practices, and conduct unfair trials. Respecting rights means confirming that the state itself does not hurt children’s rights through either actions or oversights and that it discourses damage when it happens. There are numerous different

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<sup>46</sup> Sheahan, F. (N.D). EXECUTIVE SUMMARY: STATE OBLIGATIONS, CHILDREN’S RIGHTS AND BUSINESS. Retrieved from: [https://www.unicef.org/csr/css/Exec\\_Summary\\_stateobligations\\_children\\_business\\_13Oct11.pdf](https://www.unicef.org/csr/css/Exec_Summary_stateobligations_children_business_13Oct11.pdf)

<sup>47</sup> Mark, M. (2017). Obligations of the State: State Behavior and the Occurrence of State Success. United States: Ann Arbor. University of Nevada, Las Vegas. Page 132.

circumstances where the state's duty to respect children's rights reflect how it controls the private sector not least in situations where the state itself has possession or control over business activities. State-owned enterprises or state procurement of goods or services are an example. The CRC Nr. 16 states the following on state obligations regarding the influence of the business sector on children's rights: The obligation to respect means that states should not directly or indirectly ease, support, and help any violation of children's rights. Furthermore, States must certify that all actors respect children's rights, comprising in the context of business activities and processes. Also, it suggests that a State should not participate in, support, or excuse abuses of children's rights when it has a business role itself, which is an obligation to protect.<sup>48</sup>

The obligation to protect necessitates states to protect individuals against abuses by non-state actors. In short, the states have to take positive actions. The state must defend children's rights from corporate violations. The duty to protect against human rights violations by third parties, comprising business, is a well-established principle of human rights both regionally and internationally. The CRC, along with other international child rights morals, enforce positive obligations on States Parties to take actions to control and govern corporate activities to avoid the violation of children's rights. Further, they execute an obligation to take operative enforcement measures to explore, decide, and amend breaches of children's rights when they arise. For instance, on state obligations, the CRC Nr. 16 shed light on the effect of the business sector on children's rights; states should protect against abuses of rights guaranteed under the CRC by the third parties. It means that states must take all required, suitable, and reasonable measures to preclude business

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<sup>48</sup> Rutherford, D. (2018). States' Obligations Under International Human Rights Conventions. Commonwealth Secretariat. Pages 1- 102. Retrieved from: <http://thecommonwealth.org/sites/default/files/inline/States%20Obligations%20Under%20International%20Human%20Rights%20Conventions.pdf>

enterprises from initiating or contributing to abuses of children's rights, which is an obligation to fulfill.<sup>49</sup>

Under the obligation to fulfill, states are required to take progressive action to ensure that human rights can be applied. This obligation requires applicable measures to be taken to make sure that the human rights standard is reached. For instance, the CRC requires all states to take an instantaneous action to implement obligations to protect children's rights as a matter of primacy and without discrimination of any kind. Where the available resources are noticeably inadequate, states are still required to carry out targeted measures to move as expeditiously and successfully as possible towards the complete realization of the child's right to health. The UN Committee on the Rights of the Child has made commendations to States to apply the UN agenda. Fulfilling rights generally means providing resources to support the realization of rights. Logically a central component of this obligation is to certify that states are maximizing revenues by removing corrupt practices within the private sector and collecting taxes from the private sector proficiently.<sup>50</sup>

#### C- The Convention on the Right of the Child: Its Effectiveness and its Weaknesses:

The Convention on the Rights of the Child is a distinctive human rights treaty in that it guards not only the child's civil and political rights but that it also spreads protection to the child's economic, social and cultural rights and humanitarian rights. It is a global human rights agenda for every person under the age of eighteen. It is now the most ratified human rights treaty. It was documented

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<sup>49</sup> Attanasio, D. (2015). The State Obligation to Protect. United States: California. University of California, Los Angeles. Page 313.

<sup>50</sup> Engin, S. (2005). The responsibility of member states for the violation of international obligations by international organizations. Dissertation Abstracts International. United States. University of Exeter (United Kingdom). Page 1.

by the massive majority of UN member states in 1989 and has been approved by 195 countries. As of today, only South Sudan and the United States have yet to ratify the landmark treaty.<sup>51</sup>

The CRC Convention entails 54 articles, covering a full range of fundamental rights and measures for implementation. It embodies significant agreements between diversity in claims, perspectives, and practices. It displays the following elementary community policies which include children's need for specialized legal protection beyond that provided to adults, the idyllic environment for a child's survival and growth within a protective and caring family setting, and , governments and the adult world, in general, should respect and act in the best interests of children.<sup>52</sup>

Out of such broad principles, 54 articles were created to make up the actual Convention on the Rights of the Child. Such fundamental rights as having a name and complete survival are included. Article 12 identifies the child's right to express views on matters bearing personal consequences. Added to the 54 articles have been two optional protocols, dealing with the involvement of children in armed conflicts, and the rights involved in the sale of children, child sex work, and child pornography.<sup>53</sup>

The convention is wide-reaching and covers as many characteristics of children's lives. Articles describe the rights. Four relevant articles apply across all other rights in the convention. These general principles are non- discrimination, the child's best interest, right to life survival and

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<sup>51</sup> Cohen, C. (1989). UNITED NATIONS: CONVENTION ON THE RIGHTS OF THE CHILD. International Legal Materials. Cambridge University Press. Vol: 28. Pages 1448-1476.

<sup>52</sup> Chen, L. (1989). Toward Adoption of the United Nations Convention on the Rights of the Child: A Policy-Oriented Overview. Proceedings of the Annual Meeting. Cambridge University Press on behalf of the American Society of International Law. Vol: 3. Pages 157- 172.

<sup>53</sup> Society for Medical Anthropology. (2007). The Rights of Children: Public Policy Statement. Medical Anthropology Quarterly. Wiley on behalf of the American Anthropological Association. Vol: 21. Pages: 234- 238.

development, rights for children's interpretations. The other rights can be grouped into 5 categories, such as civil rights, family environment, and alternative care, health and welfare, education freedom and culture, and special protection procedures that cover children in an emergency, in justice systems, in child exploitation and children belonging to minority groups. These rights are inseparable and interdependent, which means that failure to provide for one can affect all the others. For instance, if a state fails to ensure a satisfactory standard of living, children might not be healthy. The main way the Convention is enforced is through continuous monitoring by a team of independent experts called the UNCRC.<sup>54</sup>

The CRC emphasizes on the 4 fundamental rights of children. These were defined in 1989 by the United Nations Convention on the Rights of the Child, an international human rights treaty to which 195 countries, including India, are signatories. The Charter of Child Rights is built on the principle that "ALL children are born with fundamental freedoms, and all human beings have some inherent rights." The first elementary right is the right to survival, to life, health, nutrition, name, and nationality. The right to survival involves the right to a healthy life, which means that children should be relatively provided with acceptable nutrition and quality healthcare. Their names are registered as citizens to access state nutritional organizations. Infant and child mortality should be shortened, and undernourishment should not be anxiety.<sup>55</sup>

The second core principle of the CRC is the right to development, education, care, leisure, and recreation. Every child has the right to development that allows the child to discover his/her full

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<sup>54</sup> Pilnik, L. (2006). THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD AND ITS IMPLEMENTATION IN JAPAN AND SWEDEN. JOURNAL OF INTERNATIONAL LAW & POLICY. University of Pennsylvania. Vol: III. Pages: 1-25.

<sup>55</sup> Cohen, C. (1989). UNITED NATIONS: CONVENTION ON THE RIGHTS OF THE CHILD. International Legal Materials. Cambridge University Press. Vol: 28. Pages: 1448-1476.



potential. Children have the right to an education that does not only guide them to a path of learning but endorses understanding, tolerance, and friendship among all nations, racial or religious groups, and provide continuance of peace. The right to protection from exploitation, abuse, and neglect is another third vital principle of the CRC. It entails that all children should be supported from any form of harmful impacts, abuse, and exploitation. It ranges from a child's right to be sheltered from, having to work, to face any kind of physical or mental abuse, and to have a caring, safe family. Furthermore, the right to participation, expression, information, thought, and religion is the last basic core of the CRC. This is a right where the child is engaged in the decisions to take about his/her path and has the space to improve and express autonomous beliefs.<sup>56</sup>

The CRC details the minimum principles for children's rights. It is envisioned to safeguard all those under the age of 18. It underlines that children's rights are to be based on values of nondiscrimination and respect for the dignity and worth of each child, regardless of personal appearances. Articles of the CRC present the legal rights to basic health care, primary education, family life, and protection from harm as well as strategic civil and political rights.<sup>57</sup>

The United Nations Convention on the Rights of the Child has been defined as reflective of a cross-cultural perception of children's rights. For instance, article 20 discusses a child's need for protective care when alternatives to biological parents are in the child's best interest. It does so in a culturally and religiously sensitive approach. Such care could include, *inter alia*, temporary placement, *kafala* of Islamic law, adoption, or if necessary, settlement in an appropriate institution

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<sup>56</sup> Mauras, M. (2011). Public Policies and Child Rights: Entering the Third Decade of the Convention on the Rights of the Child. *The Annals of the American Academy of Political and Social Science*. Sage Publications, Inc. in association with the American Academy of Political and Social Science. Vol: 633. Pages: 52-65.

<sup>57</sup> Libal, K. (2011). The United Nations Convention on the Rights of the Child: Children Can Wait No Longer for Their Rights. *Social Work*. Oxford University Press. Vol. 56. Pages 367-370.

for the care of children. When considering solutions, due regard should be given to the child's ethnic, religious, cultural, and linguistic background. This article also includes broad and agreed-on overriding principles concerning what humankind owes to children generally. These principles comprise providing the necessary means for healthy development, materially as well as spiritually; addressing children's special requirements; that the starving child is nourished, the sick child aided, the developmentally delayed child given service, the delinquent child reclaimed, and the waif sheltered and supported; assisting children first in periods of misery; and setting children on a course to get a livelihood, without mistreatment.<sup>58</sup>

The CRC embodies one of the strongest legal declarations to date that children have full human rights entitlements, comparable with adults, and that their interests should be respected at least equally with adult interests. The preamble expresses "recognition of the inherent dignity and the equal and absolute rights of all members of the human family." This does not mean that children must always be treated identically to adults with the same right to vote or the same right to individual independence. However, it does mean that children have equal rights to have their interests taken into consideration. The conception of children's rights brings together two of the most critical twentieth-century developments in the history of thoughts. The first is the prevalent, if not widespread, acceptance of the idea that every individual, exclusively by the feature of being human, is authorized to enjoy a full range of human rights. The second is an acknowledgment that children should be treated as people in their own right and not as mere adjuncts of, or chattels belonging to, the adults under whose responsibility they fall. By conjoining these two ideas, it becomes clear that children are entitled to be treated as holders of human rights and that any

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<sup>58</sup> Society for Medical Anthropology. (2007). The Rights of Children: Public Policy Statement. Wiley on behalf of the American Anthropological Association. *Medical Anthropology Quarterly*. Vol: 21. Pages 234-238.

qualification to the range of rights that they are afforded by society has to be fully justified by reference to other human rights principles rather than to the preferences, prejudices or barely perceived self-interest of adults.<sup>59</sup>

That's why, the CRC would push in the direction of strengthening child rights to speech and religion in the context of efforts by state actors such as schools to restrict such rights. It would push in the direction of giving children greater power to stand up to their parents and emphasize their independent views in these areas. Policymakers might be required to pay more attention to children's level of maturity and their ability to make rational decisions for themselves, and to their best interests when decisions must be made for them.<sup>60</sup>

Moreover, the CRC has three concepts of rights that have fundamental potential sometimes stated as the "three Ps; Participation, Provision, and Protection". Participation rights offer children the right to participate in several kinds of decision making. Article 12 of the CRC states that: "States Parties shall assure to the child who is capable of forming his or her views the right to express those views freely in all matters affecting the child, the views of the child being given due weight following the age and maturity of the child". This statement means that the child shall, in particular, be provided the chance to be heard in any judicial and administrative proceedings affecting the child. This declaration considers the need to provide suitable attention in taking appropriate measures to sustain the right of children to express their views, safeguard those schools, as well as

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<sup>59</sup> Freeman, M. (2010). UPHOLDING THE DIGNITY AND BEST INTERESTS OF CHILDREN: INTERNATIONAL LAW AND THE CORPORAL PUNISHMENT OF CHILDREN. *Law and Contemporary Problems*. Duke University School of Law. Vol: 73. Pages: 211-251.

<sup>60</sup> Doek, J. (2001). Children and Their Right to Enjoy Health: A Brief Report on the Monitoring Activities of the Committee on the Rights of the Child. *Health and Human Rights*. The President and Fellows of Harvard College on behalf of Harvard School of Public Health/François-Xavier Bagnoud Center for Health and Human Rights. Vol: 5. Pages: 155- 162.

other bodies providing services for children. Also, it is necessary to create permanent ways of consulting with children in all decisions regarding their functioning, the content of the curriculum, or other activities.<sup>61</sup>

Nonetheless, the legislative impulse and lack of comprehensive planning regularly go hand-in-hand. The absence of planning is mainly risky in a children's rights convention because of the subtle interaction and potential for conflict between the rights of parents and children and interests of the state. For example, draft article 7 delivers in broad terms that children have the right to freedom of thought, conscience, and religion. This right is subject only to "necessary" laws and parental "path. Conferring on children the right to select any religion may guide to grave destruction of the family unit. As the child's rights to independence rise, the parent's rights to control and the interests of the child, parents, and state in family unity decline. Hence, the expansive terms of draft article 7 seem mainly ill-considered and present a narrow and tranquil view of how families function. Comprehensive planning might have escaped these drawbacks by creating what rights should take priority and under what conditions. The drafters should generate a structure for resolving the question based on certain features, such as the child's age, educational level, employment, economic independence, or other indices of maturity. Alternatively, the child's right to freedom of thought and religion might suitably be interjected against the State only, with the parents' rights to lead and control their children left unopposed.<sup>62</sup>

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<sup>61</sup> Thomas, N. ( 2011). Children's rights: policy into practice. Centre for Children and Young People. University of Central Lancashire. Vol: 4. Pages 1-22.

<sup>62</sup> Bennett, W. (1987).A Critique of the Emerging Convention on the Rights of the Child. Cornell International Law Journal. Vol: 20. Pages 3- 38. Retrieved from:  
<https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1168&context=cilj>

Moreover, participation, as recognized by Article 12 does, in most cases, conflict with other rights, such as the right to parental guidance established by Article 5. Moreover, the right to participate as preserved by article 12 does not assure a de facto right for equal participation for all the worlds' children, as one can only make claims to rights when one is aware of those rights. Most children, both in the North, but especially in the South, are not made conscious of these rights as often they are viewed as still dependent and not yet mature enough to exercise their rights.<sup>63</sup>

Also, increasing consideration to the formation of space, channels, structures or other mechanisms, enable the children to express their views, specifically regarding the construction of public policies from local up to national level. The Provision rights give children the freedom to favorable assistance in terms of welfare, health, education, and other social facilities. For instance, Article 24 provides that “States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health.” It requires appropriate measures to reduce infant and child mortality, ensure primary health care, and guarantee pre-natal and post-natal health care for mothers. Furthermore, Article 27 identifies the child’s right to a tolerable standard of living, and Article 28 recognizes the child’s right to education. Problematic parts in CRC that have suggestions for implementing and advancing the rights of children merit attention. Article 28 of the CRC, which deals with the right to education, highlights that states should make primary education obligatory and accessible for all. However, in most cases, states are to implement this right step-by-step depending on gradually existing resources. Hence, the right to education does not become a compulsory duty of the state, as it depends on the suitability of the resources. The convention

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<sup>63</sup> Gadda, A. (2008). RIGHTS, FOUCAULT AND POWER: A CRITICAL ANALYSIS OF THE UNITED NATION CONVENTION ON THE RIGHTS OF THE CHILD. Sociology subject group of Social & Political Studies, University of Edinburgh. Vol: 31. Pages: 1-13.

makes the guard of civilians, including children, a matter of probability and not of requisite. It is weak on the child soldier's age limit for enrolment to fight services as low as 15. This, in effect, legitimizes the use of children of 15-16 years as combat militias.<sup>64</sup>

The Protection rights give children the right to protection against maltreatment, and nation-states a consistent duty to deliver such protection. In other words, article 19 of the CRC generates powerful rights for children to be endangered against abuse and neglect by parents, and reciprocal duties on the state to protect children against such harm. Still, the CRC ratification presents severe risks to children because of its restrictions on international and transracial adoption. Millions of children worldwide are growing up in institutions and many more on the streets. The CRC requirements related to international adoption limit it to the very last alternative status as an option for children. It authorizes countries to prohibit international adoption altogether. Article 21 "subsidiarity" section delivers that States Parties that recognize the system of adoption may consider international adoption only if the child cannot be positioned in a foster or an adoptive family or cannot in any appropriate manner be cared for in the child's country of origin.<sup>65</sup>

This conflicts with the existing federal law, since MEPA, the Multiethnic Placement Act, amended in 1996, prevents federally funded agencies from exercising any biases in making foster or adoptive placement based on race, ethnic, or cultural factors. Allowing such partialities would be specifically harmful to black children. These CRC provisions are intensely anti-child. International adoption generally serves the interests of the unparented children of the world. There are

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<sup>64</sup> Ramesh, A. (2001). UN Convention on Rights of the Child: Inherent Weaknesses. *Economic and Political Weekly*. Vol: 36. Pages 1948- 1950.

<sup>65</sup> Bartholet, E. (1993). *International Adoption: Current Status and Future Prospects*. The Future of Children. Princeton University. Vol: 3. Pages: 89- 103.

insufficient domestic nurturing homes available through adoption than in the developing countries of the world to afford good parental care to all the unparented children in necessity. Several countries also have cultural favoritisms against adoption, or policies such as China's one-child policy, which severely limit in-country adoptive homes.<sup>66</sup>

Also, regrettably, there is no provision in the CRC that precisely or directly prohibits the practice of child marriage. However, the case could be made that other specific requirements under the CRC indirectly address and forbid early marriage. One article that can be practical to child marriage is CRC article 2(2). The article places a duty upon States Parties to "take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment based on the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members." Child marriage, which principally affects girls, is a form of sex discrimination that stems from the parents' belief that girls are less valued than boys. Girls are viewed as economic burdens because money needs to be raised for their grants. They are seen as a troublesomeness because it is costly to educate daughters when the money is better consumed on sons, who will later take care of the parents in their old age. Therefore, favoring the sons, daughters are discriminated against and married off at an early age as a way for parents to dispose of their weight. Subsequently, when States Parties fail to authorize or enforce the sanction on child marriages, they spread the type of discrimination outlined in CRC article 2(2).<sup>67</sup>

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<sup>66</sup> Brown, A. (2009). International Adoption Law: A Comparative Analysis. *The International Lawyer*. American Bar Association. Vol: 43. Pages: 1337-1365.

