



LEGAL GUIDE TO CHILD'S RIGHTS IN LEBANON



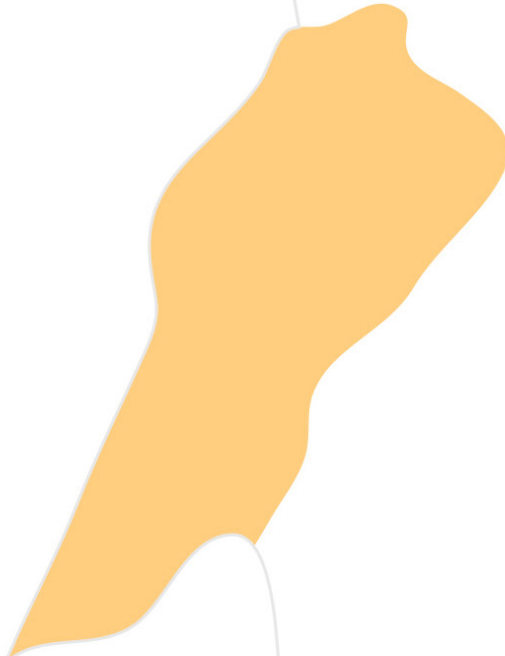
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Acknowledgements

Legal Guide authored by NRC with research from external legal consultants. Edited by Martin Clutterbuck. Special thanks to Jenny Bjerlestam and Najah Khamis from NRC Lebanon, Sandrine Chachine from Save the Children Lebanon and Taghrid Abdallah from the International Rescue Committee (IRC). August 2024.

This document has been produced with the financial assistance of the Swiss Agency for Development and Cooperation (SDC). The contents and opinions of this document are the sole responsibility of NRC and do not necessarily reflect the position of SDC.

Design: Excel Soft Digital Solutions, Jordan

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In my house (Photo: Charbel Kousseifi/NRC)

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Looking after my brother (Photo: Zaynab Mayladan/NRC)

1. BACKGROUND AND INTRODUCTION TO GUIDE



The ‘Legal Guide to Child Rights in Lebanon’ is a legal resource for lawyers and humanitarian professionals working with children in Lebanon; including Lebanese children, Syrian and Palestinian children, children of migrant workers and stateless and refugee children. It brings together in one document the various laws, directives and policies relevant to the legal protection of children in Lebanon. By consolidating the relevant laws into a single document, practitioners will be able to get a better overall picture of the inter-connected legal framework affecting children’s rights.

The guide covers the various areas of law that are relevant to the protection of children’s rights including **the legal capacity of children, family or personal status laws affecting children including guardianship, custody and age of marriage, laws on the general protection of children from abuse and mistreatment, and the rights of children to health, education and social assistance.** Additionally, the guide covers the **rights to legal identity and nationality for children as well as standards and procedures on juvenile justice for children in contact with the law.** The guide is structured per thematic area of law or topic so that users can go directly to the section of relevance. The guide also sets out the various Ministries and government agencies that are responsible for children’s welfare issues in Lebanon.

The guide does not comment on the adequacy of the laws, protection issues in the country or practical challenges in implementation of the laws. Nor does it provide any analysis or commentary on international human rights law other than to note some of the key international human rights law (IHRL) and international humanitarian law (IHL) treaties and regional agreements ratified by Lebanon.

It is part of a series of guides developed for the Middle East region¹ based on legal research conducted by NRC and White & Case lawyers. The Guide also draws on past research and reports by NRC in relation to personal status and civil documentation in Lebanon. The personal status section of the guide relies heavily on the research conducted by Human Rights Watch as part of their report, *Unequal and Unprotected: Women’s Rights Under Lebanese Personal Status Laws*,² whilst the section on child protection references research by Chrissie Gale in her report on *The National Child Protection System and Alternative Care* for SOS Children’s Villages.³

1 Other country guides include those for Iraq, Jordan, Libya, Palestine Syria, and Tunisia. See [The Legal Protection of Children in the MENA Region](#).

2 HRW, [Unequal and Unprotected: Women’s Rights Under Lebanese Personal Status Laws](#), 2015.

3 Gale, Chrissie, [The National Child Protection System and Alternative Care](#), January 2021, SOS Children’s Villages.



Whilst the guide is intended to be used as a general legal resource, it should not be relied upon for individualized advice. Instead, legal advice should be obtained from qualified legal practitioners in relation to the particular circumstances of the persons being assisted.

All efforts have been made to ensure that the guide is as complete and accurate as possible, as of the date of publication. However, the legal accuracy of the guide cannot be guaranteed, particularly considering frequent legislative and policy changes. Nor does the guide cover legal and administrative practices, both formal and informal, that may be prevalent in different parts of Lebanon including at the level of courts, government offices and local municipalities. The guide covers the legal framework up to August 2024.