<sup>67</sup> Gupta, P. (2012). Child Marriages and the Law: Contemporary Concerns. *Economic and Political Weekly*. Vol: 47. Pages: 49-55.

Unfortunately, because the article does not precisely mention early marriage, supporters of child marriage can argue that it is not valid for of early marriage. They can further employ CRC article 2(1) to cancel the claims of CRC article 2(2). CRC article 2(1) forbids "discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or another status." CRC article 2(1) can be understood to support child marriages because they stem from the parents' religious beliefs. Child marriage similarly violates CRC article 6, which talks about the right to life. Early marriage means early and several pregnancies. Pregnancy is encouraged soon after marriage because it is reflected in the female's role in life. She is responsible to assume her obligations and show her capability without suspension. Unfortunately, this task transmits serious physical dangers for which child brides are not prepared. Girls aging between ten years old and fourteen years old are five to seven times more likely to die during pregnancy than the lowest risk group.<sup>68</sup>

The CRC will strengthen children's rights to speech and religion by using mediums such as schools, to suppress these rights. It would shift in the direction of giving children greater power to stand up to their parents and declare their independent views in these areas. Policymakers might be required to pay more attention to children's levels of maturity and their abilities to make rational decisions on their behalves. The CRC obligates the state to create a legislation build on the protection of the best interests of the child by offering them high school education to mark their own educational choices.<sup>69</sup>

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<sup>68</sup> Askari, L. (N.D).THE CONVENTION ON THE RIGHTS OF THE CHILD: THE NECESSITY OF ADDING A PROVISION TO BAN CHILD MARRIAGES. ILSA Journal of International & Comparative Law. Vol: 5. Pages: 125- 137.

<sup>69</sup> Cianci, K. (2009). Child Protection Progress in States Leveraging Article 19 of the UN Convention on Rights of the Child.



The CRC also launches a monitoring mechanism, the Committee on the Rights of the Child, which encompasses nationals of 10 of the states that are parties to the Convention. The Committee's membership is elected on a rotating basis, selected with consideration to geographic diversity. The Committee aims to collect reports from state parties that are compulsory every five years, review those reports, and make recommendations for enhancement. However, no enforcement mechanism is covered by the CRC. The Committee cannot scrutinize, sanction, or penalize state parties. Execution of the CRC's requirements depends totally on the voluntary efforts of the state parties. Enforcement, such as it is, resides only of international and internal political pressure.<sup>70</sup>

Human rights treaties are often charted by "Optional Protocols", which may either deliver for procedures concerning the treaty or discourse a substantive area correlated to the treaty. Optional Protocols to human rights treaties are treaties in their own right and are open to signature, compliance, or ratification by countries who are party to the main treaty.<sup>71</sup>

To help reduce the growing abuse and exploitation of children worldwide, the United Nations General Assembly in 2000 implemented two Optional Protocols to the Convention on the Rights of the Child to surge the safety of children from contributing to armed conflicts and sexual exploitation. On 14 April 2014, a third Optional Protocol was approved, allowing children to carry complaints directly to the Committee on the Rights of the Child. The Committee will then examine the claims and can direct governments to act. The CRC comprises several optional protocols. Such

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<sup>70</sup> Kilbourne, S. (1999). Placing the Convention on the Rights of the Child in an American Context. American Bar Association. Vol: 26. Pages: 27-31.

<sup>71</sup> Albuquerque, C. (2010). Chronicle of an Announced Birth: The Coming into Life of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights—The Missing Piece of the International Bill of Human Rights. Human Rights Quarterly. The Johns Hopkins University Press. Vol: 32. Pages 144-178.

reservations weaken the general requirements outlined in the CRC and work to diminish the protection of children.

The Optional Protocol, which stems from children from involvement in armed conflict is an effort to strengthen the Convention's implementation and increase the shelter of children during armed conflicts. Under the Protocol, States are obligated to take all viable actions to safeguard armed forces under the age of 18 not to take a direct part in conflicts. States must also promote the minimum age for voluntary enrolment into the armed forces from 15 years but does not necessitate a minimum age of 18. The Protocol does, however, remind States that children younger than 18 are authorized to distinctive protection, and so any voluntary recruitment under the age of 18 must contain adequate safety measures. States parties must also take legal actions to forbid autonomous armed groups from engaging and using children under 18 in fights.<sup>72</sup>

Nevertheless, the word "recruitment" includes both obligatory and voluntary enrolment, so that parties to the conflict would also be under a duty to a catchphrase from enrolling children under 15 who volunteer to join the armed force. Philosophically speaking, child involvement in armed conflicts develops fundamental problems in decisions disturbing their own lives. Those who have comprehensibly and constantly claimed the recognition of greater child autonomy in international instruments fall back on the child's welfare and best interests, which usually have been used to validate child autonomy limitations. Yet it can be argued that the restrictions placed by treaties on the minimum age of recruitment inhibit children's rights to freedom of association and debatably freedom of expression, mainly since children have shown themselves to be experienced soldiers.

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<sup>72</sup> Berry, J. (2001). Child Soldiers and the Convention on the Rights of the Child. *The Annals of the American Academy of Political and Social Science*. Sage Publications, Inc. in association with the American Academy of Political and Social Science. Vol: 575. Pages: 92- 105.

The issue converts even more complex when children trust the only contribution they can make is to fight in wars of liberation, as happened among some of the Ugandan child soldiers. Such loyalty is not always due to pessimistic manipulation by the fighting. There are at least 20 States in which children from 10 to 18 are engaged in military training, and 25 States authorize children to go to war before they can vote. Their contribution to armed conflict carries into focus two issues: first, whether children must be engaged in the armed forces; and, second, whether they ought to be allowed to join in armed conflicts.<sup>73</sup>

In other words, this Optional Protocol is a much-needed addition to international humanitarian law. The recent international humanitarian principles do not protect children from recruitment and involvement in armed conflicts.

Additionally, the Optional Protocol on the sale of children, child prostitution, and child pornography pull special attention to the criminalization of these grave abuses of children's rights. It stresses the significance of wide public awareness and international cooperation in efforts to fight them. It complements the Convention by providing States with comprehensive requirements to end the sexual exploitation and abuse of children. Also, it guards children against being sold for non-sexual purposes such as other methods of forced labor, illegitimate adoption, and organ donation. The Protocol delivers definitions for the felonies of 'sale of children', 'child prostitution' and 'child pornography'. It also generates obligations on governments to criminalize and penalize activities connected to these offenses. It entails punishment not only for those offering or distributing children for sexual exploitation, transfer of organs, or children for profit or forced

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<sup>73</sup> Bueren, G. (1994). The International Legal Protection of Children in Armed Conflicts. *The International and Comparative Law Quarterly*. Cambridge University Press on behalf of the British Institute of International and Comparative Law. Vol: 43. Pages 809- 826.

labor but also anyone accommodating the child for these actions. The Protocol also protects the rights and interests of child victims. Governments must afford legal and other sustenance services to child victims. This obligation embraces the child's best interests in any connections with the criminal justice system. Children must also be sustained with necessary medical, psychological, logistical, and financial support to help their recovery and rehabilitation. As a supplement to the Convention on the Rights of the Child, clarification of the Optional Protocol's text must always be directed by the moralities of non-discrimination, the best interests of the child, and child participation.<sup>74</sup>

Moreover, the third protocol permits the Committee on the Rights of the Child to receive complaints that a child's rights have been desecrated. Children from countries that ratify the Protocol can use the treaty to pursue justice if the national legal system cannot afford a cure for the violation. The Committee is capable of hearing complaints from children, groups of children, or their representatives besides any State that has ratified the Protocol. The Committee can also present investigations into crucial or systematic violations of children's rights, and States can carry complaints against each other if they accepted this process.<sup>75</sup>

However, how many children are aware of this system, which allows them to complain? Also, how many children are mature enough to decide on which issue they want to object to? According to

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<sup>74</sup> Gunawardana, A. (1997). American Society of International Law. Cambridge University Press on behalf of the American Society of International Law. Vol: 91. Pages 74- 88.

<sup>75</sup> Dennis, M. ( 2000). Newly Adopted Protocols to the Convention on the Rights of the Child. The American Journal of International Law. Cambridge University Press. Vol:94. Pages: 789- 796.

the will theory of rights, exercising choice is a necessary condition of having a right. If children lack such a capacity, they cannot make a decision and even know what to the complaint.<sup>76</sup>

Yet, if the child rights movement's growth was such an advance for children, why do children endure to lack the most minimum of elementary needs, such as lack of food, water, and simple medical treatments? Why do children still have to work in dangerous environments for nourishment? The language and charter of rights, used in the CRC, should have delivered a moral, legislative as well as practical dynamism for children's protection and facilities including their access to basic needs for daily survival, but this is not the case.

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<sup>76</sup> Zermatten, J. (2001). Children's Rights From Theory to Practice. Institut International des Droits de l'Enfant. Retrieved from: <https://www.childsrights.org/documents/publications/wr/2001-4.pdf>

## Chapter III

### Lebanese Compliance with International Obligations

#### A- Legal compliance with CRC:

Regardless of the armed conflict that disbursed the country and its institutions for a long period until 1989, Lebanon ratified the Convention on the Rights of the Child comparatively rapidly. The existing Lebanese laws fulfill with most of what is prerequisite under the Convention, and the Lebanese government implemented many amendments in its endeavor to obey fully with the balance of such requirements. The judiciary plays an essential role in the implementation procedure, interpreting and applying international treaties such as the CRC. Concerning the CRC, the role of the judiciary is critical, not only for juvenile justice cases but also in determining the law on all issues that affect children.<sup>77</sup>

Lebanon ratified the Convention on the Rights of the Child under Law 20/90 on 14 May 1991. The CRC describes the minimum protections and rights afforded to the child while providing some degree of resistance to allow for local culture, laws, and conditions. The CRC oversees the relationship between the state and its citizens as well as the connection between parent, community, and child. Fulfillment of obligations under the CRC requires preemptive steps, including the drafting of legislation as well as addressing social and cultural norms. Lebanon's ratification of the CRC exposed a shift in attitude towards child rights and the beginning of improved provisions. Both international and Lebanese law defines the 'child' as persons below the age of 18 years. While Lebanon has not undertaken a comprehensive review of its legislation to

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<sup>77</sup> Todres, J. (1998). Emerging Limitations on the Rights of the Child: the UN Convention on the Rights of the Child and Its Early Case Law. Georgia State University College of Law. Pages 159- 200. Retrieved from: [https://readingroom.law.gsu.edu/cgi/viewcontent.cgi?article=1498&context=faculty\\_pub](https://readingroom.law.gsu.edu/cgi/viewcontent.cgi?article=1498&context=faculty_pub)

guarantee compliance with its international obligations, it has made significant development in protecting children's rights. Nevertheless, despite developments, Lebanon struggles with discrimination, mainly with regards to girls, minority groups, refugees, and persons with disabilities. It seems that child participation and the principal of the 'best interest of the child' are increasing anxieties of duty holders; however, many studies suggest that Lebanon has significant work before it reaches full implementation of these tenants.<sup>78</sup>

1- a. Non- Discrimination:

In addition to its obligations under the CRC, Lebanon has other international and national duties to abolish legal and practical discrimination. Article 7 of the Lebanese Constitution dictates the principle of non-discrimination: "All Lebanese are equal before the Law and enjoy without any discrimination political and civil rights, and assume public obligations and duties without any discrimination". Lebanese law appears to endure discrimination in numerous ways. Necessities associated with education, employment, right to birth registration, right to identification, and right to own property, favor the Lebanese citizen and therefore end in de facto discrimination. Palestinians, Iraqis, Syrians migrant workers, and other minority groups are above all vulnerable. As well-known by the Committee on the Elimination of Racial Discrimination, refugee communities and migrant workers are especially vulnerable to discrimination in the Lebanese framework.<sup>79</sup>

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<sup>78</sup> Cohen, C. (1997). The United Nations Convention on the Rights of the Child: A Feminist Landmark. William & Mary Journal of Women and the Law. Vol: 3. Pages: 29-78.

<sup>79</sup> Convention on the Elimination of All Forms of Discrimination against Women. (2006). Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Pages 9- 99.

Notably, Lebanon did not sign the 1951 Convention related to the Status of Refugees and its 1967 Protocol; the 1954 Convention involving the Status of Stateless Persons; or the 1961 Convention on the Reduction of Statelessness. Thus, refugee children are not legally sheltered in Lebanon and are treated as illegitimate individuals. Like many other states in the region, Lebanon does not have official domestic refugee legislation in place. Somewhat, asylum issues are joined through immigration laws, which monitor entry and exit of all, and comprises an orientation to refugees. The 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country deliver articles related to the shelter. Article 26 mentions that every foreigner who is mistreated or penalized for a political crime outside Lebanon, or whose life or liberty is endangered based on the reason of political activity, may apply for refuge in Lebanon. Knowingly, article 31 of the Law of Entry and Exit also brings the issue of non-refoulement for a former political refugee. For instance, at the beginning of the crisis in Syria, Lebanon mainly stirred an "open door" strategy towards Syrian residents wishing to enter the country, and Syrians were frequently subject to the same supplies in domestic law that relate to other foreigners. Beneficial to Syrians was a 1993 bilateral arrangement for Economic and Social Cooperation and Coordination between Lebanon and Syria. This settlement established values of free movement of goods and people and developed freedom of work, residence, and economic activity for nationals of both countries. Since the start of the Syrian conflict, it has also governed the entry of Syrian refugees into Lebanon through official border passageways.<sup>80</sup>

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<sup>80</sup> Janmyr, M. (2016). THE LEGAL STATUS OF SYRIAN REFUGEES IN LEBANON. Issam Fares Institute for Public Policy and International Affairs. Retrieved from: [http://website.aub.edu.lb/ifi/publications/Documents/working\\_papers/20160331\\_Maja\\_Janmyr.pdf](http://website.aub.edu.lb/ifi/publications/Documents/working_papers/20160331_Maja_Janmyr.pdf)



For instance, as countries around the world have turned their backs on refugees, Lebanon is accommodating a probable of 1.5 million Syrians, by far the uppermost number of refugees per capita in the world. Lebanon made significant commitments to refugee rights, comprising citizenship status, education, legal protection, and non-refoulment, the prevention of returning people to places where they are in danger.<sup>81</sup>

As stated above, the Lebanese law gives the impression to withstand discrimination in numerous ways, and the necessities associated with education, employment, right to birth registration, right to identification, and right to own property favor the Lebanese citizen and therefore end in de facto discrimination. However, there is nothing more problematic than dealing with the Syrian crisis and its social, living, economic, security, and political outcomes. Nevertheless, at the same time, the aftermaths of the Syrian refugee crisis on the lives and living circumstances of the Lebanese cannot be disregarded, as the war struggles on with no end in prospect. With its modest resources and political conditions, the Lebanese state is incapable of consolidating its citizens' affairs appropriately. It is delusional to presume that it will manage the affairs of others on Lebanese territory.<sup>82</sup>

To illustrate, no one can comprehend the condition of refugees, displacement, and migration better than the Lebanese people, who have suffered from the civil war for extended years.

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<sup>81</sup> Human Rights Watch. (2018). Refugee Rights in Lebanon Not Up for Debate. Executive Magazine. Retrieved from: <https://www.hrw.org/news/2018/07/04/refugee-rights-lebanon-not-debate>

<sup>82</sup> Awada, W. (2017). Syrian Refugees in Lebanon: A Crisis with Many Heads. Peace Building in Lebanon Project. Vol: 16. Retrieved from: <http://www.lb.undp.org/content/dam/lebanon/docs/CrisisPreventionRecovery/SupplementArticles/16Supp/PEAC%20BUILDING2%2016%20july%202017%20p16.pdf>

An expected 10% of the Lebanese population, around 400,000 individuals, live with a disability in Lebanon. The number of Persons with Disabilities in Lebanon augmented with the influx of refugees because of the adjoining war in Syria. Discrimination against persons with disabilities pontificated under Law Number 11/73, which was modified by Law 243/93. This law outlines disability and specifies that the State, in association with the public administration, the private sector, and international organizations, is responsible for providing amenities and facilitation for education, work, health, and social life. Also, law Number 220 develops protection through the introduction of a "card" which allows persons with disability to access supplies included in this law, such as medical care, regular movement, living in specially designed houses, education in all public and private schools, sports activities, work, social services, and financial necessities.<sup>83</sup>

According to the requirements of this law, the Ministry of Health and Social Affairs should regularly develop awareness-raising campaigns concerning the rights of the disabled. Like many others, this law expects enforcement. Nationally, following the pressure from civil society, Lebanon implemented Law 220/2000 on the rights of persons with disabilities in 2000. However, this law, and following legislation and policies, does not comprise a rights-based tactic to a disability, as an alternative adopting an outdated medical model of disability. Law 220/2000 has a narrow definition of disability, which, in practice, has disqualified disabilities that are not strictly physical. It also sets out no implementation instruments on several matters; a clear example is the enclosure of persons with disabilities into the labor market.