2. INTERNATIONAL HUMAN RIGHTS TREATIES AND CONVENTIONS RELEVANT TO CHILDREN



Whilst this Guide focuses primarily on the domestic legal framework for children in Lebanon, international treaties and conventions ratified by Lebanon are included as a reference point and guide to the commitments made by Lebanon for the legal protection of children. International human rights treaties provide an important normative framework and reference point, including on issues of implementation of international obligations.

Lebanon has signed various international and regional conventions and treaties relevant to the protection of children including the Convention on the Rights of the Child (CRC). International treaties ratified by Lebanon have the force of law in Lebanon and constitute a higher law by which all national laws must be interpreted and amended as necessary laws.⁴ This allows practitioners to use provisions of human rights treaties ratified by Lebanon in individual casework and policy work. Lebanese lawyers often use international human rights arguments before courts, with principles sometimes reflected in the jurisprudence of the Court of Cassation.

2.1 Key international human rights and humanitarian law treaties ratified by Lebanon

The Convention on the Rights of the Child (CRC), as ratified by Lebanon, is the key international human rights treaty in relation to the rights of children. Many of the fundamental principles of the CRC, such as the obligation to act in the best interests of the child, are expressly incorporated into Lebanese domestic law.⁵ Further selected treaties or conventions ratified by Lebanon with relevance to the legal protection of children's rights are set out below.⁶

Name of Treaty or Convention	Ratification Date
▶ Specific Child Rights Treaties	
➤ Convention on the Rights of the Child (CRC)	14 May 1991
➤ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	8 November 2004
➤ United Nations Convention against Transnational Organized Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children	5 October 2005

⁴ This remains subject to any reservations Lebanon has made to human rights treaties.

⁵ Such as in Law No. 422 of 2002, the Law on Protection of Children in Violation of the Law or Exposed to Danger.

⁶ See [Human Rights Treaties and Conventions ratified by Lebanon](#).



Name of Treaty or Convention	Ratification Date
▶ General International Human Rights Treaties	
➤ Universal Declaration of Human Rights (UDHR)	1948
➤ Convention on International Civil and Political Rights (ICCPR)	3 November 1972
➤ Convention on Economic, Social and Cultural Rights (ICESCR)	3 November 1972
➤ Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)	5 October 2000
➤ Convention on the Elimination of Racial Discrimination (CERD)	12 November 1971
➤ Convention on the Elimination of Discrimination Against Women (CEDAW)	16 April 1997
▶ International Humanitarian Law Treaties	
➤ Geneva Conventions, 1949	10 April 1951
➤ Additional Protocol (I) to the Geneva Conventions	28 February 1997
▶ Treaties relevant to Work Rights and Child Labour⁷	
➤ ILO Convention 182 on the Elimination of the Worst Forms of Child Labour	11 September 2001
➤ ILO Convention 138 on the Minimum Age for Admission to Employment and Work	10 June 2003

As per Lebanon's ratification of the CRC in 1991,⁸ it is required to submit periodic reports to the Committee on the Rights of the Child ('CRC Committee') on the status of child rights (as set out in the CRC), and on the steps taken by Lebanon towards the implementation of the CRC.

Whilst Lebanon has ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of children, Child Prostitution and Child Pornography, it has not ratified the Optional Protocol on the Involvement of Children in Armed Conflict which provides additional protection for children caught up in conflict, either as civilians or combatants. However, protection is afforded to children in armed conflicts through Common Article 3 to the Geneva Conventions (1949), which Lebanon ratified in 1951 and is therefore legally bound by.

Several significant human rights treaties and conventions have not been ratified by Lebanon. These include the 1951 Refugee Convention, and the 1967 Protocol relating to the Status of Refugees. Nor has Lebanon signed the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on Reducing Statelessness.⁹ Other human rights treaties not ratified by Lebanon include the Convention on the Rights of Persons with Disabilities and its Optional Protocol (RRPD) and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW).

⁷ See ILO, [Ratifications for Lebanon](#), ILO Normlex.

⁸ See OHCHR, [Ratification Status for the Convention on the Rights of the Child](#), UN Treaty Body Database.

⁹ Whilst Lebanon has not signed the Refugee Convention, it does have a Memorandum of Understanding (MoU) with UNHCR.

2.2 Regional Agreements

Regional treaties can be a useful point of reference for the interpretation of human rights standards within a social or cultural context. Whilst some of these treaties are not formally binding on Lebanon, they are relevant as reflecting to some degree regional, cultural and religious values and shared commitments and can be invoked in support of broader child rights arguments.

Regionally, the **Arab Charter on Human Rights**, as signed by Lebanon in 2011, protects a wide range of human rights including those relevant to children. It protects the right to a legal identity¹⁰, to education¹¹ and the right of youth to greater opportunities to develop their physical and mental abilities.¹² The family is acknowledged as the fundamental unit of society and the State is obliged to ensure special protection for the family and children.¹³

The **Cairo Declaration on Human Rights in Islam** lists a number of human rights specifically applicable to children including the prohibition on discrimination on the basis of the child's parent's or legal guardian's race, color, sex, language, religion, sect, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.¹⁴ The Declaration further notes the right to such measures of protection as are required by the child's status as a minor, including "nursing, education as well as material, and moral care, on the part of his family, society and the State".¹⁵ Other rights include the right to birth registration and nationality.¹⁶

10 Article 18 of [Arab Charter on Human Rights](#).

11 Article 34 of Arab Charter on Human Rights.

12 Article 39 of Arab Charter on Human Rights.

13 Article 38 of Arab Charter on Human Rights.

14 Article 7(a) of [Cairo Declaration on Human Rights in Islam](#).

15 Article 7(a) of Cairo Declaration on Human Rights in Islam.

16 Article 7(b) of Cairo Declaration on Human Rights in Islam.



School activities (Photo: Charbel Kousseifi/NRC)



Dreaming (Photo: Zaynab Mayladan/NRC)



3. NATIONAL POLICY FRAMEWORK

The **national policy framework** covers the overall legislative and administrative structure put in place by Lebanon to ensure the protection of children. This includes policies and commitments made by the government as well as those government agencies responsible for implementing the protection of children's rights. The Government of Lebanon has passed several laws and regulations governing child protection and works with various departments and institutions to ensure the protection and appropriate referral of children at risk of harm.

3.1 Government policies and measures of implementation

Perhaps the most significant law passed by Lebanon in relation to the protection of children is **Law No. 422 of 2002 on the Protection of Children in Violation of the Law or Exposed to Danger**. To provide consistency in the implementation of the law the government issued **Standard Operating Procedures (SOPs) in 2105**. The SOPs provide guidance for all steps of child protection case management including identification and referral, assessment, protection measures and case plans, monitoring and case closure.¹⁷

Also on **protection**, the Ministry of Social Affairs together with UNICEF have developed a National Strategy for the Protection of Women and Children. This project builds on MOSA's leadership and regulatory role in the field of child protection and protection against gender-based violence through coordination with the public and private sectors, including civil society, to ensure services to vulnerable groups. The strategy also includes "Qudwa", a national social behavioural change and communication (SBCC) plan to prevent child marriage, child labor and violence against girls, boys and women in Lebanon.¹⁸

In relation to **education**, the Education Sector Development Plan, introduced by the Ministry of Economy and funded by the European Union, is aimed at improving retention and educational achievement in areas with high dropout rates.¹⁹ The Ministry of Education and Higher Education are currently implementing a School Safety and Protection Programme together with UNICEF.

¹⁷ Ministry of Social Affairs, with Lebanese School for Social Work at the University of Saint Joseph; Standard Operating Procedures for the Protection of Juveniles in Lebanon, [Juvenile Protection SOP](#), 2015; see also Gale, p 52.

¹⁸ UNICEF Press Release, [The Ministry of Social Affairs launched, in partnership with UNICEF, its 2020-2027 Strategic Plan for the Protection of Women and Children](#), 24 June 2020.

¹⁹ Ministry of Education and Higher Education, [Lebanon 5 Year General Education Plan](#), 2021.



The National Action Plan on the Elimination of the Worst Forms of Child Labor aims to eradicate **child labor** by working with various actors in local communities.²⁰ Additionally, the National Social Development Strategy was established to protect working children and plan a comprehensive **social, health, and educational program**.²¹

In 2010 the government launched the National Poverty Targeting Programme designed to target some of the **poorest and most vulnerable households** within the country and provide them with social transfers, including financial support to parents.²² In 2019 the Ministry of Social Affairs and the Supreme Council for Children developed a national plan of action for preventing and addressing **child marriage**.²³

3.2 Ministries and national agencies responsible for child welfare issues

A range of different **government ministries and agencies** are responsible for the protection of children in Lebanon.²⁴ The government also contracts NGOs providing child and family support to deliver specialized child protection services on behalf of the government.²⁵

The **Higher Council for Childhood** is a governmental institution responsible for coordinating and implementing national strategies for the protection and development of children.²⁶ They collaborate with non-governmental and international organizations to provide childcare and ensure development, in accordance with international conventions. The Council seeks to implement child rights policies, including those combating child labor, to improve conditions of children in Lebanon and to preserve their right to survival, protection and participation. Amongst the Council's programmes are those for the family environment, alternative care, child prevention and protection from all forms of exploitation, abuse and neglect.