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<sup>83</sup> Baroud, M. (2017). IMPROVING HEALTHCARE ACCESS FOR PERSONS WITH DISABILITIES IN LEBANON: TOGETHER FOR JUSTICE IN SERVICE PROVISION. AUB Policy Institute. Retrieved from: [https://website.aub.edu.lb/ifi/publications/Documents/policy\\_memos/2017-2018/20171215\\_improving\\_health\\_access.pdf](https://website.aub.edu.lb/ifi/publications/Documents/policy_memos/2017-2018/20171215_improving_health_access.pdf)

Furthermore, additional problems with the Lebanese legal context strongly affect persons with disabilities, mainly the laws on mental health and nationality, and the deficiency of a law setting a minimum age of marriage. As widely noted in the literature, the main problem with Law 220/2000 is that it has not been realized and enforced by the State. In some cases, well over a decade after the adoption of this law, the ministries did not deliver any request decrees. The Lebanese government and parliament have taken a course of procrastination on the rights of persons with disabilities. They have done almost nothing to set up the rulings, measures, policies, budget lines, and public bodies that are either predictable under Law 220/2000, or demanded by associations of persons with disabilities and other human rights administrations.<sup>84</sup>

b. Non- Discrimination in Practice:

Despite legislative improvements, children with disabilities endure discrimination, mostly with regards to health care, admission to specialized series, family support, and education. There are reports that children with disabilities are regularly institutionalized. The Ministry of Social Affairs continues to afford funding to institutions for disabled people. The institutionalization of disabled children may not only create discrimination but may also be against the child's best interest, as demarcated in the CRC. For instance, children who are blinded and those who sit in a wheelchair are mentally healthy and can think and understand similar to any healthy child. These children should be put in schools and not in institutions. The Human Rights Watch researchers state that although the Lebanese law explicitly forbids schools from discriminating against children with

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<sup>84</sup> Combaz, E. (2018). The situation of persons with disabilities in Lebanon. Independent researcher and consultant in social sciences. Retrieved from: [https://assets.publishing.service.gov.uk/media/5b584da340f0b633af812655/Disability\\_in\\_Lebanon.pdf](https://assets.publishing.service.gov.uk/media/5b584da340f0b633af812655/Disability_in_Lebanon.pdf)

disabilities in enrollment decisions, admission to public and private schools endures depending on the decision of teachers and school directors, which leads to the rejection of many children. Most public and private schools that Human Rights Watch investigated in lacked reasonable and suitable accommodations that safeguard a learning environment in which all children can take part completely.<sup>85</sup>

Unfortunately, children and youth with disabilities in Lebanon, have little admission to education and learning occasions, whether public or private, mainstream or specialized, formal or non-formal. Persons with disabilities are generally deprived of their right to education, and do not have equal access to education equated to persons without disabilities. Moreover, the law specifies that 3% of all government and private sector positions should be occupied by persons with disabilities, provided that they have the qualifications. This law is not accomplished or enforced.<sup>86</sup>

Nevertheless, if this law was enforced, 3% is a small percentage that reduces the chance of persons and children with special needs to enter work. In other words, this percentage minimizes the chances of the children with disabilities of age 16 or 17 to have an accommodation in any work that permits them to receive revenue to help their parents to afford the payments for the school that he chose to learn in it.

Furthermore, the law 220/2000 for the Rights of the Disabled commands the complete treatment of healthcare services for all Lebanese People with Disabilities. However, no execution decrees

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<sup>85</sup> Human Rights Watch. (2017). "I Would Like to Go to School": Barriers to Education for Children with Disabilities in Lebanon. Retrieved from: <https://www.hrw.org/report/2018/03/22/i-would-go-school/barriers-education-children-disabilities-lebanon>

<sup>86</sup> Shamji, Y. (2007). "Our Voice" - A Project by Children and Youth with Additional Needs: A Children's Participation Case Study from Lebanon. Children, Youth, and Environments. Pushing the Boundaries: Critical International Perspectives on Child and Youth Participation. Vol: 17. Pages: 66-83.

have been issued for the law. Up until May 2015, only 90,583 Lebanese were disability cardholders, possibly due to the simple definition for disability agreed by the law, and to favoritism swaying its delivery. Even with a disability card, PW Ds are sometimes deprived of care by organizations, stating that ministries are late to compensate them for the provided services. As for refugees with disabilities, coverage by humanitarian agencies, they do not meet all their healthcare necessities. Although the UNHCR promotes 75-90% of secondary care, recipients are required to cover the remaining 10-25% of the cost of amenities, which is often difficult due to their financial conditions.<sup>87</sup>

### c. International Treaties and Organizations Working against Discrimination:

The Convention on the Elimination of all Forms of Discrimination Against Women is an international treaty adopted in 1979 by the United Nations General Assembly. Together, the two conventions deliver the international legal outline to report the rights of women and children. Both Conventions are based on the ethics of human rights as universal, interdependent, and inseparable. Together, they form an indispensable framework for developing policies to uphold and protect girls' and women's rights during the life cycle and to remove discrimination and inequality determinedly.<sup>88</sup>

Moreover, Lebanese NGOs such as Care, Tahaddi, Children of Lebanon, and others are working on providing support for children experiencing any form of discrimination.

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<sup>87</sup> Baroud, M. (2017). IMPROVING HEALTHCARE ACCESS FOR PERSONS WITH DISABILITIES IN LEBANON: TOGETHER FOR JUSTICE IN SERVICE PROVISION. AUB Policy Institute. Retrieved from: [https://website.aub.edu.lb/ifi/publications/Documents/policy\\_memos/2017-2018/20171215\\_improving\\_health\\_access.pdf](https://website.aub.edu.lb/ifi/publications/Documents/policy_memos/2017-2018/20171215_improving_health_access.pdf)

<sup>88</sup> Khattab, M. (2006). The elimination of all forms of discrimination and violence against the girl child. UNICEF Innocenti Research Centre. Florence: Italy. Pages 1-11.

## 2- a. Participation:

The CRC launches the right to the age-suitable participation mentioned in articles 12, 15, 17, 23, 29, and 31. A Save the Children Sweden document states that through their participation, children as decision-makers on issues that affect their lives, is essential to ensure comprehensiveness and ownership, create democratic societies, reduce dependency and achieve a broader impact. Full application of a child's right to participate requires that all duty carriers, parents and states alike, emancipate children with age-appropriate information and talents, and listen and participate in children's views into decisions, actions, or policies that affect them. While promoting the importance of participation, the CRC identifies the importance of applying all rights and obligations within the local social, cultural, and political framework. For instance, dropping the voting age is a sound mechanism to improve elections. It carries additional competent individuals with a stake in electoral consequences into the democratic process. Consequently, lowering the voting age can generate a habit of voting and raise the overall turnout in later years.<sup>89</sup>

Currently, there is no legal context in Lebanon to safeguard child participation. For instance, the authorized age to vote is 21, although there is a discussion about dropping it to 18. Children are prohibited from establishing associations until the age of 20 and may not be part of an association until they reach the age of 18.<sup>90</sup>

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<sup>89</sup> Douglas, J. (ND). IN DEFENSE OF LOWERING THE VOTING AGE. University of Pennsylvania Law Review Online. Vol: 165. Pages: 1-9.

<sup>90</sup> Quintelier, E. (2007). Differences in political participation between young and old people. Catholic University of Leuven, Belgium. Contemporary Politics, Vol: 13, Pages: 165- 177.

Lowering the age of voting to 18 may be disadvantageous. Individuals' brains are not entirely developed to make proper reasoning decisions until about the age of 21, or perhaps until the age of 24 or 25. Also, young people have less interest in politics. Due to the lifecycle, young people of this generation in Lebanon have fewer reasons to participate in elections. Several young people are not interested in politics because they do not have factors such as a house, stable residence, children which make them more likely interested to get involved in political participation.<sup>91</sup>

Remarkably, the Lebanese law denies Palestinian and Syrian children of their right to form organizations since two-thirds of the members of each association must have Lebanese affiliation. The new school prospectus, nonetheless, can be considered an indirect tool to enlarge child involvement. The new school curriculum was presented in 1999 and was formed with the assistance of the World Bank. This curriculum offers participatory learning methods, inspires extra-curricular activities, and creates channels for child participation such as complaint boxes, class representatives' elections, and student involvement in cultural and artistic activities through clubs. Nevertheless, it has been testified that the new curriculum has not been fully implemented in some schools.

#### b- International Treaties and Organizations Working towards the Right of Children to Participation:

The right of the child to be heard and taken seriously is a vital principle of the Convention. Children have the right to liberally express their opinions on all matters and decisions that touch them and to have those interpretations taken into consideration at all levels of society. It is not only a right

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<sup>91</sup> UNICEF. (2009). The participation of children and young people in UNICEF country program and national committee activities. Retrieved from: [https://www.unicef.org/adolescence/files/Desk\\_study\\_on\\_child\\_participation-2009.pdf](https://www.unicef.org/adolescence/files/Desk_study_on_child_participation-2009.pdf)

in itself, but it should also be considered in the clarification and implementation of all other rights. The Committee highlights that children have the right to participate in Day of General Discussion on an equal basis and play a significant role in enabling the Committee and related stakeholders to understand better the issues associated with the implementation of the Convention. Children are encouraged to freely and enthusiastically participate in DGDs and to share their knowledge, skills, views, experiences, and commendations. To that end, States, United Nations bodies and specialized agencies, NGOs, national human rights institutions, the business sector, and other appropriate participants have a responsibility to encourage and maintain the participation of children.<sup>92</sup>

International and national organizations have pushed the government to develop several activities to strengthen the implementation of child participation. For instance, the Youth Cabinet was well-known in 1999 with UNICEF's support. It delivers significant developmental benefits for children and adolescents, as well as, their families and communities and increases opportunities for interaction. Also, it allows them to improve the capabilities and confidence they need in order to play an active role in society. Young people can contribute vital perceptions to their needs and the issues that disturb them. They also transfer fresh ideas, creativity, and energy to resolve problems and build a healthy society.<sup>93</sup>

Also, the "My right to participate" program was implemented by the Higher Council of Childhood. This program consists of six discussion panels for children, concluded by a work session with

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<sup>92</sup> Committee on the Rights of the Child. (2018). Working methods for the participation of children in the days of the general discussion of the Committee on the Rights of the Child. Pages 2- 13.

<sup>93</sup> UNICEF. (2009). The participation of children and young people in UNICEF country program and national committee activities. Retrieved from:  
[https://www.unicef.org/adolescence/files/Desk\\_study\\_on\\_child\\_participation-2009.pdf](https://www.unicef.org/adolescence/files/Desk_study_on_child_participation-2009.pdf)



Lebanese Members of Parliaments. Children's Municipality Councils started in 1999. Sixteen Children's Municipal Councils have been operative since 2003. This project objective is to train children on democratic practice and to comprise them in the local community decision-making process, mainly regarding environmental apprehensions.<sup>94</sup>

Also, there are currently efforts to start a Youth Shadow Cabinet, an idea that has been arranged by the prevailing cabinet. This project was initiated by a leading Arabic Newspaper, Al Nahar, who has supported the issue of youth through the publication of a weekly supplement—Nahar of the Youth. It has to be noted that this 'youth' initiative includes people up to 30 years old. The Lebanese National Committee of the Mediterranean Youth Parliament and the Goethe-Institute launched a new inventiveness in 2007 to form a Mediterranean Youth Parliament, under the banner "Diversity Dialogue Solidarity." Finally, the Human rights Child Cabinet has recognized a specialized committee on child participation whose command will be to encourage child participation as a cross-cutting issue in the 11 national committees. To this day, no action has been taken in this concern.<sup>95</sup>

#### B- Protection: Law and Practice:

Protection measures under the Lebanese law are driven by a criticism related to the juvenile court by one of the following parties: the child, parent or legal caretaker, social worker, public ministry, or any party that notifies the public ministry of a condition in which a child is at risk. In the case of a substitute, the juvenile court judge can personally address this matter. Law number 422 offers

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<sup>94</sup> Baassiri, R. (2011). Child Rights: Situation Analysis in Lebanon. Save the Children Sweden. Pages 3- 150. Retrieved from: <https://resourcecentre.savethechildren.net/sites/default/files/documents/5759.pdf>

<sup>95</sup>Woodhead. M. (2014). Early Childhood Development Delivering inter-sectoral policies, program and services in low-resource settings. The Open University; Associate Research Director, Young Lives, University of Oxford; Vice-Chair of Trustees, UNICEF UK. Pages: 4- 104.

the basis for children facing interpersonal violence to be provided with treatment and socio-educational maintenance. It also entails a social worker's existence during all stages of the trial and delivers rehabilitative measures for children in conflict with the law. According to The University's Center for Family and Community Health, Saint-Joseph University notes that a careful reading of significant articles in the Lebanese Penal Code and the Minor's Law 422/02 exposes requirements for legal and psychosocial responsibility towards children who are victims of violence.<sup>96</sup>

Suspected weakness in Law 422 comprises several problems. It does not argue extraterritorial abuse, honor crimes, or physical punishment. It attributes for reduced sentences for individuals who have battered children and, at the same time, does not offer rehabilitative procedures for abusers. It does not state the detention of pregnant women/children born in guardianship. There is no edge to the time a child can be imprisoned. Doctors are under a legal responsibility to report conceivable abuse cases, and this establishment is not mentioned within the law 422. Teachers and other caregivers are not required to do so. Strains between the Penal code and Law 422/02 act to weaken the protection of the best interest of the child. Law 422/02, which suggests the most global protection for children, appears to be in direct tension with earlier laws, such as the Penal code, in specific situations distressing children and child protection. For instance, under Law 422/02, a child involved in prostitution is labelled as 'endangered' and should be sheltered. Similar disagreements are originated in regard to minors who abuse substances, vagabondage, and deception. In practice, this means that the governing judge can make decisions that could lead to the guard or arrest of a child, for the same condition. This is of concern because it permits for

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<sup>96</sup> Child Rights International Network. (2012). LEBANON: NATIONAL LAWS. Retrieved from: <https://archive.crin.org/en/library/publications/lebanon-national-laws>

actions that could contradict the spirit of child protection and the child's best interest by allowing space for personal and social discriminations to affect the well-being and best interests of the child disproportionately. Though a combining law is presently being drafted there seems to be a deficiency of precise legal regulation on many concerns in its absenteeism. To illustrate, this tension is reoccurring and prominent in all protection subjects. Initial research proposes that in practice this may not be a considerable problem; the Juvenile Court depends on most severely on Law 422/02. In some cases, nevertheless, the Penal Code delivers more security than Law 422. For instance, it affords for the sentence of the abuser. Law 422 provides for reduced retribution for abusers.<sup>97</sup>

1- a. Early Marriage:

Child marriage is a serious problem in Lebanon, for it is still prevailing in the society. There is no approved minimum age of marriage in Lebanon. In Lebanon, 18 diverse religious sects are legitimately acknowledged by the laws of Lebanon, four are Islamic, one Israeli, and the others are all Christian factions. The age of permissible marriage in Lebanon differs and is ruled by 15 personal status laws for 18 of Lebanon's religious values and can range from the offset of puberty to 18. Each of the country's 18 documented religious denominations has its standing laws and religious courts. The age for marriage for females tends to be lower than males. In Lebanon, marriage falls under the power of the family status laws based on the religious- sectarian court systems. Each religious community has set a minimum age for marriage. The age for marriage is

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<sup>97</sup> Targeted News Service. (2017). Committee on the Rights of the Child Examines the Report of Lebanon. United States: Washington. Retrieved from: <https://search-proquest-com.neptune.ndu.edu.lb:9443/docview/1900346381/citation/EBC22C6A4C39400DPQ/1?accountid=28281>

mostly connected to adolescence or the age in which men and women develop the 'physiological' capacity for reproduction.<sup>98</sup>

Court establishments can, in specific cases, lower the marriage age. When sighted lowering the age of marriage, the authorities reflect the structure, social duties, and traditions of the two involved families and their educational level. Also, governments require taking precise and reliable legislation that establishes 18 as the minimum age of marriage. Adequate precautions must be in place to ensure that parental agreements or other exclusions are not used to force girls into marriage. Notably, under traditional Islamic law, a girl is considered prepared for marriage from her first menstruation, with 9 years of age as the lower edge. There are verified exceptional cases in which religious authorities have overruled the minimum age and permitted younger marriages. The CEDAW and CRC Committees have frequently called upon Lebanon to adopt a unified personal status law guaranteeing that the legal age for marriage, the right to full consensus, and the spouse's choice is in line with international legal principles. For a breakdown of the marriage age for the dominant confessions, consider the table shown below.<sup>99</sup>

Religious Community	Legal age of marriage (Girls age)	Legal age of marriage (Boys age)
Sunni	17	18
Shiite	9	Puberty

<sup>98</sup> Khaled, N. (2013). From Strangers to Spouses: Early Relational Dialectics in Arranged Marriages among Muslim Families in Lebanon. *Journal of Comparative Family Studies*; Calgary. University of Calgary, Department of Sociology. Vol: 44. Page 387.

<sup>99</sup> Daniel, M. (2013). EARLY MARRIAGE OF YOUNG AND ADOLESCENT GIRLS: CAUSES AND IMPACT ON CHILDREN AND SOCIETY. Unified Initiative for a Drug-Free Nigeria (UIFDN). Lagos, Nigeria. Pages 1- 8. Retrieved from: <https://wyf.org.my/wp-content/uploads/2016/06/Paper-Presentation-1-Early-Marriage-of-Young-and-Adolescent-Girls.pdf>

Druze	17	18
Catholic	14	16
Greek Orthodox	18	18
Armenian Orthodox	15	18
Syriac Orthodox	14	18
Evangelistic	16	18
Assyrian Orthodox	15	18
Israeli	12.5	18

b. Early marriage in practice in Lebanon:

According to Claudine Aoun Roukoz; she believes that the continued acceptance of Child Marriage and the circumstance where the law does not impose a minimum age for marriage is a further indication of the failure of legislation to keep up with variations in the status of women and the roles they perform in society. Also, the UN Special Coordinator for Lebanon Pernille Dahler Kardel encourages Lebanese legislators to enact and maintain laws that would abolish child marriage in Lebanon. This would be a vital step towards ending this destructive practice, protecting the rights of children, and safeguarding the society’s overall welfare.<sup>100</sup>

Development organizations and human rights groups are progressively focusing on eliminating early marriage, particularly among Syrian refugees escaping terrible political violence since 2011. Marriage under the age of 18 is related to a variety of negative consequences, including girls'

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<sup>100</sup> Daily Star. (2018). UN launches campaign to end child marriage in Lebanon. Retrieved from: <http://www.dailystar.com.lb/News/Lebanon-News/2018/Nov-25/470045-un-launches-campaign-to-end-child-marriage-in-lebanon.ashx>

increased health risks and rights violations. Married adolescent girls have a higher likelihood of early motherhood, with the subsequent risks of augmented maternal, perinatal, and infant mortality and illness. They often suffer from an absence of knowledge about their procreative health or the health requirements of their children.<sup>101</sup>

Lacking a current national population census, statistical data in Lebanon is restricted. Nonetheless, according to a 2016 UNICEF report, six percent of women in Lebanon aged between 20 to 24 got married before they turned 18 in 2010 with a 1.7 Total Fertility Rate for all married women in 2014. Child marriage gives the impression to be on the rise among the 1 million Syrian refugees in the country, with a study conducted in 2017, finding that 24 percent of refugee girls aged 15 to 17 are married. Also, 21.2% of Lebanese women controlled by their social and religious environments into getting married are under the age of 18. Women's rights organizations in Lebanon, including KAFA and ABAAD, have long worked on movements to set the minimum age for marriage at 18.<sup>102</sup>

Some women believed that getting married at 14 and 15 years old has increased in Lebanon due to their poor living situations and conflict in Syria. Two main drivers were distinguished: insecurity and poor financial condition in Syria. Parents were even sending their daughters from Syria to get married in Lebanon to assist them in outflowing the conflict.<sup>103</sup>

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<sup>101</sup> Knox, S. (2017). How they see it: young women's views on early marriage in a post-conflict setting. *Reproductive Health Matters, SUPPLEMENT 1: Gendered bodies and reproduction in the Arab countries and Turkey*. Taylor & Francis, Ltd. Vol: 25. Pages 96- 106.