The **Ministry of Social Affairs (MoSA)** includes two Directorates, namely the **Directorate of Social Development** and the **Directorate of Social Services**, both of which provide services for families and children in six governorates and at a district level. The Directorate of Social Services includes both a **Department of Family Affairs** and **Social Welfare Department**, along with the **Department for Families and Children** and the **Department for Juvenile Protection**. A **Child Labor Unit** within the Department for Families and Children refers children identified by the unit to protective institutions such as shelters.²⁷

The **Department of Juvenile Protection** is responsible for providing a range of services for children who are deemed to be at high risk (such as street children and victims of sexual exploitation).²⁸ They are also responsible for appropriate preventive and rehabilitation plans and for coordinating such plans with other relevant ministries.²⁹ Many of the child protection and welfare functions within MoSA are contracted to accredited NGOs who provide the services under overall supervision of MoSA.³⁰

20 ILO, [National Action Plan to Eliminate the Worst Forms of Child Labour in Lebanon by 2016](#).

21 FAO, [National Social Development Strategy of Lebanon](#).

22 Gale, pp 43-44.

23 See Musawah, [Global Repository of Muslim Family Laws](#).

24 See also Gale, p 39.

25 Gale, pp 28, 41-42, 48-49.

26 See [Higher Council for Childhood in Lebanon](#). The Council was established in 1994 by virtue of Decision No 29 of 1994 issued by the Council of Ministers.

27 See diagram of MoSA structure in Gale, p 41.

28 Gale, p 44.

29 Article 52 of Law No. 422 of 2002.

30 Juvenile Protection SOP, see also Gale, p 42.



The **Personal Status Department (PSD)** within the **Ministry of Interior and Municipalities** also known as the **General Directorate of Civil Status (GDSCS)**, is responsible for birth registration of children, as well as registration of marriages, divorces, deaths and issuance of ID documents. The PSD consists of a network of local registry offices (*Nofous*) as well as the Foreigners Registry. The **Directorate General of Political Affairs and Refugees Affairs (DPAR)** is responsible for the registration of Palestinian Refugees from Lebanon (PRL), including births, marriages, divorces and deaths of PRL.

The **Ministry of Justice** has the authority to contract agencies, such as the Union for Protection of Juveniles in Lebanon (UPEL), to carry out assessments and case management in relation to children in contact with the law, including those children that may also require the need for protection and support services.

The **Union for Protection of Juveniles in Lebanon (UPEL)** is a non-government organization mandated by the Ministry of Justice that works closely with the government and has responsibility for attending investigations and hearing sessions with children who are in contact with the law as well as referring mistreated children, children in contact with the law, and child victims of human trafficking for appropriate social services. UPEL also provides support in procedures involving issues of juvenile justice, such as conducting assessments of juvenile offenders.³¹

The **Ministry of Labor** is responsible for preventing illegal child employment by enforcing child labor laws through workplace inspections.³²

3.3 National Laws

The **laws most relevant for child rights in Lebanon** are as follows:

- **The Lebanese Constitution.**³³ The Constitution includes principles related to the general protection of all persons, including children, such as respect for social justice and equality of rights and duties among all citizens, without discrimination.
- **Law on Protection of Children in Violation of the Law or Exposed to Danger (Law No. 422 of 2002) (Law on the Protection of Children).** This is the main law for the protection of children and juveniles in Lebanon. The law notes that children require special assistance in protecting their rights and makes their best interests a central concern. It covers various aspects of child protection, including protection from abuse, neglect, and exploitation and outlines the responsibilities of authorities in safeguarding the rights of children.
- **Personal Status Law of 1951 (Law Issued on 7 December 1951).** Lebanon's Personal Status Law sets out general principles in relation to the issuance of birth, marriage and death certificates in Lebanon. However, Lebanon does not have a unified Civil Code regulating personal status matters such as marriage, divorce and birth. Fifteen (15) separate personal status laws and codes exist for the country's various religious communities.
- **Law on the Rights of Persons with a Disability (Law No. 220 of 2000).** The law seeks to integrate citizens, including children with disabilities, into social and economic life, through employment, transport and housing quotas. The law covers the provision of health and educational services to persons with disabilities.
- **Law on the Punishment of the Crime of Trafficking in Persons (Law No. 164 of 2011).** The law punishes the crime of trafficking in persons and addresses child trafficking cases including street-begging and other forms of trafficking and coerced child labor. The law also prohibits the commercial sexual exploitation of children.

31 Articles 34 and 53 of Law No. 422 of 2002.

32 See Labour Code of 1946 and Decree 8987 of 2012.

33 Lebanese Constitution as adopted in 1926 and amended in 1990.



- **The Lebanese Penal Code.** The Penal Code contains provisions related to crimes against children, including abuse and exploitation. It stipulates penalties for offenses such as child trafficking and child labor.
- **Law on Combating Child Sexual Abuse (Law No. 1151 of 2014).** This law strengthens legal measures against child sexual abuse and exploitation, including online offenses.
- **The Lebanese Labor Code (Law issued on 23 September 1946 and amended in 2010).** Employment in Lebanon, including employment of working-age minors, is regulated by the Lebanese Labor Code. The Labor Code protects children in Lebanon from exploitative labor practices and sets the minimum age of employment of children at 14.
- **Law on Public Education (Law No. 686 of 1998).**³⁴ The law states that public education at the primary stage is free and compulsory and is the right of every Lebanese child under the age of 12).
- **Law on Education (Law No. 293 of 2001).** This law addresses the right to education, including provisions for compulsory education and non-discrimination in access to education.
- **Law on the Protection of Children Exploited in Begging (Law No. 659 of 2004).** This law criminalises the exploitation of children involved in begging and outlines measures for their protection and rehabilitation.
- **Law for the Protection of Women and Other Family Members from Domestic Violence (Law No. 293 of 2014).** The law was originally limited to women in Lebanon, who were the main victims of such crimes. However, confessional and political leaders extended the mandate of the law to include men and children in the family.³⁵

3.4 Principle of Non-discrimination

The Lebanese Constitution notes that all Lebanese are **equal before the law**, equally enjoy civil and political rights, and assume obligations and public duties without any distinction among them.³⁶ Lebanon has also ratified the ICCPR and ICESCR with prohibit discrimination in access to civil, political, social, cultural and economic rights.

34 The law amended Article 49 of Decree No. 134 of 1959.

35 Although the law excludes men who are outside the family as a social unit, which leaves out boyfriends and other male figures/ friends.

36 Article 7 of Lebanese Constitution



Schools out (Photo: Sherbel Dissi/NRC)



My brother (Photo: Tina Abu Hanna/NRC)



4. LEGAL CAPACITY OF CHILD

4.1 Definition of Child

A child is defined as a person below the age of 18 in legislative texts in Lebanon.³⁷

4.2 Age of majority and capacity to take legal action

The age of majority for both females and males is 18 years.³⁸ Eighteen (18) years is the age of legal responsibility, eligibility for military service and entitlement to a driver's license, while 21 years is the age at which Lebanese citizens are entitled to vote.³⁹ Sexual intercourse is prohibited for minors under the age of 15 and is prohibited for minors between 15-18, with the limited exception of a valid marriage.⁴⁰

In the case of uncertainty in relation to the date of birth or due to the late registration of birth, verification of age is done by checking official records or through referral to medical experts by judicial authorities.⁴¹ Medical authorities will then provide an estimate of age.

4.3 Age of criminal responsibility

The **age of criminal responsibility in Lebanon is seven (7) years old.**⁴² For children between the ages of seven (7) and 12, there is a presumption of limited capacity, meaning that they are presumed not to have the full capacity to understand the consequences of their actions. In such cases, the court may order protective measures rather than criminal penalties.

37 See for example Article 1 of Law 422 of 2002. The term 'juvenile' is used throughout Lebanese legislation. See Juvenile Protection SOP, p 11.

38 Article 215 of Lebanese Law of Obligations and Contracts.

39 Article 21 of Lebanese Constitution.

40 Article 505 of Penal Code.

41 Article 1 of Law No. 422 of 2002.

42



With mum (Photo: Charbel Kosseifi/NRC)

5. LEGAL IDENTITY, CIVIL STATUS AND REGISTRATION OF CHILDREN



All Lebanese children, as well as foreign national children born in Lebanon, must be registered in the Civil Registry at birth. Children that are legally resident in Lebanon should have a birth certificate, an individual civil registry extract and family registry extract issued by their local Civil Registry which states the child's name, religion, and birth date.

The Law on Filing of Personal Status Documents, as amended,⁴³ governs personal status documents relating to birth, marriage, divorce, annulment of marriage, death, change of place of residence, conversion to a different school of religious law, conversion to a different religion, and updating records.

5.1 Birth registration

5.1.1 Issuance of birth certificates

Parents or guardians of a child who **do not register the birth within 30 days** are liable to pay an administrative fine.⁴⁴ Parents who do not register the birth within one year must apply for the birth certificate through a court proceeding.⁴⁵

To register the birth of a child in Lebanon, the **parents must usually be married**, with proof of marriage, such as a marriage contract. In extremely limited circumstances it is possible to register a child outside of marriage, but the process is complex and there is considerable stigma attached for children born outside of marriage.⁴⁶ Children of unknown parentage may also be registered. Again, the process is complex. Informal marriages must be formally registered before children of the marriage can be registered.⁴⁷

43 Law on Filing of Personal Status Documents issued on 7 December 1951.

44 Article 11 of Law on Filing of Personal Status Documents, issued on 07 December 1951.

45 However, there was an exemption for Syrian refugees who did not register the births of their children within one year of birth during the period 1 January 2011 and 26 May 2023.

46 See section 5.1.3 for 'Registration of children in informal marriages or of unknown parentage.'

47 See section 5.1.3 for 'Registration of children in informal marriages or of unknown parentage.'



Birth certificates must include the following information: the year, month, day of birth, gender, and name along with the names of the father, mother and witnesses, and their surnames, occupation, ages, their year of birth and place of residence.⁴⁸

Lebanese nationals must registry the birth with the *Nofous* (local civil registry office) whilst foreign nationals must additionally register births with the Foreigners Affairs section of the *Nofous*, the Lebanese Ministry of Foreign Affairs and, typically, with their national Embassy or with authorities in their own country.