<sup>102</sup> Human Rights Watch. (2017). Lebanon: Pass Bill to End Child Marriage. Retrieved from: <https://www.hrw.org/news/2017/04/12/lebanon-pass-bill-end-child-marriage>

<sup>103</sup> Zeinab, C. (2017). Early Marriage and Barriers to Contraception among Syrian Refugee Women in Lebanon: A Qualitative Study. *International Journal of Environmental Research and Public Health*. Switzerland, Basel. Vol: 14, Page 836.

However, in 2010, 18.9% of all Palestinian refugee women in Lebanon were married before they were 18, with a Total Fertility Rate of 3.2 for all married Palestinian women in 2014. In Lebanon, personal status codes regulate different legal ages for marriage based on the diverse religious sects. In Lebanon, Palestinian refugees mostly adhere to the Lebanese Sunni court, where the legal age of marriage is 12 for boys and 9 for girls. Based on the academic and development literature, multifaceted tragedies are linked to a growth in early marriage in, often in an effort to guard daughters against violence or sexual spreads.<sup>104</sup>

Furthermore, during the Ottoman Empire, Lebanon was a region subject to Ottoman legislation, which was motivated by the French Penal Code of 1810. After World War I, and the fall of the Ottoman Empire, the French Mandate for Syria and Lebanon was established in the country. During this period, the Ottoman law continued to be practical until the creation of the Lebanese Penal Code in 1943, which was taken from the French Penal Code of 1810. Article 522 of Lebanese Penal code permitted men, who had been sentenced to committed sexual attack, kidnapping, or statutory rape against a woman, to escape the penalty of no less than five years of hard labor if a legal agreement of marriage could be delivered. Article 522 was legitimately acknowledged to the Lebanese Penal Code in February 1948. Its original form specified: "If a valid contract of marriage is made between the perpetrator of any of the offenses mentioned in this section and the victim, the prosecution is suspended. If a judgment was already passed, the implementation of the punishment is suspended".<sup>105</sup>

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<sup>104</sup> Knox, S. (2017). How they see it: young women's views on early marriage in a post-conflict setting. *Reproductive Health Matters, SUPPLEMENT 1: Gendered bodies and reproduction in the Arab countries and Turkey*. Taylor & Francis, Ltd. Vol: 25. Pages 96- 106.

<sup>105</sup> The Peninsula. (2016). Lebanese lawmakers set to scrap law forgiving rapists who marry victim. SyndiGate Media Inc. United States.

c. International treaties and organizations working against early marriage:

In Lebanon, women's rights activists believed they were self-assured that lawmakers were set to eliminate a law that pardons convicted rapists of their punishment if they marry their victim. Members of the Lebanese parliamentary committee for administration and justice approved to acquiesce a proposal to eliminate Article 522. Afterward, articles 505 and 518 instruct that the rape section would still apply when a sexual attack is committed against a girl between 15 and 18, and there is consent or a prior promise of marriage.<sup>106</sup>

Civil society groups in Lebanon have also been struggling to end child marriage in the country. Lebanon has no minimum age for marriage, and its civil code modifiable personal status matters lack such guidelines. A draft law presented to the parliament 2 years ago seeks to set a minimum age of 18.<sup>107</sup>

Moreover, the United Nations in Lebanon and the National Commission for Women lead a 16-day campaign to increase consciousness among people about the penalties and belongings of gender-based violence and gender inequality in Lebanon. The campaign emphasizes called for concerned establishments to end child marriage in Lebanon, especially since child marriage upsurges the likelihood of girls being exposed to domestic violence, including physical, sexual, and psychological abuse. In this regard, the United Nations special coordinator for Lebanon, Pernille Dahler Kardel, encouraged Lebanese lawmakers to ratify laws that would diminish child marriage in Lebanon. “This is a vital step in ending this dangerous practice by

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<sup>106</sup> Op.Cit.

<sup>107</sup> Najjar, F. (2017). The scrapping of Lebanon rape law 'is one small step'. Middle East. Al Jazeera. Retrieved from: <https://www.aljazeera.com/indepth/features/2017/08/scrapping-lebanon-rape-law-small-step-170818142722481.html>



protecting the rights of children and safeguarding the complete welfare of society.” In turn, Claudine Aoun Roukoz believed that the persistent approval of child marriage and the absence of a law that enforces the minimum age for marriage are another resistants’ of the disappointment of legislation to uphold the pace of change in the status and role of women in the social order.<sup>108</sup>

The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages mentions that all States including those which undertook responsibility for the administration of Non-Self-Governing and Trust Territories should take all appropriate measures to eliminate several liabilities such as prehistoric laws, the complete freedom in the choice of a spouse, eliminating child marriages and the betrothal of young girls before the age of adolescence, creating suitable penalties where necessary and launching a civil or another register in which all marriages will be recorded.<sup>109</sup>

Lebanon did not sign the Convention; thus, national and international communities are progressively identifying marriage before the age of 18 as a serious problem and a violation of girls' human rights and an interruption to national development aftermaths. Hence, CEDAW and several United Nations agencies such as UNICEF, UNFPA, and some NGOs such as ABAAD and KAFA believe that early marriage is one of the most inexcusable violations committed against young girls. They also think that girls are being sold under the cover of religious marriage; that's

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<sup>108</sup> National News Agency Bulletin. (2018). United Nations, National Commission for Women launch campaign to end child marriage in Lebanon. SyndiGate Media Inc. United States. Beirut.

<sup>109</sup> Sivaramayya. B. (1962). CONVENTION ON CONSENT TO MARRIAGE, MINIMUM AGE FOR MARRIAGE AND REGISTRATION OF MARRIAGES 1962, WITH SPECIAL REFERENCE TO INDIA. Journal of the Indian Law Institute. Indian Law Institute. Vol: 8. Pages 402- 412.

why they are working to prevent child marriage by organizing workshops to develop projects to promote child marriage rejection.<sup>110</sup>

2- a- Physical and humiliating punishment:

Since 2000, some legislative procedures linked to child welfare have been presented, most prominently Law 422 of 6 June 2002 on 'Protection of Children in Conflict with the Law or At Risk'. This law embodies the first and most significant effort to generate a legal agenda for the delivery of protective facilities. Principally, the law launches judicial processes for dealing with severe abuse, violence, neglect, and exploitation performed against children. For the first time, it creates the powers of children's judges and social workers to mark protective orders for children at risk. In other words, Law 422 included measures that have been put in place to guard the child against maltreatment and abuse, comprising expanding the protective measures a judge can issue and the number of persons who can generate protective procedures. Article 25 of Law 422/02, which most notably addresses the defense of a child from maltreatment or abuse, defines maltreatment as: "the act of mistreating a child by a person or a group of people, to whom the care of the child is given, whether they are adults or children intentionally, ignorantly or carelessly where these acts affect negatively and seriously the physical, mental, emotional, social health of the child affecting its development."<sup>111</sup>

Furthermore, a threatened youth is someone who is under 18 and lives in an environment that threatens his/her health and moralities. Also, it addresses the conditions of his/her background and

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<sup>110</sup> Lee-Rife, S. (2012). What Works to Prevent Child Marriage: A Review of the Evidence. Studies in Family Planning. Population Council. Vol: 3. Pages 287- 303.

<sup>111</sup> Bcheraoui, E. (2012). Physical and verbal/emotional abuse of schoolchildren, Lebanon, 2009. World Health Organization. Switzerland, Alexandria. Vol: 18. Pages: 1011-20.

if the child is subject to sexual attack or physical beating that exceeds the limits of what is believed culturally accepted as inoffensive physical punishment. A minor can be detached from an abusive context by a simple sign presented to the judge, or the prosecutor by a juvenile, his/her guardians, or a social worker as well as other concerned revelries. This law has several advantages. Most notably, the law can be activated by anyone aware of the abuse. The law also affirms the power of social workers in observing situations of abuse. Nevertheless, Law 422 has many significant limits and barriers particularly that the law emphasizes more on children in conflict with the law and does not deliver a series of welfare service procedures. It creates a 'last resort' reaction mechanism for children already in crisis. Professionals working under Law 422 have received limited specified skills-based training for applying the law's provisions. On a more practical level, the lack of standard operating procedures for implementing the law's requirements creates a significant obstacle. In the absence of additional protocols and management, those accountable for applying Law 422 often do so based on personal perception and experience than by professional codes. This law seems to be unpredictable with Article 184 of the Penal Code. Furthermore, the law allows for intervention on behalf of the victim but does not deliver sanctions for the criminal. Moreover, Article 186 of the Penal Code permits parents and instructors to use physical violence to the level acknowledged by general customs for safe punishment. Finally, it does not define what actions are measured injurious, leaving this distinction to the Judge's decision.<sup>112</sup>

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<sup>112</sup> UNHCR. (2013). Child Protection in Emergencies Working Group – Lebanon. Retrieved from: <https://data2.unhcr.org/fr/documents/download/37887>

## b. International Treaties and Organizations Working against Physical Punishment:

UNICEF launched "END violence" in 2013 in Lebanon and other countries. The main purpose builds on increasing public awareness that violence against children can no longer be allowed and can only be fixed by the collective efforts of ordinary citizens, policymakers, governments, and international stakeholders. UNICEF welcomes the varied participation from countries across the region, emphasizing the significance need of ending violence against children. This conference delivers an opportunity to become conscious of the overwhelming life-long influence of violence on children. UNICEF requests legislation and action from all parties and partners so that no child is raised under the tracker of violence declares Karin Hulshof, UNICEF Regional Director for East Asia and the Pacific Region.<sup>113</sup>

“WHO distinguishes the critical role of the health segment and stands committed to providing countries the sustenance they need to guard children from violence and its life-long significances to health," articulates Dr. Shin Young-soo, WHO Regional Director for the Western Pacific.<sup>114</sup>

The shelter's structure imitates the various types of maltreatment that abused children may face in Lebanese society. The children sent to the shelter have either been reported as abused or simply taken from the streets by the police, as child supply is prohibited under Law 422. It describes the protection system for children who are endangered or in conflict with the law.<sup>115</sup>

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<sup>113</sup> United Nations Children’s Fund. (2014). Ending Violence against Children: Six Strategies for Action. Child Protection Section Programme Division. USA:New York. Pages 1 -63.

<sup>114</sup> United News of India. (2018). To end violence against children: WHO, UNICEF launch INSPIRE. HT Digital Streams Limited. India, New Delhi. Page 2.

<sup>115</sup> Anthon, M. (2018). Labor of love: Local NGOs strive to help abused kids. SyndiGate Media Inc. The Daily Star. United States: Beirut.

Caring for abused kids Organizations such as the local NGO Himaya work on avoiding child abuse while presenting psychosocial care and legal supervision to victims. According to Maria Shaya, Himaya's communications director, abused children often don't have a secure place to where they can return, and so many finish up having to spend time in a juvenile jail, while they wait for a judge's decision, which has negative possessions on their mental health. According to Shaya, Himaya was initiated following the publication of a 2008 study by another NGO, Kafa, addressing gender-based violence and child abuse. Kafa's study found that almost one in six children is a victim of some form of sexual abuse. Himaya has practiced a surge in cases acquiesced over the years: In 2014, 711 instances of abuse were documented; by 2017, that number had moved up to more than 1,218.<sup>116</sup>

### 3- a. Working Children in Lebanon:

In Lebanon, the scene of street children reflects the deficiency of suitable housing, high levels of domestic violence, absence of education, and a general lack of childcare services in the communities. In addition, the high level of poverty is a significant factor that contributes to the working of children underage.<sup>117</sup>

Article 52 of the CRC establishes the guiding principles for developing a minimum age of employment. It does not, however, require the establishment of a single uniformity applicable age. It does necessitate the States provide a minimum age for admission to employment. Generally, ILO minimum age principles suggest that the minimum age for employment should be set

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<sup>116</sup> Anthon, M. (2018). Labor of love: Local NGOs strive to help abused kids. SyndiGate Media Inc. The Daily Star. United States: Beirut.

<sup>117</sup> Motala, S. (2003). Exposed to Risk: Girls and Boys Living on the Streets. Taylor & Francis, Ltd. on behalf of Agenda Feminist Media. Agenda: Empowering Women for Gender Equity. Vol: 56. Pages 62-72.

according to the age of completing compulsory education and should not be less than 15. Though, this number can be reduced in some circumstances to 14 years of age. Exceptions include light work for ages 12 and 13 years where the economy and educational facilities are insufficiently developed and risky work 18 years.<sup>118</sup>

Lebanon ratified ILO Conventions 138 and 182 and revised some of its law accordingly. The 1996 Lebanese labor code sets the minimum working age at 14 years. The new draft Labor Code aims to raise the age from 14 to 15 years. The labor code also prohibits the employment of children under 15 in employments that could be detrimental to their health, and the employment of persons under 16 for jobs that are dangerous to their life, health, or morals. In 1999, an amendment to the code limited the working hours of persons under 18 to six hours a day and guaranteed the right to at least 13 hours of rest between working periods.<sup>119</sup>

Once children are employed, there is a supplementary set of protection measures in the Labor Code. Article 23 sets a maximum number of working hours per day and allows a compulsory daily, weekly and annual breaks for children under 18. Children should only work for a maximum of six hours per day and must obtain a break of at least one hour for every four successive hours worked. Additionally, the law forbids night-shift work between the hours of 7 pm and 7 am providing 13 hours of rest between the two work periods. Additionally, the law requires that employers must afford an annual leave of 21 days upon the accomplishment of the employees first year of employment.<sup>120</sup>

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<sup>118</sup> Jain, S. (1981). CHILD LABOUR. Journal of the Indian Law Institute. Indian Law Institute. Vol: 23. Pages 336-348

<sup>119</sup> Osseiran, H. (2012). Action against child labor in Lebanon: A mapping of policy and normative initiatives. International Labour Organization Regional Office for Arab States. Pages 3- 99.

<sup>120</sup> Chahda, N. (N.D). An Insight into Child Labor among Iraqi Refugees in Lebanon. Caritas Lebanon Migrant Workers. Pages 7- 51. Retrieved from:

Referring to the international treaties, children under the age of 15 are not permitted to work. Due to the challenging economic and living circumstances of many Lebanese families and the situation of Syrian refugees, the number of child laborers is aggregating in workplaces that lack the lowest settings for a safe milieu.<sup>121</sup>

#### b. Working Children in Practice:

On a local level, in Lebanon, a demographic analysis designates that most of the street children are of a non-Lebanese origin, the majority being Syrian or Palestinian refugees. Street children of Lebanese origin are more likely to come from the poorer North, South, and Bekaa zones.<sup>122</sup>

A study done in 2015 demonstrated that over 1,500 children in Lebanon are exploited in street-based child labor. According to the deputy regional director of the International Labor Organization the problem is controllable. The report also mentioned that 73% of those 1,500 children are from Syria; knowing that Lebanon hosts more than 1 million Syrian refugees where half of them are children who escaped their country's continuing civil war.<sup>123</sup>

Nowadays, the Lebanese government still don't have an actual plan for the return of the Syrians which make it impossible to reduce the percentage of children working on the streets. How about

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<https://resourcecentre.savethechildren.net/sites/default/files/documents/child-labor-among-iraqi-refugees-in-lebanon.pdf>

<sup>121</sup> Zaatari, M. (2017). Child labor on the rise due to the economic situation. The Daily Star. Retrieved from: <http://www.dailystar.com.lb/News/Lebanon-News/2017/Oct-20/423281-child-labor-on-the-rise-due-to-economic-situation.ashx>

<sup>122</sup> El Asmar, M. (2013). On the Issue of Street Children in Lebanon. Capstone Project. Pages 3- 28. Retrieved from: <http://mepitl.lau.edu.lb/images/FinalVersionCapstoneMargeritta.pdf>

<sup>123</sup> The Daily Star. (2015). Over 1,500 children working in streets across the country. SyndiGate Media Inc. Retrieved from: <https://search-proquest-com.neptune.ndu.edu.lb:9443/docview/1655408840/citation/7D51AD500DCD4483PQ/7?accountid=28281>

the percentage of Lebanese children living in the streets every day? There is no accurate data that includes the percentage of the number of children working on the streets in the present days.

Children in Lebanon and most Arab countries are regularly engaged in small unsafe industries, including artisan production, trades, service, agricultural sector, and housing assistants. Such workplaces are expected to be more hazardous to the health of working children than major industries, specifically if they were looked after by a family member or a friend. However, children working in artisan and mechanics shop under poor sanitary conditions with almost non-existent engineering or personal protective actions suffer from physical anxiety, long hours of work, low wages, and high exposure to noise and chemicals. When their health was compared with that of non-working school children, alterations were not remarkable. However, prominent differences were recognized when subclinical neurotoxic effects of solvents were examined.<sup>124</sup>

#### c. Measures Taken to Forbid Children from Intervening in Dangerous Work:

On a larger scale, the Labor Ministry and the ILO teamed up to produce the National Action Plan to Eliminate the Worst Forms of Child Labor by the end of 2016, which was presented to the previous President Michel Sleiman and other ministers and parliamentarians on November 7.<sup>125</sup>

However, no follow-up measures to this project were taken after the appointment of the new President of Lebanon, Michel Aoun.

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<sup>124</sup> Iman, N. (2006). Child labour in Arab countries: Call for Action. BMJ Publishing Group LTD. London: UK. Vol: 333. Page 861.