The process for issuance of birth certificates involves three steps for Lebanese nationals (steps 1-3 below) and six steps for foreign nationals (steps 1-6 below):⁴⁹

1. Birth notification. The birth notification is the document issued by the doctor, hospital or registered midwife confirming the birth of the child. It must include the name and the signature of the doctor or authorized midwife, the date and place of birth, the name of the mother and father and the gender of the child. The birth notification should be issued for free.⁵⁰ In cases in which the midwife is not a registered midwife, or in cases of home birth, the parents must go to the local *mukhtar* with witnesses to confirm the birth. The *mukhtar* can then issue a birth notification with relevant details.

2. Birth certificate from *mukhtar*. Once the birth notification has been obtained, the *mukhtar* closest to the location of the birth must issue a birth certificate. The birth certificate is a standard format document which must be signed by two witnesses and a parent. The *mukhtar* will issue the birth certificate and then ask the parents to return to the hospital to have the certificate signed and stamped by the doctor, hospital or midwife. The *mukhtar* will counter-sign and stamp the certificate. *Mukhtar* fees for issuance of the birth certificate will vary according to the *mukhtar* and location.

3. Registration at *Nofous*. After the *mukhtar* has stamped the birth certificate, the document should be stamped at the *Nofous* closest to the place of birth. This should be done before the child reaches the age of one. If not, the parents must go to court for issuance of the birth certificate. Please note that a special exception was granted for Syrian children born in Lebanon between 1 January 2011 and 26 May 2023. Under this exception, if the births were not registered at the *Nofous* within the one-year deadline they could be registered administratively at the *Nofous* without the need to go to court.

4. Registration at the Foreigners Registry. After registration with the *Nofous*, foreign parents must attend the Foreigners' Register at the Personal Status Department (PSD) in their governorate (*mohafaza*) to register the child. They will need:

- The birth certificate,
- Parents ID,
- Proof of marriage. This can include a Lebanese or foreign marriage certificate. For Syrian refugees this can also include a Syrian Family Booklet, a family civil extract stamped by the Syrian Ministry of Foreign Affairs, the Syrian Embassy and the Lebanese Ministry of Foreign Affairs, or valid passports with a certified proof of marriage.⁵¹

5. Registration with the Lebanese Ministry of Foreigners Affairs. Once stamped by the Foreigners Registry at the PSD, the birth certificate must be ratified with the Lebanese Ministry of Foreign Affairs.

48 Birth certificates may also be issued where the mother or father, place or date of birth of the child or other personal information is unknown. See section 5.1.3 on 'Registration of children in informal marriages or of unknown parentage.'

49 For details of the birth registration process in Lebanon, see NRC KOBLI Lebanon webpage; [KOBLI Birth Registration](#).

50 In practice, some private hospitals have been known to withhold issuance of the birth notification if the parents have not paid the hospital fees for the delivery of the child. This is contrary to the law. Birth notifications must be issued by law and the hospital can separately claim for any money owed in a civil action.

51 Please note that there may be some variations in procedures between government offices concerning the documents requested.



6. Registration with Embassy or national authorities. Most countries also require registration of children born abroad with national authorities. This will depend on the requirement of the country. Syrian authorities require children to be registered either with the Syrian Embassy or with Syrian authorities in Syria.

In September 2017, the PSD of the Ministry of Interior and Municipalities waived the requirement for Syrian parents and parents of PRS to have valid legal residency to register the birth of their newborn children with the Foreigners' Registry.

A replacement birth certificate can be obtained by an adult from the Civil Status Department directly or through the *mukhtar* of the town where the person was originally registered.

5.1.2 Registration of births after the age of one

Parents who have not registered the birth of their child before the age of one must go to court to obtain a birth certificate⁵². Once the court order has been obtained, the birth can be registered at the *Nofous*.

The three steps for birth registration are:

1.1. Preparation of documents for civil court. The documents necessary are:

- ID documents for the parents,
- Birth notification signed by the doctor, hospital or midwife,
- Birth certificate issued by mukhtar,
- Marriage certificate or proof of marriage,
- Statement of kinship from the religious court.

The statement of kinship proves the relationship between the parents and child. It cannot be obtained from the civil court but exclusively from religious courts. Some religious courts might request DNA testing to issue the statement of kinship (Druze and Christians religious courts) whilst others will not (Sunnite and Shiite religious courts).

If the parents are represented by a lawyer, a Power of Attorney (PoA) must also be obtained. Court fees can amount to LBP500,000, whilst the cost of a PoA can vary between LBP800,000-1,500,000. The PoA must be registered at the Bar Association who also charge a fee. Lawyers' fees are separate and vary widely. Persons applying to court should also have valid legal residency in Lebanon.