<sup>125</sup> Stoughton, I. (2013). Solving Lebanon's child labor crisis. McClatchy - Tribune Business News. Tribune Content Agency LLC. United States: Washington



#### 4- a. Children in Armed Conflict:

There is no law forbidding the use or recruitment of children in armed conflict. Lebanon signed but not ratified the Optional Protocol to the CRC addressed to the contribution of children in armed conflict. The existing focus of political parties on political clashes rather than on legislative reform, mainly human rights legislation, has contributed significantly to the delay in ratifying the Optional Protocol. Also, Lebanon has not authorized the Paris Commitments to guard children against illegal recruitment or use by armed forces or armed groups, which endorses existing international standards connecting to the shelter of children from participation in armed conflict. The Paris Commitments were recognized by 58 states at a meeting prepared by the French Government and UNICEF in February 2007. Lebanese legislation comprises no provision criminalizing the enrolment of child soldiers.<sup>126</sup>

Compulsory military service was abolished by a governmental decree on the 4<sup>th</sup> of February 2005, which officially came into effect in February 2007. The law states that no persons under the age of 18 are permitted to join the armed forces, even on a charitable base. Regrettably, the government and the security forces are principally unable to monitor the practice of children in conflict, mainly in zones where it has restricted existence and control. At present, Future, Hezbollah, Amal, and other faction and political armed groups do not have a public child protection strategy.<sup>127</sup>

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<sup>126</sup> COALITION TO STOP THE USE OF CHILD SOLDIERS (2007). Lebanon: The vulnerability of children to involvement in armed conflict. London: UK. Page 6. Retrieved from: [https://reliefweb.int/sites/reliefweb.int/files/resources/A3FEA4062788DA6C8525736A00656809-Full\\_Report.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/A3FEA4062788DA6C8525736A00656809-Full_Report.pdf)

<sup>127</sup> Immigration and Refugee Board of Canada. (2015). Lebanon: The date when the law abolishing compulsory military service came into effect. Page1. Retrieved from: <https://www.justice.gov/sites/default/files/pages/attachments/2015/09/29/lbn103352.e.pdf>

### b. The Practice of Children in Armed Conflict:

Child soldiering practices in Lebanon exist among some armed political groups effective in the country. Through the years, these practices have not ended but they have, instead, improved in appearance from blunt and absolute participation as soldiers in frontline battles. Children are provided with numerous forms of military training and political instruction, mainly as part of school prospectuses or as youth summer camps organized by political parties or under the umbrella of security corporations.<sup>128</sup>

Some children in Lebanon experience military training by the youth -scout wings run by most political parties; some are elaborated in armed groups comprising Amal, the Syrian Nationalist Party, and Hezbollah. Although confidentiality around these youth wings and their activities make it extremely challenging to estimate the extent of the contribution. Hezbollah used child soldiers as young as 10 before 2001. There was no record of Hezbollah using under-18s during the 2006-armed conflict. Though, there are reports of military training provided to children connected with Hezbollah through the al-Mahdi brigades, a social group encompassed of children under 15. Hezbollah allegedly donated to reestablishing the livelihoods of families affected by armed conflict and helped thousands of children to pursue and/or continue their education. However, at present, the group does not have a documented child protection procedure. Also, other armed groups, including Amal, Fatah al-Islam, and the Palestinian parties do not have a specified child protection plan.<sup>129</sup>

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<sup>128</sup> Karam, A. (2011). University Students' Awareness and Perceptions of Child Soldiering Practices in Lebanon. COLLEGE OF SOCIAL AND BEHAVIORAL SCIENCES. Walden University. Pages 1- 290.

<sup>129</sup> COALITION TO STOP THE USE OF CHILD SOLDIERS (2007). Lebanon, op.cit, Page 6

For instance, In June 2017, A Syrian child died, and seven Lebanese soldiers were injured in five attacks in the Aarsal region of northeastern Lebanon. Four other soldiers were also lightly wounded when another guerilla threw a hand grenade at an army patrol. Lebanese President Michel Aoun was quoted by many local media as saying that banished people's settlements have become mobilized camps rather than a place of refuge. Since August 2014, the situation is tense in the eastern and northeastern regions of Lebanon bordering Syria, where fighting between extremists and the Lebanese army started. Since that date, the Islamic State terror organization has kept nine soldiers and policemen hostage, with no news of whether they are still alive.<sup>130</sup>

c. International Treaties and Organizations Working against Children in Armed Conflict:

The Secretary-General is concerned by the growing number of verified cases of child victims in Lebanon as well as by reports of the enrolment and use of children by armed groups. He reiterates his call to the Government to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Children associated with parties to the conflict must be treated predominantly as victims and given reintegration support. The Government is commanded to guarantee a short period of detention, which is used only as a measure of last option, and to reflect substitutions to the detention of children formerly related to armed groups whenever possible. Armed groups are called upon to directly end the employment and use of children in armed conflict.<sup>131</sup>

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<sup>130</sup> EFE News Services, Inc. (2017). 1 Child killed, 7 soldiers wounded in several attacks in northern Lebanon: LEBANON CONFLICT. General Interest Periodicals—Spain. United States: Madrid.

<sup>131</sup> Office of the Special Representative of the UN Secretary-General for Children and Armed Conflict (May 2018). "Lebanon: Children and Armed Conflict", A/72/865-S/2018/465. Retrieved from: <https://childrenandarmedconflict.un.org/where-we-work/lebanon/>

The Child Soldiers Coalition, organized by the Lebanese NGO Permanent Peace Movement (PPM), upholds the campaign for the ratification of the Optional Protocol by Lebanon to stop the use of child soldiers. PPM's campaign pushes to form an agreement among all main stakeholders in Lebanon on the significance of ratifying and applying the Optional Protocol. The campaign emphasizes on civil society, including children and their families, educators, the media, and especially political leaders and parliamentarians. Until today, it calls on them to authorize this ratification from a child rights point of view, which puts children's interest first and sets apart political partitions.<sup>132</sup>

#### 5- a. Child Prostitution and Trafficked Children:

Lebanon has a tactical location in the Mediterranean region, and its position contributes to making it instantaneously a country of origin, passage, and destination for human trafficking. The main issue relating to Lebanon as a country of origin is internal trafficking, principally with Lebanese children who are subjected to forced labor in street, sexual exploitation through child prostitution, and early marriages. The trafficking of Lebanese and foreign children into street begging and sexual exploitation is quantitatively smaller but no less severe problem.<sup>133</sup>

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<sup>132</sup> COALITION TO STOP THE USE OF CHILD SOLDIERS. (2008). Child Soldiers. Retrieved from: [https://www.justice.gov/sites/default/files/eoir/legacy/2014/07/14/child\\_soldiers\\_2008\\_Global\\_Report.pdf](https://www.justice.gov/sites/default/files/eoir/legacy/2014/07/14/child_soldiers_2008_Global_Report.pdf)

<sup>133</sup> Harb, J. (2013). Trafficking in Human Beings in Lebanon. International Centre for Migration Policy Development. Vienna: Austria. Retrieved from: [https://docs.euromedwomen.foundation/files/ermwf-documents/8152\\_4.225.traffickinginhumanbeingsinlebanon.pdf](https://docs.euromedwomen.foundation/files/ermwf-documents/8152_4.225.traffickinginhumanbeingsinlebanon.pdf)

In October 2005, Lebanon signed and ratified the Trafficking of Children Convention and its supplementing Trafficking Protocol. Article 5 of the Trafficking Protocol entails States Parties to forbid trafficking in persons.<sup>134</sup>

On Thursday, August 4, 2011, the Lebanese Parliament approved an anti-trafficking law No. 164 that would modify the Lebanese penal code and criminal procedures to address the crime of trafficking in persons. The new law delivers a clear definition of trafficking, delineates victims of trafficking, and sets penalties for traffickers.<sup>135</sup>

#### b.Child Prostitution and Trafficked Children in Practice:

The Internal Security Forces Information Branch incarcerated 41 people, including 11 children, whom human traffickers were smuggling into Lebanon, based on a statement released by the security agency. The statement also stated that the ISF arrested five human traffickers in Al-Marj, in the western Bekaa region. All of the detainees were referred to the judiciary so that legal action can be taken against them.<sup>136</sup>

In addition, advocacy efforts were taken by a group of NGOs. They pointed to several weaknesses of the new legislation, specifically the law emphasizing exclusively on sentence rather than legislation that carefully grabs the problem of trafficking through prevention, prosecution, and protection. Law enforcement lacks the capacity in dealing with trafficking children as they

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<sup>134</sup> Smith, C. (2008). Measures to Prevent and Combat Trafficking in Human Beings: Lebanon Country Assessment. Technical assistance of UNDOC and in collaboration with UNICEF. Page 45. Retrieved from: <https://www.unodc.org/documents/human-trafficking/Lebanon-HTreport-Oct08.pdf>

<sup>135</sup> Op.cit.

<sup>136</sup> The Daily Star. (2018). ISF detains 46 in human trafficking crackdown. Retrieved from: <http://www.dailystar.com.lb/News/Lebanon-News/2018/Oct-12/466154-isf-detains-46-human-trafficking-crackdown.ashx>

perceive the child as a criminal and not as a victim. In addition, the victim can be detained until the penalties are decided upon; this process can occasionally take months and years. Migrant workers and refugees are the most vulnerable to such risk. Moreover, the burden of proof is on the victim to prove he/she is a victim, which is problematic to do for individuals in trafficking situations. It leaves the option of custody and prosecution of the victim under Lebanese law for crimes such as his/her illegal entry or residence in Lebanon or participation in illegal acts as a direct consequence of his/her situation as trafficked persons. Thus, the law fails to uphold international standards regarding the non-liability and punishment of the victims. Further, there are no exact provisions in the law addressing the special protection requirements of child victims.<sup>137</sup>

#### c. International Treaties and Organizations dealing with Child Trafficking:

In his speech to a Headquarters event co-hosted with the European Union following up in 2016 first-ever UN Summit for Refugees and Migrants, John Brandolino highlighted the significance of international treaties and agreements in addressing human trafficking. Mr. Brandolino stressed the fact that UNODC is also providing direct support to victims of trafficking in persons through the UN Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children. Around 2,000 victims a year are being provided with basic support, such as safe shelter, legal support, advice on victims' rights, a suitable treatment for physical and mental abuse, vocational training, creating small businesses, schooling for children, and basic health services.<sup>138</sup>

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<sup>137</sup> Rouhana, Z. (2010). Anti-trafficking legislation approved by the Lebanese Parliament. KAFA: Enough Violence and exploitation. Retrieved from: <http://www.kafa.org.lb/kafa-news/32/anti-trafficking-legislation-approved-by-the>

<sup>138</sup> UN News Centre. (2019). Treaties against human trafficking key to fighting the scourge, supporting victims. UNODC's Blue Heart Campaign against Human Trafficking. Retrieved from

Several local and international NGOs such as KAFA, ALEF- Act for Human Rights, Caritas Migrant Center, Heartland Alliance for Human Needs & Human Rights, World Vision- developed sequences of endorsements on the draft law to decision-makers. They encouraged Parliamentarians to make the law more comprehensive and in-line with international principles. Many of these recommendations were acknowledged and successively combined into the final approved law.<sup>139</sup>

Group of NGOs urged the creation of a national organizing body and action plan to improve mechanisms among the different Ministries and civil society to avoid and address human trafficking in Lebanon.<sup>140</sup>

According to the 2018 Trafficking in Persons Report, The Government of Lebanon does not entirely meet the minimum principles for eliminating trafficking; however, it is making significant efforts in this matter. The government reflected on growing efforts compared to the previous reporting period in 2015, 2016, and 2017. The government revealed increasing efforts by exploring and prosecuting considerably more trafficking cases and mentioning an increase in number of trafficking victims to NGO-run protective facilities. The government continued to partner with several NGOs to deliver essential services to victims. However, the government did not meet the least criteria in several vital parts. The government did not directly protect victims or completely implement victim identification and recommendation procedures specified in its anti-trafficking law. This caused some victims to face arrest, detention, or banishment for crimes dedicated as a

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: <http://www.unodc.org/unodc/en/frontpage/2016/September/treaties-against-human-trafficking-key-to-fighting-scourge--supporting-victims.html>

<sup>139</sup> Rouhana, Z. (2010). Anti-trafficking legislation approved by the Lebanese Parliament. KAFA: Enough Violence and exploitation. Retrieved from: <http://www.kafa.org.lb/kafa-news/32/anti-trafficking-legislation-approved-by-the>

<sup>140</sup> Op.cit.

result of being subjected to trafficking. Moreover, Lebanon's sponsorship system, which places a considerable amount of power in the hands of employers of foreign workers, demonstrated a significant weakness to authorities recognizing and protecting trafficking victims.<sup>141</sup>

6- a. Adoption:

Adoption is often seen as a generous act. Rather than being brought up in an orphanage, a parentless child is given a home, stability, and a loving family. In Lebanon, however, the closed adoption system has assisted in renovating the practice into something less than gentle: a business. According to the United Nations, children detached from their parents during war or natural disasters should not be adopted. "Even if both their parents are dead," declaims UNICEF's statement on intercountry adoption, the probabilities of finding living relatives, a community, and home to return to after the conflict lessens exist. Thus, such children should not be put in intercountry adoption. Adoption in Lebanon falls under the personal status code and is ruled by religious authorities. The practice is prohibited in Islam. Instead, Muslim children are usually raised together in orphanages. The central cause for eliminating adoption in Islam is to prevent the adoptive family from giving their surnames to the adopted child, to protect the biological ancestry, clarifies a representative of the Dar al-Aytam al-Islamiya, a Muslim organization that cares for orphaned children.<sup>142</sup>

Moreover, the adoption ban in Islam was one of the main disruptions between post-Islam and the Jahiliyyah, the pre-Islamic period," elucidates Zeina Osman, an expert in the anthropology of

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<sup>141</sup> US Department of State. (2018). Lebanon: 2018 Trafficking in Persons Report. Retrieved from: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282691.htm>

<sup>142</sup> Stoughton, I. (2013). Closed adoption system helping traffickers. Tribune Content Agency LLC. United States, Washington. Retrieved from: <https://search-proquest-com.neptune.ndu.edu.lb:9443/docview/1430813802/B5ACBE61863F4991PQ/7?accountid=28281>



childhood. Christianity permits adoption, but they don't allow cross-adoption, so you can only adopt another Christian.<sup>143</sup>

In Lebanon, the adoption in Christianity forbids children to choose their religion. Thus, it restricts children from exercising the right to participation. As for the adoption in Islam, the law prohibits children from living in a safe place where parents take care of them, as they were their real children.

In the 2006 report, the UN Committee on the Rights of the Child explored the condition of children in Lebanon by pointing out several issues. First, the deficiency of a legitimate secular framework for adoption. Second, indiscretions in the adoption measures monitored by religious courts. Third, the child's best interest is not permanently the major consideration in decisions on adoption and the pervasiveness of illegal adoptions, particularly those of a cross-border nature.<sup>144</sup>

Even though getting money for adoption directly transmits to child trafficking, there are many indications including bills and receipts, validating the amounts paid by families pursuing adoption and parties assisting adoption. The latter justifies the financial dealings covering the costs of adoption and issuing identification documents, which might be comprehensible, had the charge of adopting some children not reached US\$75,000.<sup>145</sup>

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<sup>143</sup> Op.cit.

<sup>144</sup> Charaf, R. (2016). Illegal Adoption in Lebanon: Mechanisms and Consequences. The Legal Agenda. Retrieved from: <http://legal-agenda.com/en/article.php?id=678&lang=en>

<sup>145</sup> Op.cit.

## 7- Stateless Children:

The configuration of Lebanese citizenship law, prevents women from giving their citizenship to their children. If a Lebanese woman has a child with a refugee, there is a likelihood that the child will be left stateless. Due to the current influx of Syrian refugees into Lebanon and the high number of refugees in the country, this disregarded problem has been aggravated. The issue of law-created statelessness in Lebanon is a cross-section of the complex social, political, and religious organizations within the country. Thus, this citizenship law's existence is mainly due to the patriarchal social environment, political power balances, and gender roles strengthened by the religious policy. These assumptions are based on an investigation of Lebanon's historical growth, sectarian divides, political environment, and cultural contextual.<sup>146</sup>

Lebanon is not a party to the 1954 convention associated with stateless persons' status, nor to the 1961 convention on the reduction of statelessness. The Lebanese Constitution does not explicitly spell out the values that should adjust the right to nationality and rights of stateless persons. It only denotes the laws regarding the achievement and loss of the Lebanese citizenship. This makes it impossible to challenge the constitutionality of any associated positive law. Samira Trad, a policy and development adviser with Ruwad Houkouk, or "Frontiers Rights" said at least 60,000 people of Lebanese descent are living in the country without nationality<sup>147</sup>. Compartments of stateless people are located in poor and rural zones in the north, in Baalbeck-Hermel and parts of the south, but they are also dispersed around Beirut.<sup>148</sup>

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<sup>146</sup> Airey, A. (2018). BIRTHING STATELESSNESS: SECTARIANISM AND SEXISM IN LEBANESE CITIZENSHIP LAW. Vol: 24. Pages 101-122. Retrieved from: <https://jilp.law.ucdavis.edu/issues/Volume-24-1/24-1-Airey.pdf>

<sup>147</sup> Op.cit.

<sup>148</sup> Abby, S. (2018). Lebanon's stateless: Locked out of society. SyndiGate Media Inc. The Daily Star. Retrieved from: <https://search-proquest-com.neptune.ndu.edu.lb:9443/docview/2081039880/citation/8A89B15BD8684197PQ/11?accountid=28281>

b. International organizations working towards stateless children:

Furthermore, the Institute on Statelessness and Inclusion welcomes the opportunity to make this compliance to the Committee on the Rights of the Child regarding Lebanon's obedience with Article 7 of the CRC, which states that every child has the right to obtain nationality. This proposal highlights challenges in recognition of the right of every child to obtain a nationality and the prevention of childhood statelessness in Lebanon as a consequence of discrimination, poor execution of the law and challenges related to birth registration confronted in particular by the Syrian refugees, but also by other groups in the country.<sup>149</sup>

c. The International Treaties and Organizations Working towards Stateless Children:

The Committee's has issued previous recommendations to Lebanon on birth registration as well as those from the Committee on the Elimination of All Forms of Discrimination against Women on the ability of women to obtain, diffuse and recollect nationality on an equal basis with men. Also, it suggested applicable commendations issued by states to Lebanon during the 2<sup>nd</sup> UPR cycle on eliminating discrimination from the nationality law. The prominence of the abolition of statelessness as articulated by the UN High Commissioner for Refugees #Belong campaign, and the applicability of Goal 16.9 of the Sustainable Development Goals, which objectives to "by 2030, deliver legal identity for all, comprising birth registration". The Institute hopes the Committee will increase the issue of recognizing the right of every child to purchase a nationality in its List of

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<sup>149</sup> THE COMMITTEE ON THE RIGHTS OF THE CHILD. (2016). Lebanon: Civil Society Submission on the right of every child to acquire a nationality under Article 7 CRC. Institute on Statelessness and Inclusion. Retrieved from: [http://www.institutesi.org/CRC\\_Lebanon\\_2016.pdf](http://www.institutesi.org/CRC_Lebanon_2016.pdf)

Issues for Lebanon and discourse recommendations to the Government of Lebanon to more avoid and reduce the problem of childhood statelessness in the country.<sup>150</sup>

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<sup>150</sup> Op.cit.

## CHAPTER IV

### Denmark and other Countries Likened to Lebanon Vis-à-Vis Children's Rights

#### I- Denmark a country with Least Corruption:

Denmark is the least corrupt nation in the world, according to the 2018 Corruption Perceptions Index, which proposes corruption is contributing to a catastrophe in democracy around the world. Corruption damagingly impacts the enjoyment of all human rights, civil, political, economic, social, and cultural, as well as the right to development, which underlines the indivisible and interdependent nature of human rights. The State embraces the primary responsibility to develop and safeguard the citizens' human rights and other individuals within its authority.<sup>151</sup>

Thus, choosing Denmark as a country to compare with Lebanon is necessary since Denmark is the lowest corrupt nation in the world, which leads to its efficiency in protecting the rights of its citizens, particularly the rights of children.

The qualitative method has been conducted in the last chapter of the paper due to the lack of publicly available government data on child marriage in Denmark. There is limited information on child marriage, child labor, and children with disabilities in Denmark. Moreover, there is a lack of availability on Lebanon's recent data concerning children in armed conflict, children with disabilities, child labor, and child marriage.

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<sup>151</sup> Pippidi, A. (2013). *Becoming Denmark: Historical Designs of Corruption Control*. The Johns Hopkins University Press. Social Research. Vol: 80. Pages: 1259-1286.

#### A- Child Marriage in Denmark and Lebanon:

Child marriage is a global problem that scrapes across countries, cultures, religions, and ethnicities. The extent of child marriage deviates considerably between countries, with the highest rates in West Africa, followed by South Asia, North Africa, the Middle East, and Latin America.<sup>152</sup>

As mentioned in the previous chapters, the CRC fails to designate where it stands concerning marriage. It does not comprise any precise establishment about marriage and does not directly necessitate States Parties to take any action in this respect. This gap formed uncertainty on the life of children. Thus, most jurisdictions permit marriage at a younger age with parental or judicial approval, and some also allow younger people to marry if the female is pregnant.<sup>153</sup>

There is no law to safeguard thousands of children who have little power over decisions concerning their future until now in Lebanon. There are 18 sects in the country, and each sect has set its own age of marriage. Legislation eliminating child marriage is long unsettled for Lebanon, said Lama Fakih, deputy Middle East director at Human Rights Watch. She also stated that setting 18 as the national minimum age for marriage will go a long way toward protecting children from the fears of early marriage. In other words, the profits of ending child marriage are transformative and far-reaching.<sup>154</sup>

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<sup>152</sup> Malhotra, A. (2012). What Works to Prevent Child Marriage: A Review of the Evidence. Population Council. Studies in Family Planning. Vol: 43. Pages: 287-303.

<sup>153</sup> Melchiorre, A. (N.D). A minimum common denominator? Minimum ages for marriage reported under the Convention on the Rights of the Child. Submission on the child, early and forced marriage Women's Human Rights and Gender Section OHCHR. Pages: 1- 20. Retrieved from:  
<https://www.ohchr.org/documents/issues/women/wrgs/forcedmarriage/ngo/angelamelchiorre.pdf>

<sup>154</sup> Human Rights Watch. ( 2017). Lebanon: Pass Bill to End Child Marriage. Retrieved from:  
<https://www.hrw.org/news/2017/04/12/lebanon-pass-bill-end-child-marriage>

However, in Denmark, the Danish Parliament delivered a bill keeping people under the age of 18 from getting married in a transfer to guard minors against going into marriage unwillingly, and it won with a majority.<sup>155</sup>

To illustrate, it is easy in Denmark to arrange a law that specifies a minimum age for people to get married because marriage is not based on religious sects, so no barrier prevents the government from taking such a decision. However, in Lebanon, issuing such a law takes a lengthy procedure to be admitted and enforced due to the influence of 18 different religious confessions. These sects consider child marriage uniquely based on their religious beliefs. This phenomenon is not strange to a country of 18 sects, whose inspiration ranges beyond the personal status laws to control the House of Representatives and its 128 members and their legislative outputs.

However, child marriage might not be linked to one faith, but religious leaders still have an essential role to play in shortening the practice mostly because marriages are often approved as part of religious regulation. Working with religious leaders to grab the scourge of child marriage is seen useful, both because these leaders are uniquely persuasive in their communities and because religious scripts and traditions often inspire advocacy on behalf of the most vulnerable, including children.<sup>156</sup>

Samples of progressive programs tackle child marriage by engaging religious leaders to abound. For instance, Pathfinder International an international organization in Ethiopia, united with local

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<sup>155</sup> Lizzie, S. (2017). Denmark BANS underage marriage to 'protect migrant child brides' in a landmark case. Express Online. London. Retrieved from: <https://search-proquest-com.neptune.ndu.edu.lb:9443/docview/1859983157/D13A409B42774258PQ/15?accountid=28281>

<sup>156</sup> Rialet, J. (2017). CAN RELIGIOUS LEADERS BE OUR BEST ALLIES TO END CHILD MARRIAGE? Girls not Brides. Retrieved from: <https://www.girlsnotbrides.org/can-religious-leaders-best-allies-end-child-marriage/>

faith leaders and government officials to raise awareness about the dangers and consequences of early marriage. As part of this program, Orthodox, Catholic, Protestant, and Muslim religious leaders committed to ending child marriage and other unsafe traditional performs. In 2005 and 2006, Pathfinder expected that this inventiveness prohibited more than 14,000 early marriages in the Amhara and Tigray regions of Ethiopia.<sup>157</sup>

Tostan, based in Senegal, is another organization that cooperated successfully with religious officials to avert child marriage. Tostan partners with community and faith leaders in community empowerment programs to address traditions that are dangerous to children, including female genital disfigurement and child marriage. Through commitment with these leaders, over 6,400 communities in Senegal have promised to end child marriage and other unsafe practices. As these programs determine, religious leaders can be valuable associates in the case of child marriage. Development organizations should cooperate with these leaders to eliminate child marriage across countries, regions, and faiths.<sup>158</sup>

An interview was conducted with Ms. Antoinette El Bouery who works in a non-governmental organization called RDFL, the Lebanese Democratic Women Gathering. One of the several objectives that this NGO works on is to exert pressure on Parliament members, decision-makers, media, and society to implement a law that sets the minimum age of marriage in Lebanon to 18 years old. They also advocate on safeguarding girls from child marriage through raising awareness to the Lebanese community about the endangerments of child marriage. In the interview, Ms. Antoinette has mentioned many factors that are forbidding the realization of a new law that sets a

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<sup>157</sup> Vogelstein, R. (2014). Child Marriage and Religion. Council on Foreign Relations. Retrieved from: <https://www.cfr.org/blog/child-marriage-and-religion>

<sup>158</sup> Op.cit.



minimum age of marriage, which is 18. One of these factors is that the legal age for marriage in Lebanon is based on the personal status law, which is based on 18 religious sects that allow girls under 18 to be married.

Another alarming factor is the difficulty and the lengthy procedure to convince religious leaders from different sects that authorizing marriage under 18 is dangerous. She stated that there are always some religious leaders who can tolerate the idea of ending child marriage and others conservatives with their cultural and religious traditions and find it challenging to get rid of their values. In other words, it is difficult to convince all religious leaders to push for a law that forbids girls from marrying before the age of 18. That's why Ms. Bouery believes that pressuring the government to implement a law that does not include the personal status law based on religious sects when it comes to marriage is the easiest and fastest procedure. In other words, eliminating the personal status law and creating a law that states that girls under 18 are not allowed to be married is more effective.

Unfortunately, there is not any response, or any procedures taken by the government nowadays to end child marriage. She sadly stated that in Syria, the government is working on the procedure to end child marriage, while in Lebanon, there are no active steps to deal with these issues. She added that ending child marriage is the difficult one compared to other laws because it is based on religious sects. For instance, the law that women's rights activists had long demanded to abolish Article 522 of the penal code and has been changed, is easier to regulate because it is not constructed on religious cliques, she said. That's why, while waiting for the government to decide when to work on the modification of this law, RDFL nowadays has organized a campaign called #NotBefore18 and several workshops to create awareness among girls, parents, and all citizens across Lebanon.

When organizing a workshop or a conference, RDFL invites several NGOs, Universities, communities to get involved. Also, concerning the awareness workshops, it focuses on inviting schools to attend. Not all the schools are concerned about attending this workshop awareness. However, they are convinced of legalizing the age of marriage to 18 years old. The reason behind their absence is to not show the community that they cooperate in the campaign of ending child marriage.

#### Inside the Strategic Plan in Lebanon:

In October 2014, the Ministry of Social Affairs, in partnership with UNICEF, established the MoSA National Plan to Safeguard Children and Women in Lebanon. The Plan set out a clear policy, framework, and strategy to lead the child protection, gender-based violence, and elements of the primary health replies within Social Development Centres of MoSA in a sustainable way. The plan's goal is to reinforce the country's decentralized child protection method. MoSA and UNICEF have been organizing for Phase II of the MoSA National Plan that should outspread over 2017-2020, which will include an assessment of the existing plan, situation analysis of women and children in Lebanon, and a capability assessment of MoSA.<sup>159</sup>

One of the National Strategic Plan in Lebanon, other than to engage people from the targeted community to increase the cultural and contextual compassion of interventions, is to combine advocacy efforts to end child marriage. Another measure is to build on girls' authorization by providing economic changes, like the program done in Ethiopia which is to scale-up the commitment of interested religious leaders. Making religious leaders conscious of the concerns of

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<sup>159</sup> UNICEF. (2017). Child Marriage in the Middle East and North Africa. The International Center for Research on Women. Retrieved from: <https://www.icrw.org/wp-content/uploads/2018/04/Excutive-Summary-FINAL.pdf>

child marriage and assisting them to become vocal advocates can have a powerful influence on the way community members view child marriage.<sup>160</sup>

Unfortunately, it is difficult in Lebanon to have the religious leaders' commitment towards raising awareness on ending child marriage as it is in Ethiopia. This commitment will take a long time to be executed since intellectual intolerance still exists within the religious leaders' way of thinking. It is also necessary to mention that the workshops and raising awareness by the NGOs are very important. Still, it will not produce a fast adjustment in ending child marriage. What will make the process much faster is a legislation that sets a minimum age of marriage through the agreement of religious leaders since, in Lebanon, the legal age of marriage is realized depending on the religious sects. Thus, is it possible for religious leaders not tolerate the idea of setting a stable age for marriage to stand for and agree in the swift ending child marriage procedure?

#### B- Education in Denmark for children with special needs Compared to Lebanon:

Compared to other European countries, Denmark spends less on ageing people and more on families and children. Thus, Denmark can still be categorized as a universal welfare state with a high degree of public delivery and public sustenance for transmissions between generations. Expenses aimed at assisting the family and children have principally concentrated on the daycare sector and particularly on assuring that all children have admission to a place if so desired, rather than increasing the quality of the daycare service. Denmark can still be considered as one of the

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<sup>160</sup> Child Protection. (2018). Senior Consultant to support HCC to develop a national strategy and action to prevent and mitigate child marriage in Lebanon. Lebanon: Beirut.

world's most decentralized welfare states. The caring social services, such as daycare and schools, are delivered and controlled by local specialists.<sup>161</sup>

From the philosophical point of view, if you're disabled, you should partake the equivalent education as others, stated Joergen Greve, Head of the European Agency for Development in Special Needs Education in Denmark. "You may need special materials and teaching, but you are not an ill person. It's a more humanistic approach", he added. The range of integration and the legal appreciation of special needs still varies enormously across Europe. Denmark's law is the strongest and does not differentiate between disabled children and others. It dated from the 1980s when special education was taken out of the monarchy of social services and placed in the Education Ministry.<sup>162</sup>

In Denmark, all children are authorized to ten years of education, which includes children with special educational needs. Children in primary and lower secondary school whose growth requires special help can obtain support from the Ministry of Education for at least nine hours a week. The municipality delivers special educational services. It is provided in several different ways, liable on the child's needs. As far as possible, children with special needs are taught in mainstream schools called "Folkeskole", where children with special needs are positioned in a general education classroom during particular periods built on their skills. In other words, students who are part of the special education classroom will join the regular education classroom at certain

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<sup>161</sup> Kampmann, J. (). Socialized Childhood: Children's Childhoods in Denmark. Pages: 650- 702. Retrieved from: <http://www.svt.ntnu.no/noseb/costa19/nytt/welfare/Vol%20II/denmark.pdf>

<sup>162</sup> Robin, H. (1999). A Fresh Look at 'Special Needs'. International Herald Tribune. Paris. Vol: 11. Retrieved from: <https://search-proquest-com.neptune.ndu.edu.lb:9443/docview/316883382/BABD5F6CA85F4264PQ/1?accountid=28281>

times, which is appropriate for special education students. These students may join an art or physical education in the regular education classroom.<sup>163</sup>

In private schools, children with special needs pay fees like other children attending schools, and the Danish government offers donations to private independent schools to maintain pupils with disabilities. This takes the procedure of special education and coverage of extra expenses for special education, practical support, aids, and transport of pupils with severe disabilities. Moreover, teachers are qualified to teach all children, including those with disabilities, as around ten percent of children require some kind of special education. Not all schools are available to children with physical disabilities, although, under Danish law, new buildings must fulfill the regulations concerning accessibility for people with disabilities.<sup>164</sup>

Regrettably, the situation in Lebanon differs when the topic concerns children with special needs. Every child has the right to an education in Lebanon but most schools reject to register children with special needs. Several of these kids end up in institutions that are not required to deliver education or don't go to school. Families who can afford private schools often have to pay extra fees and expenses. Schools in Lebanon are not properly equipped for disabled children. A limited number of schools in Lebanon now comprise kids with disabilities in their classrooms, but they don't essentially get help from the government to do this.

The Human Rights Watch conducted an interview on the 22nd of March, 2018 with the public school principal of Zibdeen, in South Lebanon, Mr. Khalil Zehri, to ask him about the school's

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<sup>163</sup> Birkvad, B. (1997). Teacher Professional Development in Denmark. Phi Delta Kappa International. Vol: 78. Pages: 611- 614.

<sup>164</sup> OECD. (2000). Early Childhood Education and Care Policy in Denmark. The Ministry of Social Affairs in consultation with the Ministry of Education. Retrieved from: <http://www.oecd.org/education/school/2475168.pdf>

policy regarding children with special needs. In his interview, he stated that the school was organized with an elevator to support kids with disabilities on April 5, 2014. Khalil Zehri applied for support from the Minister of Education in 2015 and he still hasn't received back any response. As an alternative, he was taking personal responsibility for this project, and he is proud. He added that this public school is available for students to enjoy their complete civil rights, to receive an education just like anyone else, at a free, public school. At Zibdeen public school, the kids with disabilities learn together with their peers in inclusive classrooms. The school delivers classroom assistants for students who need them. Every school should be like Zebdeen Public school and admit students with special needs to assimilate with other people and don't feel like they are dissimilar. Moreover, Kamel Hamdan, who is the father of Abbas a blind child who studies in that school .stated that for the whole South, if Zibdeen public school didn't exist, his son would stay at home. There is a problem here in Lebanon that there is no apprehension for people with disabilities.<sup>165</sup>

Furthermore, an interview was done on the 2<sup>nd</sup> of May, 2019 to seek responses to several questions that were not found in the interview done by the Human Rights Watch. During the interview, Ms. Rima Haidar, the new school principal of Zibdeen public school, answered several questions concerning the sustenance of children with disabilities and stresses that this school deals only with children with physical disabilities. She stated that unfortunately, until today, there is no other school than Zibdeen Public School in the South that receives children with disabilities. She added that there are two NGOs, which are supporting the school to take care of these children, which are “Human Inclusions” and “Youth Association for the Blind or جمعية الشبيبة للمكفوفين”. Unlike what is

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<sup>165</sup> Human Rights Watch. (2018). Lebanon: Schools Discriminate Against Children with Disabilities. Retrieved from: <https://www.youtube.com/watch?v=gInqpOBqk-8>

done in public schools in Denmark, the Ministry of Education in Lebanon and the municipality of the South are not intervening in funding the school to safeguard these children in delivering to them the education they need. Thus, in Denmark, nearly every public school has a system specified for children with special needs. However, these two NGOs are working to develop and enhance the strategies that Zibdeen Public School. According to the interview done by Mr. Khalil Zehri, persons with special needs only interfered with other children in arts and music classes. Ms. Rima Haidar stated that children who cannot walk can intervene in all classes because they can understand and write like the other children. Thus, those children are nowadays put all together in the same classes and all the courses. Concerning the children who are blinded, they are also intervening in almost all classes, but when there is an exam these children are put in a specific exam room alone to do their tests and take the time they need to finish their exams. In other words, like the Folk in Denmark, Zibdeen Public School aims to support students who are a part of the special education classroom to join the regular education classroom at certain times, which are suitable for the special education student. In addition, the two NGOs are assisting several teachers in Zibdeen public school to teach them how to deal with children with special needs. However, specific materials and equipment are still needed for the school. Those NGOs cannot afford it all especially that each year the number of children with disabilities is increasing since there isn't any public school other than Zibdeen that provides education to those children.

An interview was conducted with Ms. Rita Maria Hawila, a psychologist at Notre Dame Louaize School, to address the situation of educating children with special needs. She stated that children with special needs, as in Denmark, pay the same fees as children with no needs, so there is no discrimination concerning this issue. Moreover, the number of children with learning disabilities is between 3% to 5% in her classes. Details on the website would help viewers and possibly parents

who want to register their kids in the school to know how the school's organization supports children with learning difficulties. In addition, children with special needs intervene in all classes. They do not receive private classes. Also, no funds are derived from the Ministry of Education and the Ministry of Social Affairs to help children receive the necessary resources and equipment.