2. Application for a court order. The application for a court order to issue a birth certificate must be made to the civil court. For foreigners, the competent court is the one closest to where the birth took place; for Lebanese it's the court in the area where the father is registered. The court will check the applicant' status with both the PSD as well as the General Security Office (GSO) to ensure the applicant has legal residency and that there are no outstanding security or criminal issues. Applicants may be required to undertake a DNA test to prove paternity and maternity. The court decision must be made within six months.

3. Lodgement of the court order with the *Nofous*. Parents or guardians must then apply for birth registration at the *Nofous* with the court order. The *Nofous* will refer the order to the Directorate of the PSD who will execute the decision at the Foreigners Registry. The birth certificate will then be issued by the *Nofous*.

52 Article 12 of Personal Status Law of 1951.



In response to COVID-19, when calculating the one-year deadline set by law for birth registration, the General Director of the PSD issued a circular requesting all Nofous offices to exclude the period between 18 October 2019 and 31 December 2020.⁵³

Children of Lebanese fathers who are born outside of Lebanon should be registered with the nearest Lebanese Embassy or consulate who will issue a temporary certificate which will act as an identity certificate. The consulate will send a copy of the birth certificate and the parents' ID cards to Lebanon so that the child can be registered with the PSD.⁵⁴

5.1.3 Births in informal marriages and non-recognized parentage

Children born in **informal and unregistered marriages** in Lebanon, such as those conducted by informal *sheikhs* in Muslim marriages, can obtain birth certificates provided that the informal marriage is later formally registered, and a marriage certificate is obtained. In such cases, the religious court will register the marriage retroactively. The date of marriage is the date when the couple concluded the informal marriage, so that all children are considered legally born within a marriage.

In cases in which an overseas marriage certificate, such as a Syrian marriage certificate or family booklet, has been lost, the parents can apply to the *Sharia* or other religious court in Lebanon for a proof of marriage order. The court will then make a decision confirming the validity of the marriage based on available evidence including witness evidence or documentary proof. *Sharia* courts can also issue statements of kinship confirming the parentage of the child, based on witness evidence, DNA tests and documentary proof. Such statements are only valid within Lebanon as foreign authorities are responsible for official confirmation of life events which took place within their territory.

Children born out of marriage can be registered by any parent who acknowledges parentage; either father or mother or both parents. The mother may also be named on the birth certificate based on a legal ruling.⁵⁵ Statements of recognition of a child born out of marriage will be drafted in the presence of two witnesses and recorded in the birth registry. If neither parent acknowledges parentage of the child, the caretaker of the child will issue a birth certificate and choose a name for the child without naming the mother or father on the certificate.⁵⁶

If a child is born to a Lebanese mother and non-Lebanese father, and the mother recognizes the child before the father and demands registration, the child will be registered under her name and will receive her Lebanese nationality. Children born to Lebanese fathers, where paternity is proven and acknowledged, will acquire Lebanese nationality.⁵⁷

Children of non-Lebanese origin who are stateless as well as unregistered Palestinian refugees may only register their children if they file a nationality lawsuit for the child. In practice this is a very difficult process.⁵⁸

53 The circular is based on Law No. 160 of 2020 and Law No. 185 of 2020 as enacted by the Lebanese Parliament on 28 May 2020 suspending all legal, administrative and contractual deadlines falling between 18 October 2019 and 31 December 2020. The General Director of the Personal Status Department in Beirut, Circular, dated 25 September 2020, (Arabic).

54 Article 19 of Personal Status Law of 1951.

55 Article 15 of Personal Status Law of 1951.

56 Article 15 of Personal Status Law of 1951.

57 Article 2 of Nationality Law.

58 See Frontiers-Ruwad Association, [Birth Registration Procedures in Lebanon: Practical Manual](#), 2014.



5.2 Registration and Civil Documents

5.2.1 Issuance of Identity Cards

Civil Extracts

Civil extracts for Lebanese nationals, including children, are issued by the *Nofous* and provide proof of legal identity, date of birth, personal status and Lebanese nationality.

ID Cards

Children legally domiciled in Lebanon should hold a **Lebanese national identification card** with a photograph. The photograph should be renewed every seven (7) years. Identification cards are issued by the GSO. The application must include the application form, a photograph of the child and an individual civil extract which is less than three months old.⁵⁹

ID documents for Palestinian Refugees in Lebanon (PRL)

PRL registered with either UNRWA or the Directorate General of Political and Refugees Affairs (DPAR) can be issued with an official '**Identification Card for Palestine Refugees**' by the DPAR.⁶⁰ These cards 'blue cards' can be issued to people who were registered in the Lebanon government censuses conducted in 1951/52 and in 1961, and to their descendants.