Another interview was done with Ms. Marelene Maroun, a psychologist at Central College in Jounieh, on the same subject. As Ms. Hawila stated, the same comebacks were answered on children with special needs. She added that many parents do not agree to put their children with a speech therapist or a psychologist to help them in learning difficulties. Thus, she stated that all schools, private and public, located in this area should create private classes with specialized and trained teachers for children with special needs to help them cooperate with other children and integrate them into the same classes. The Ministry of Education is intervening only to deliver exams and tests specific for children with special needs. No funds are received from the Ministry. She added that, unfortunately, in Lebanon, rare are the schools that contain specific classes for children with special needs.

Nevertheless, NGOs in Lebanon, such as CLES and Skill, work like the Folkeskole public schools in Denmark. The Lebanese Center for Special Education (CLES) is a dream center for the Lebanese children having learning complications. Four Specialized Centers of CLES are operating in Beirut, Tripoli, Saida, and the Bekaa. Within the context of CLES external activities, and in collaboration with the Lebanese Ministry of Education and Higher Education, CLES launched in 2011 "The Learning Support Classes", an advance project envisioned at preventing failures and dropouts from schools. The CLES Center launched, as a first stage, eight learning classes in eight elementary schools dispersed across five Lebanese regions. As the name designates, CLES offers individualized professional maintenance to children between the ages of 3 and 12, facing learning



problems at school. Students who have specific learning difficulties like dyslexia, attention deficit disorders, dysorthographia, verbal language disorder, dyslexia, and slow reflex are brought up to CLES centers for free and/or affordable therapy. All CLES centers are operated by a team of specialists in psychology, speech therapy, and psychomotor therapy.<sup>166</sup>

The specialists work individually with each child to guarantee integration into the regular academic schedules. The CLES team works on the diagnosis and treatment of each child and arranges weekly meetings to discuss and project the course of action for each condition. The project encompasses numerous tasks such as creating 200 Learning Support classes in public schools over Lebanon, and providing these classes with the specific materials and technologies essential to teach students with learning difficulties. Another task is to training 2-3 teachers from each school to offer students with compulsory academic and educational provision. Also, develop the competences of the educational counselors at the Ministry of Education. Furthermore, on February 11, 2013, CLES signed a protocol with the Ministry of Education for 10 years, encouraging to fund the creation of 200 Learning Support Classes in 200 public schools prolonged crosswise Lebanon during the first 5 years, and continuing training and technical support for 10 years. This Protocol is currently underachieved. Also, based on the education Minister's decision N. 1080/M/ 2016 dated December 14, 2016, a cooperation instrument was put in place between the Ministry of Education and CLES, whereby CLES provided free analysis for students taking their Brevet exams who suffer from

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<sup>166</sup> WordPress. (2016). CLES – Lebanese Center for Special Education – holds a press conference and orientation session at the Ministry of Education. Retrieved from: <https://executive-bulletin.com/education/cles-lebanese-center-for-special-education-holds-press-conference-and-orientation-session-at-the-ministry-of-education>

learning disabilities. The purpose of the analysis is to determine whether special measures or processes need to be consider for the students in the official exam. <sup>167</sup>

The establishment of SKILD is entrenched in creating a special education program at Beirut Baptist School (BBS). Working with children with special needs at BBS, rapidly turns out to be apparent to the stakeholders. Supportive services were compulsory, not only to work with individual students, but to sustain teaching staff and the families of students, and eventually mark a difference in the lives of all students crossways Lebanon. This comprehension created SKILD, fueling the motivation of the founding members to change and improve the lives of children with special needs in Lebanon.<sup>168</sup>

The Education Ministry and partner organizations launched a series of activities to better integrate children with disabilities into the education organization, in line with a national approach launched a few years ago. The previous minister of education, Elias Abou Saab, stated that he would work hard to secure the funds to education officials to implement this policy and provide the necessary training for teaching staff.” He stated that a series of workshops and sessions for teachers in 2018 will be apprehended, and a short film will be exposed to local TV postings to increase awareness. Besides, the British Council prepared a study tour to the U.K. for 14 delegates from Lebanon including representatives from the Ministry, SKILD, and private educational networks. Representatives met with officials in the U.K. to study programs for children with disabilities,

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<sup>167</sup> The Daily Star. (2018). CLES Celebrates Third Annual Special Learning Disabilities Day. Press Reader. Retrieved from: <https://www.pressreader.com/>

<sup>168</sup> SKILD. (2018). SKILD is advocating for the rights of children with learning differences. Lebanese Society for Educational and Social Development. Retrieved from: <http://www.lsesd.org/Default.asp?PN=%27News2%27&SubP=%27DNewsStory%27&gn=0&DivisionID=0&DepartmentID=0&SubDepartmentID=0&NewsID=100581&ShowNav=&StoryGroup=Archived>

visited schools, and observed their comprehensive performances. Using what they gathered from the study expedition, the representatives drew up their strategies for a comparable organization in Lebanon. Policy for national inclusion was launched in January 2012, but unfortunately, implementation has been slow.<sup>169</sup>

Nowadays, one of Lebanon's oldest and most desired NGOs, Sesobel, is about to shut its doors for good to the Lebanese kids with special needs due to the government's failure in releasing the funds allocated to the organization. In this regard, Sesobel delivered an official declaration proclaiming the adoption of a series of procedures due to the financial pressures that are affecting its work.<sup>170</sup>

These procedures comprise:

- Dropping the number of days in which the organization can open its doors to the children;
- Reducing the daily meals it used to deliver to the kids and substituting them with sandwiches provided by parents;
- Regulating the schedule of direct care in Sesobel centers to 4 days only, from Tuesday to Friday.

How would the institute achieve further under the growing monetary pressure is a question raised in light of a dark future. Sesobel has proclaimed that it is closing its doors on June 28, 2019 until further announcement, and a choice of re-opening to help the needed kids will be contingent on its

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<sup>169</sup> Azhari, T. (2018). Hamadeh: Politics Stalling School Reforms. The Daily Star. Retrieved from: <https://www.pressreader.com/>

<sup>170</sup> Kabboul, T. (2019). Government Is Turning Its Back on the Children of Sesobel. The 961. Retrieved from: <https://www.the961.com/news/government-is-turning-its-back-on-the-children-of-sesobel>

future position.<sup>171</sup> Other significant NGOs like Step Together and Al Kafaat are about to close. Besides, the NGOs had not been able to get an explanation on the expenses.<sup>172</sup>

## II- Challenges facing Denmark in the Rights of Children:

Yet in Denmark, some children are growing up feeling anything but suppressed. They are children deprived of appropriate education, a proper home, and, for numerous, they are left without the national identity of the only country they've ever recognized. They are children labelled as asylum seekers. Many of their parents carried them from war-torn countries like Iraq and Somalia, requesting that Denmark would empathize with them and provide their children a future. Yet in recent years, variations in the political climate and their significant policy deviations have ensnared these children in an unlikely situation: having been without asylum, they waste their childhood away in deportation centers, unquestionably no future in vision.<sup>173</sup>

These policies reserved the remaining homogeneity of Danish society and kept outsiders away. They have, in result, been the devastating factor in deciding 'yes' or 'no' to the question of whether these children should be given a future. For most of them, the response was a definite 'no.' Apart from the children's robbed childhood and futures, the Danish society's burden increase as a consequence of these bad strategies. Mental health illnesses, and development problems among the children and their parents are endless.<sup>174</sup>

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<sup>171</sup> Op.cit.

<sup>172</sup> Sewel, A. (2019). Disability NGOs Cashless For a Year. The Daily Star. Retrieved from: <https://www.pressreader.com/lebanon/the-daily-star-lebanon/20190304/281573766995508>

<sup>173</sup> Ersbel, E. (2006). Denmark: Acquisition and Loss of Nationality Amsterdam University Press. Vol: 2. Pages: 106-148.

<sup>174</sup> Op.cit.

Why in recent years have the rights of children been violated when it comes to the issues of asylum seekers, immigration, and homeless children in Denmark?

A- Asylum Seekers in Denmark:

Since the early 1980s, Denmark has encountered a moderately stable movement of immigrants. While the movement came from Asia or Africa, a large group from the Balkans reached in the early 1990s, escaping the Bosnian War. In contrast, in recent years, more people arrived from Middle Eastern countries' conflicting zones, mainly Iran, Iraq, Pakistan, and Somalia. As of 2006, non-naturalized Asian and African immigrants, along with their children, made up six percent of the Danish population, while in 1980, this figure reflected a mere one percent.

In response to this, Denmark, which in previous days was identified for its liberal ideals and custom of openness, has struggled noticeably with the idea of becoming a multicultural society. It has been forcefully discussed whether these new immigrants have, in fact, the 'integration potential' to adapt to the Danish society, a society of 5.4 million people that, until a few decades ago, was culturally homogeneous.<sup>175</sup>

In the past few years, the fundamental societal tensions highlighted by this debate have commanded to mark themselves in concrete policy variations. 2001 was a predominantly vital year: in November of that year, a new center-right alliance government, of the Liberal and Conservative parties, came into power. It exchanged the left-wing government led by the Social Democrats, while depending on the maintenance of the far-right Danish People's Party for a parliamentary mainstream. Since the takeover of the alliance, Denmark's policies related to

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<sup>175</sup> Masmas, T. (2008). Asylum seekers in Denmark. A study of health status and grade of traumatization of newly arrived asylum seekers. Amnesty International Danish Medical Group, Amnesty International. Vol: 18. Pages: 77-85.

immigration and asylum-seekers and its strategies affecting the lives of all foreigners, have taken a substantial conservative rise, making it approximately intolerable for certain foreigners to acquire the citizenship. For instance, immigrant parents who survived in a low-income immigrant neighborhood are described by the government as "ghetto parents," and their children are described as "ghetto children. "Beginning at the age of 1, "ghetto children" must be disjointed from their families for at least 25 hours a week, not counting nap time, for compulsory instruction in "Danish values," comprising the traditions of Christmas and Easter, and Danish language. Language tests are a prerequisite to gain citizenship. Nonfulfillment could result in a stoppage of welfare expenses. Denmark's government presents a new set of laws to control life in 25 low-income and deeply Muslim reserves, saying that if families do not freely integrate into the country's mainstream, they should be compelled.<sup>176</sup>

Is it right for Denmark's government to take such strategies related to asylum seekers and immigration, which somehow put the lives of children at risk in return to preserve its nationalism? In other words, is it worth fighting for nationalism; while the rights of vulnerable children seeking refuge are in danger?

Meanwhile, under new laws, it is now illegal for a Danish citizen to carry a spouse from a foreign country into Denmark except if both partners are over 24 years old. These narrowing restrictions on who can become a citizen, and who is able to gain the full benefits of the Danish welfare state, negatively touch many immigrants who have previously attained residence permits. A huge number of have been living and working in Denmark for years. Meanwhile, for those on the outside who have come to the country looking for political shelter, it has become nearly impossible

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<sup>176</sup> Barry, E. (2018). In Denmark, Harsh New Laws for Immigrant 'Ghettos'. The New York Times. Retrieved from: <https://www.nytimes.com/2018/07/01/world/europe/denmark-immigrant-ghettos.html>

for them to create a home in Denmark, unrelatedly of the impossible and terrible situations, numerous find themselves in.<sup>177</sup>

To illustrate, Denmark didn't do much effort to conserve the rights of children's asylum seekers. Thus, it is ineffective to compare Lebanon to Denmark because it will not give Lebanon any approaches to improve the situation of children's asylum seekers in the country. Therefore, analyzing Germany's policies for asylum matters would provide beneficial perspective for guarding the child's best interests.

a- How did Germany deal with children's asylum seekers?

Germany's asylum legislation covers special requirements for minors and unaccompanied minors to guard the best interests of the child. As a Member State of the European Union (EU), the Dublin III Regulation, which creates the standards and instruments for determining the Member State accountable for observing an asylum application, is applicable in Germany. The assurances for minors codified in it must be respected by German authorities, in precise the obligation to assign a legal representative for all measures. The German Asylum Act states that an asylum submission filed by a parent will automatically embrace the minor child. If refugee status has been approved to a minor unmarried child, the child's parents may be granted asylum status upon application if certain conditions are met. Furthermore, the Act tries to guarantee that the family unit is preserved and that minors are not disconnected from their families when housing decisions are made.<sup>178</sup>

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<sup>177</sup>Green, G. (2000). Unaccompanied Children in the Danish Asylum Process: Experiences from Legal Counselling of and Assistance to Children. The Danish Refugee Council. Pages: 3- 25.

<sup>178</sup> Kalkmann, M. (2013). Germany: Asylum Information Database. European Council on Refugees and Exiles. Pages: 5- 55. Retrieved from: [https://www.asylumineurope.org/sites/default/files/report-download/aidareportgermany\\_may2013.pdf](https://www.asylumineurope.org/sites/default/files/report-download/aidareportgermany_may2013.pdf)

The German Residence Act affords that the German authorities certify that an unaccompanied minor will be reimbursed to a member of their family, a guardian, or a suitable reception facility in the country of return. A legal representative must file all necessary submissions on behalf of the foreign minor. Minors and families with minors should be incarcerated in exceptional conditions and only for as long as needed without jeopardizing the child's well-being. Families should be detained together and independently from other persons. The needs of minors awaiting transportation must be considered in agreement with the provisions of the Return Directive of the EU.<sup>179</sup>

Moreover, the Asylum Seeker Benefits Act affords that people with special needs, such as unaccompanied minors, are adequate to obtain proper health care and related care. The Eighth Book of the German Social Security Code comprises a precise chapter on unaccompanied minors. The German Youth Welfare Services state that the minor will be taken provisionally into safekeeping after registration. That embraces engaging the minor with a foster family or in a fitting reception center. The Youth Welfare Services is certified to accomplish legal acts on behalf of the minor and is obliged to directly acquiesce a presentation for asylum. The minor's best interests must be determined, including whether relatives are in the country and the health of the minor permits the allocation to a reception center in a German state. Relatives must generally not be detached. The German State have requirements in their respective refugee acts that necessitate the authorities to take the needs of vulnerable groups as detailed in the applicable EU directives,

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<sup>179</sup> Federal Office of Migration and Refugees (2016).The stages of the German asylum procedure. An overview of the individual procedural steps and the legal basis. Pages: 3-44. Retrieved from: [https://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/das-deutsche-asyilverfahren.pdf?\\_\\_blob=publicationFile](https://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/das-deutsche-asyilverfahren.pdf?__blob=publicationFile)



comprising unaccompanied minors, into account when making asylum choices.<sup>180</sup> For instance, nowadays, increasing numbers of asylum-seekers excluded by Denmark, who ought to be expelled to their own countries, are being incarcerated by German police. The German authorities can return the banned asylum-seekers to Denmark. Still if they don't do so within six months, the person has the right to seek asylum in Germany, and several people are struggling to go secretive about doing just that.<sup>181</sup>

Furthermore, what is happening in the news nowadays, Iraqi children born under the rule of the Islamic State group are being left out from society because the government deprives them documentation and ID papers. Some of these children would find Denmark a state of refuge where they could find shelter and security. However, Denmark's new law denies them from their rights and might reject them from entering since they could affect the country's security.<sup>182</sup>

The government of Denmark has taken such a decision that forbids asylum children from obtaining shelter to avoid corruption and maintain the State's security. Is this decision ethical? Is there any procedure that should be taken to safeguard children and secure the state from any danger?

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<sup>180</sup> Global Legal Research Directorate Staff. (2018). Provisions on Child Asylum Seekers. Library of Congress. Retrieved from: <https://www.loc.gov/law/help/asylum-seekers/children.php>

<sup>181</sup> Gadd, S. (2019). Danish News Round-up: Spotlight on Danish law preventing refugees from getting a divorce. CPH Post Online. Retrieved from: <http://cphpost.dk/news/business/danish-news-round-up-spotlight-on-danish-law-preventing-refugees-from-getting-a-divorce.html>

<sup>182</sup> Orange, R. (2019). Denmark to deny citizenship to children of Islamic State members. The Telegraph. Retrieved from: <https://www.telegraph.co.uk/news/2019/03/29/denmark-deny-citizenship-children-islamic-state-members/>

## B- Undocumented Children in Denmark:

Undocumented children, in Denmark, do not have the same rights as other children, and their best interests and growth are usually at stake. Some particular areas are of specific relevance to the CRC. According to the current Danish legislation clarification of legal documents, the state does not intervene in childbirth cases except if the child has medical problems. Because undocumented women regularly have no economic means, they do not acquire periodic pregnancy consultations. They wait until the last moment, when they are about to deliver birth, to be maintained in childbirth wards, which places the child's health and future growth in danger. Hence, even though undocumented people obtain emergency health care free of charge, they have no right to selective cures. Children have the right to protective inspections, including vaccinations, but undocumented children are frequently not allowed to these services free of charge.<sup>183</sup>

Undocumented people often plagiarize another person's health insurance certificate to get health care. Moreover, all children have the right to go to school. Still, there is no requirement for schools to register irregular inhabitants children. Proof of residence status is a prerequisite before admitting children into the school system in Denmark. Some schools, nevertheless, admit these children anyway. According to private connotations that offer unpaid support to undocumented persons in Denmark, undocumented parents are regularly too scared to let their children go to school, as it would mark the family too noticeable and vulnerable. Thus, the position of undocumented children

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<sup>183</sup> Biwas, D ( 2019). Access to health care for undocumented migrants from a human rights perspective: A comparative study of Denmark, Sweden, and the Netherlands. Health and Human Rights. The President and Fellows of Harvard College on behalf of Harvard School of Public Health/François-Xavier Bagnoud Center for Health and Human Rights. Vol: 14. Pages: 49-60.

in Denmark precludes them from getting numerous rights admitted by the CRC, mainly threatening their health and improvement and their admittance to education.<sup>184</sup>

#### Entitlements and Access to Healthcare for Undocumented Children in Sweden:

Since 2000, asylum-seeking children and undocumented previous asylum-seeking children in Sweden have had the same rights as Swedish children to health, medical, and dental care. These rights were comprehended after NGOs and Swedish pediatricians endorsed r them based on the UN Convention on the Rights of the Child and assessment from the UN Committee on the Rights of the Child. There are still some obstacles for these children; for example, many undocumented families don't have enough money to pay for the cost of medicines and other treatments. Many healthcare providers, especially outside pediatric clinics, are unconscious of the laws concerning children's care, leading to rejection of responsibility towards undocumented migrant children. Furthermore, undocumented children who were not beforehand applying for asylum have the same constrained access to care as undocumented adults. In response to the restricted admittance to care for undocumented migrants, NGOs have opened clinics where health professionals volunteer to treat undocumented patients. The first of these clinics released in 1996, and they are now accessible in Sweden's four largest cities.<sup>185</sup>

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<sup>184</sup> Annika, W. (2016). Undocumented migrant women in Denmark have inadequate access to pregnancy screening and have a higher prevalence Hepatitis B virus infection compared to documented migrants in Denmark: a prevalence study. BioMed Central. United Kingdom: London. Vol: 16. Pages: 2- 9.

<sup>185</sup> Biwas, D. op.cit. Pages: 49-60.

C- Homeless Children in Denmark and Lebanon:

a- Homeless Children in Denmark:

The problems listed above concerning the asylum seekers and undocumented children lead to the emergence of the street children and children participating in armed conflict. Like other Nordic countries, Denmark is recognized internationally for its comprehensive social services and high level of the World Happiness Index. For example, if you are a jobless citizen of Denmark, you are entitled to up to 90% of the income you completed at your previous job. However, it may then originate as a surprise that, like other urban centers internationally, homelessness is an issue for Denmark's big cities. Before the age of 18, the system in Denmark doesn't always identify you. According to SAND, because homeless shelters can only receive people over the age of 18, and the Danish system acquires its data on homelessness from the shelters, minors frequently don't turn up in the statistics on homelessness.<sup>186</sup>

Additionally, national censuses have transformed the meaning of 'youth' in Denmark to only comprise those up to 25 instead of 29. This means that the numbers on youth homelessness is assumed to decrease, but without any changes on the streets.

Another matter impacting homelessness in Denmark is the deficiency of reasonably priced housing. According to the Danish Construction Association in 2014, Aarhus and Copenhagen would need 130,000 new properties by 2020 to provide accommodations to the new residents. The small housing construction rates linked to the number of people who transfer to Denmark's big cities each year is the main challenge. However, there are other aspects at play as well. The

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<sup>186</sup> Brandt, P. (2001). Homelessness and Mental Illness in Denmark: Focus on "Street-Dwellers". International Journal of Mental Health. Taylor & Francis, Ltd. Vol: 30. Pages: 84- 92.

presence of a comprehensive welfare system does not warranty victory or security for any citizen.<sup>187</sup>

This is where organizations like SAND play a significant role. "We go with people to the government, to the doctor, to the hospital, try to nurse them a little, so the first times maybe you need help to go, after four or five times you can go by yourself," clarifies Kaffa about by SAND's work . The idea is to make sure "people lost in society are being treated right." SAND plays a significant role in developing advocacy for homeless people in Denmark. Nonetheless, current legislative variations present growing obstacles for their work.

Last year, the Danish government proclaimed a new welfare cover on unemployment benefits, child benefits, housing benefits, and childcare supports.<sup>188</sup>

b- Homeless Children in Lebanon:

An interview was done with Ms. Hayat Ousseiran, a Senior Child Labor Consultant in the International Labor Organization, to examine why, until nowadays, child labor and children on the streets still exist. Ms. Ousseiran began her discussion that street children are the most complicated topic to deal with. It has always existed in Lebanon. She had done two researches about child labor; one was in 2004, and the other was in 2015. Both researches concluded that the majority (approximately 70%) of the children who are working on the streets are Syrians. She added that it is interesting that Lebanese children don't go on the streets as much as the Syrians. There are also a bit of Palestinians working as child labor but not as much as Syrians.

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<sup>187</sup> Op.cit.

<sup>188</sup> Smith, J. (2018). A line in the sand on ending homelessness. Council to Homeless Persons. Retrieved from: <https://chp.org.au/line-sand-ending-homelessness-op-ed-jenny-smith/>

The case of child labor is historical because it existed in 2004, even before the 2011 Syrian crisis. Moreover, organized groups used to bring Syrian children over from Syria and spread them out on the streets. At the end of the day, they take them and take their money from them. These organized groups used to give these children only one small room for a group of fifteen, or they let them return to Syria on the same day. It is a criminal act like a gang acts. Why these organized groups bring out these children and put them on the streets? She retorted that because on the streets, children would make a lot of money very easily. Also, the difference between the Lebanese and Syrian currency is very different, so Fifty Thousand Lebanese Lira in one day makes a lot of money in Syria. She continued her conversation by declaring that the percentage of Syrian Children working on the streets has increased after the Syrian crisis. Child Labor is the most profitable job, not only in Lebanon but worldwide. One child can bring a lot of money in one day, she added.

In addition, if these children are working to mafia or an organized group, all the money goes to the mafia person and not for the child unless the child is coming from his house. These are the least because the majority are working for organized groups. Likewise, the exposure of these children on the streets is terrible. It is the worst exposure of child labor because they are exposed to extreme heat, temperature, car accidents, verbal harassment, physical harassment, and sexual harassment. Nowadays, organized groups putting children from a very young age to the streets to get more sympathy from passersby. It is interesting that in every labor, the ages of children have been young as seven and eight years old, especially in the labor of agriculture. Exploitation is ugly. It is beyond imagination.

Besides, those children protected by the NGOs and many international organizations are escaping from these organizations to go back to the streets. The reasons behind working street children don't stay long in institutions are several. First, in Lebanon, there are no specialized institutions that can

truly deal or provide to working street children. What exists are rehabilitation centers for children who are found to commit illicit activities or fall victim to illicit activities such as prostitution, drug trafficking, etc. Second, children working on the streets are put in institutions which are like prisons. Thus, it is preferable for many reasons to put them in a daycare organizations where they receive care within a family setting, so they can feel reintegrated in society. Third, they long for care and freedom. They are lost between being naturally children with all the emotions that this entails but also the freedom of adults that they experienced on the streets.

It is a continuous psychological struggle. In other words, street children have a lot of freedom, so they get used to living independently. Even if the institutions are doing the best to help them, some of them get used to a program, discipline, and a bit of money. Nevertheless, the majority prefer to rejoin the streets because they get more money and more freedom, so they get used to being their bosses. Nobody is telling them what to do and where to go. They sleep where they want and live where they prefer. Fourth, caretakers do not have enough experience in dealing with them. Child labor is different than orphan children. Security forces treat these children as criminals and not as victims. Fifth, the security forces need to deal with the mafia that employs them more seriously. Finally, the Lebanese law needs amendment in that regard as even if institutionalized for reasons related to serious family issues or abuse. The family has the right to take them out of institutions and are not held guilty for letting them on the streets. Ms. Hayat has done several pieces of training in Lebanon on this topic. She and her professional members coming from Egypt has done several pieces of training in Lebanon. Egypt, for a long time, suffered from poverty, break up of families which lead to children working on the streets. Despite the difficulties that Egypt has faced child labor, nowadays, the institutions are working to solve the problem, and it is working because the percentage of child labor on the streets has decreased. Furthermore, nowadays, the Ministry of

Social affairs has planned a new strategy, and they are working on the topic of child labor because it needs more specialization.

Today the Ministry of Social Affairs is working on a strategy of the children on the street to provide them safe places. The last report of the CRC stated that each state should deliver the rights of children working on the streets not necessary by placing them in organizations because children should receive their rights even if they are on the streets. The Ministry of Social Affairs, the Ministry of Education, the Ministry of the Interior, local communities, and the International organizations ask the municipalities to provide secure spaces, public gardens, abandoned schools, or spaces that are related to the municipalities to gather up the children working on the streets from 8:00 am till 4:00 pm.

The international security, the municipal police, the social workers from the Ministry of Social Affairs, and the Non-Governmental Organizations bring up these children and offer them psychological support, psychological health, social integration, physical and mental health. Also, they give them classes on literacy, dance, musical, and art lessons. In this way, children are withdrawn from the streets and are protected from 8:00 am till 4:00 pm, and after this duration, they might return to the streets or wherever place they would like to go. Moreover, this strategy delivers child labor children their rights, and those children who will return to the streets will return with more awareness about their rights and might after a while search for their rights and not for their life on the streets. In other words, the visits and stay at the shelters develop into a habit, and far ahead the children could end up living a different life in a shelter or the community especially that this strategy does not take children all the day. Thus, it does not take from them their freedom that they are used to feel when they work on the streets. This plan free children from exploitation



on the streets for 6 hours. The strategy will take place soon in Beirut as the first experience and then the plan will go further for the rest of the provinces.

c- Children in Armed Conflict in Denmark and Lebanon:

Unfortunately, Denmark is still facing the problem of recruiting children in armed conflict. There is no recent report on children in armed conflict in Denmark. The latest report was in 2008, which states that the Committee on the rights of the child articulated concern that the government had miscarried to follow reporting strategies and had not encompassed relevant legislation with its compliance. The report also failed to comprise information concerning assistance for the physical and psychological reclamation of former child soldiers and the Optional Protocol's distribution and its combination into training programs for appropriate professionals. However, Denmark endorsed the Paris Commitments to guard children against illegal recruitment or use by armed forces or armed groups and the Paris Principles and procedures on children allied with armed forces or armed groups. The documents endorsed international standards and operational principles for defending and assisting child soldiers and trailed a wide-ranging global discussion jointly sponsored by the French government and UNICEF.<sup>189</sup>

Unfortunately, no recent data and information were found about Denmark's latest actions to prevent children in armed conflict.

Lebanon is facing the same problems as in Denmark vis-à-vis the issue of child soldiers. According to the Secretary-General's Report on children and armed conflict delivered on 20 June 2019, armed clashes in camps for Palestinian refugees, infrequent armed violence, and the existence of mines

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<sup>189</sup> Child Soldiers International. (2008). Child Soldiers Global Report 2008 – Denmark. Retrieved from: <https://www.refworld.org/docid/486cb0f92d.html>

and other explosive expedients harmfully affected children all over the country. The Secretary-General restate the call for the Government to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Children linked to armed groups should be preserved first and foremost as victims, imprisoned only as a last resort for the shortest conceivable period, and be punctually referred to rehabilitation programs.<sup>190</sup>

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<sup>190</sup> United Nations. (2019). Lebanon. Office of the Special Representative of the Secretary-General for Children and Armed Conflict. Retrieved from: <https://childrenandarmedconflict.un.org/where-we-work/lebanon/>

## **Chapter V**

### **Findings**

- The Convention should hold power to sanction countries that breach its requirements.
- The Committee on the rights of the child should restrict some of the CRC's articles to be more comprehensive and specific.
- Abolish the right of children to choose their religion in article 7 of the CRC as it may guide to grave destruction of the family unit.
- Article 20 of the CRC should be rejected for its restriction on international and transracial adoption.
- The optional protocols should not be optional but compulsory on the states because such reservations weaken the comprehensive requirements outlined in the CRC and work to diminish the protection of children.
- Accountability and transparency should exist inside the 3 branches of the government to amend gaps which are found in the Lebanese law.
- Raise awareness through the NGOs and several organizations about the CRC protocol that comprises the right of the child to receive complaints when the child's rights have been desecrated.
- Eliminate the personal status law of child marriage, which is based on 18 religious sects that allow girls under 18 to be married.
- Enact a new law which states that girls under 18 are not allowed to be married.
- NGOs and Civil Society should go on the streets and pressure the government to pass a bill to end child marriage without delay.

- Create a Non-Governmental Organization that compromises religious leaders who approves the idea of ending child marriage. This aims to raise awareness in the schools and make some pieces of training in municipalities and communities to stop child marriage.
- Cooperation between International Organizations, local faith leaders, and government officials to raise awareness about the dangers and consequences of early marriage.
- Mass media should engage with local and international organizations working to end child marriage. Also, they should expose the disadvantages of early marriage to end child marriage in Lebanon.
- Mass media should follow up on the topic of ending child marriage.
- Lebanon's authorities should pursue criminal cases against adult spouses, parents, and local authorities who carry on the practice.
- Specialists should also promote programs to prevent child marriages. These include empowering girls with information and sustenance networks, guaranteeing girls' access to quality education, and engaging and instructing parents and community members about the adverse effects of child marriage.
- Public and private schools in Lebanon should educate their staff and students about the available options for special needs children. Thus, each school should have a school website that includes some materials about the system accessible for children with disabilities, so that parents can be aware of the school's presence and what it includes.
- A strong emphasis should be placed on the public education system by the government and the municipalities to ensure that all children with special needs enjoy their fundamental rights of education with the equipment and the materials in need, as well as to prevent any risk of discrimination.

- The Parliament should implement a new law. It includes that each school should have a program for children with special needs, and new public and private school buildings must fulfill the regulations concerning accessibility for people with disabilities.
- Create legislation that can guarantee the students' rights to learn regardless of their capabilities, and laws that oblige public and private schools to include them.
- Call on governments to play an active role in promoting free education in public schools and lifelong learning opportunities.
- Create new legislation that obliges the private schools to set a minimum range of fees with a little sum of money.
- A new law on adoption should be created which is not based in the status law.
- The Ministry of Education in Lebanon and the Municipalities should intervene in funding the schools which encompass children with special needs to safeguard these children in delivering to them the knowledge they need.
- Recruit specialized teachers that are qualified to teach all children, including those with disabilities.
- The government should pay more attention to educating children with special needs and fund every organization that aims to help these children.
- Reintroduce the law that offers children with disabilities a small chance to work in the public and private sectors by increasing the percentage of their intervention.
- The UNHCR must facilitate a safe and secure return of Syrian refugees to their country.
- The Lebanese government should launch the rulings, procedures, strategies, budget lines, and public bodies that are predictable under Law 220/2000 or required by associations of persons with disabilities and other human rights organizations.

- Create a law for child labor that forbids families that cannot afford shelter to their children to take them out of the institutions.
- Organizations dealing with the issue of child labor should be more prepared and need proper management concerning street children and child labor.
- The Ministry of Social Affairs should initiate the new strategy listed under the topic of “Street Children” that assist in reducing the percentage of children on the streets without any delay.
- Training should be given to the police and security forces to address how they perceive and treat street children as victims and not as criminals.
- Care Takers should have enough experience in dealing with children.
- Create a new law which forbids children under the age of 18 to take part of any conflict.
- Article 1 of the Lebanese Law should be changed to give the Lebanese women the right to give citizen status to her child.
- Children in conflict with the law should be diverted from the formal criminal justice system, thus avoiding arrest and detention in favor of child-friendly healing alternatives.
- The government must provide proposals that suggest the total elimination of child labor as the ultimate goal of strategy and put measures and sanctions into place, which forbids the worst forms of child labor as a matter of priority.
- Legislation should define hazardous work specifically. It should include work that exposes children to physical, psychological, or sexual abuse, work underground, underwater, at dangerous heights or in confined spaces, work with unsafe machinery, equipment and tools or carrying heavy loads exposure to temperatures, work for long hours and night work.
- Build a law to refrain from recruiting children under 18 to their armed forces.

- Create a Lebanese Asylum Act, which states that an asylum submission filed by a parent will automatically embrace the minor child. Also, it should provide people with special needs, such as unaccompanied minors, adequacy to obtain proper health care and related care.
- When the refugee status has been approved to a minor unmarried child, the child's parents may be granted asylum upon application if certain conditions are encountered.
- Generate a Lebanese Asylum Act that guarantees that the family unit is preserved and that minors are not disconnected from their families when housing decisions are made.
- Create a law stating that asylum seekers should get a residence permit for three years if he/she can prove his/her Arabic language skills and ability to support themselves. Nevertheless, he/she cannot vote or practice their political rights in Lebanon.
- The Lebanese authorities must certify that an unaccompanied minor will be reimbursed to a member of their family, a guardian, or a suitable reception facility in the country of return.
- The needs of minors in Lebanon awaiting resettlement to the EU must be considered in agreement with the necessities of the Return Directive of the EU.
- Many health care providers, especially outside pediatric clinics, should be aware of the laws concerning undocumented children's care in Lebanon.
- Foreign pregnant women should be tested in Lebanon, and if the health of the mother or the baby is non- acute, the mother has to be referred to a private midwife or private hospital.
- The government in Lebanon should propose a law that requires schools to register undocumented children. Also, the schools should offer paid support for undocumented children.

## **Chapter VI**

### **Conclusion**

Corruption involving children rights is present in all countries, rich and poor, North and South, developed and developing. However, the percentage of corruption concerning the children's rights alters from country to country, even in Denmark where the state has concentrated on the rights of children. In other words, a utopian country is difficult to find and reach. Therefore, the government's obligation in each country is to minimize the level of corruption as possible concerning the application of the conventions that the governments have signed and ratified. When corruption is believed to be the manner of the public sector or one of its agencies, public administration jeopardizes losing both its capacity to be effective and the trust of citizens in the fair and impartial application of public resources and authority.

In Lebanon, corruption vis-à-vis the rights of children necessitates more attention compared to other countries that guard children's rights. The protection and education of children in Lebanon can accomplish an effective development; nonetheless, it requires several frameworks to be applied. The CRC, with other international children's rights morals in Lebanon, execute an obligation to take operative enforcement measures to explore, decide, and amend violations of children's rights when they arise. The obligation of exploring demand to discover where is the lack of the CRC and the Decree-Law 119/1983 and try to provide social psychological expertise to improve the situation of the child in Lebanon. Furthermore, the responsibility to decide requests the checks and balances between the public sectors in the government. In other words, the decree



related to children should be transferred to the legislative branch to check and balance all the context.

Moreover, the accountability to amend entails the Lebanese legislation taking a step forward, about children's rights. Some of the gaps were exposed and had to be filled. The enhanced development in this area has also required the adoption of some modern perceptions without losing vision of the specificity of Lebanese society and its complete legal norms. Moreover, the actions that are happening nowadays in Lebanon concerning the demand of the citizens in overthrowing the government and the necessity to create an independent caretaker government, released from all kinds of political parties and religious sects, may lead to the practice and the development of children's rights. Can a government formed of a technocratic government; a committee of well-educated and experienced individuals set a road map on a path to success and eliminate all kinds of corruption? Furthermore, can the transparency of the media pressure the government to protect children's rights and gain the trust of the people? For years, Lebanon was a placard child of the accomplishment of private enterprise, its miscarriage to close its civil war chapter disregarded in the hopes that wealth would overcome the weakness of the state. But now that the current economic crisis has ripped the natural law and the neo-liberal Band-Aid, can the Lebanese challenge the injuries of the past and implement the socio-economic, civil political and collective development rights?

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