Passports

Children legally domiciled in Lebanon can be issued with **passports** after applying to the GSO. If the child is above the age of five, the child should attend the GSO with both parents.⁶¹

Parental/Guardian Consent

A minor under the age of 18 will not be granted a passport without the consent of both parents or the legal guardian. The consent and signature of the parents must be included on the application request, and signed in front of the mukhtar or the GSO in the regional centre who receives the request and must certify the signature of both parents or the legal guardians of the child separately.⁶²

In the event of the death of one or both parents, or in the event of divorce or desertion, the right to consent to travel rests with the legal guardian, the legal agent who holds an express power of attorney in this regard, or the owner of the right to custody.⁶³

Travel documents for Palestinian Refugees from Lebanon

The GSO has established processes for Palestinian Refugees (PRL) in Lebanon to be issued with **travel documents**.⁶⁴ PRL who are registered with DPAR are eligible for five-year travel documents if they are registered with both DPAR and UNRWA, which are issued by the GSO, and which can be renewed.⁶⁵

59 General Directorate of General Security, [New Biometric Passports](#).

60 In accordance with the Minister of Interior's Ordinance No. 319 of 2 August 1962.

61 General Directorate of General Security, [New Biometric Passports](#).

62 General Directorate of General Security, [New Biometric Passports](#).

63 General Directorate of General Security, [New Biometric Passports](#).

64 General Directorate of General Security, [The Instructions Related to Biometric Passports Granted to Palestinian Refugees in Lebanon](#).

65 Department of Foreign Affairs and Trade (DFAT), Australia, [DFAT Country Information Report Lebanon](#), June 2023, para 5.42,5.43, 26 June 2023; See also UK Home Office, [Country policy and information note: Palestinians in Lebanon](#), Lebanon, March 2024, section 14.2 These passports can also be issued for one to three years.



Palestinians who arrived following the events of 1967 (1967 Palestinians) can receive one-year laissez-passers, as can white card holders. Palestinians who gain the nationality of another country will lose their right to Lebanese passports or laissez passers.⁶⁶

For a PRL child to be granted a Lebanese travel document, they will require:

- the marriage certificate of their parents,
- a photocopy of their travel document,
- attestation of residence delivered by *mukhtar* of the applicant's municipality,
- registration certificate delivered by the minor's school,
- certified photocopies of the residency permits of the child's parents'.

Non-ID Palestinians who are not registered as PRL with DPAR cannot obtain a travel document. However, they may apply for a proof of origin document from the Palestinian Embassy which can be used for freedom of movement in Lebanon, but not externally.

5.2.2 Correcting and amending official records

Requests for corrections in official records must be submitted to the respective government department or agency responsible for the document. This could include the *Nofous*, DPAR for PRL or another relevant authority. The specific requirements and procedures depend on the type of document and the nature of the correction needed. However, it should be noted that deleting or distorting information about the personal status of a person, including a child's birth details, are punishable under the Penal Code.⁶⁷

5.2.3 Unregistered persons

An indeterminate number of children in Lebanon, both Lebanese and foreign, are **formally unregistered**.

Non-registration of Lebanese children can happen for various reasons. It can be the consequence of informal or child marriages or children born outside of marriage. Other causes include undetermined or unacknowledged parentage, lack of knowledge of birth registration procedures, lack of pre-requisite documents such as legal identity documents of parents or for historical reasons such as non-registration of parents. In addition, non-registration of foreign national children born in Lebanon can result from the lack of legal residency by parents and the cost and complexity of the procedures. Many PRL, known as 'non-ID Palestinians' have no official identification documents in Lebanon.⁶⁸

Children born in Lebanon who remain unregistered after one year can obtain a court order authorizing their birth registration. Typically, the court will require information about the circumstances of the birth, the identity of the parents (if known) the marital status of the parents, nationality, proof of lineage and reasons for non-registration of the child within the past 12 months.⁶⁹

66 Department of Foreign Affairs and Trade (DFAT), Australia, [DFAT Country Information Report Lebanon](#), June 2023, para 5.42,5.43, 26 June 2023; See also UK Home Office, [Country policy and information note: Palestinians in Lebanon](#), Lebanon, March 2024, section 14.2.

67 Articles 492, 494 of Penal Code.

68 See section 6.3 on 'Residency and Registration of Non-Nationals including Palestinian refugees'.

69 See section 5.1.2 on 'Children whose birth is not registered before the age of one'.



Art Class (Photo: Sherbel Dissi/NRC)



6. NATIONALITY AND NON-NATIONALS, INCLUDING FOREIGN RESIDENTS

6.1 Eligibility for nationality

Eligibility for **Lebanese nationality** is set out in Decree No 15 on Lebanese Nationality dated 19 January 1925, as amended.⁷⁰

Nationality is primarily acquired paternally. Children of Lebanese fathers are eligible for Lebanese nationality.⁷¹ Children of Lebanese mothers cannot generally obtain Lebanese nationality, although there are some exceptions. For example, children born outside of marriage to a Lebanese mother who acknowledges the child whilst still a minor can also acquire Lebanese nationality,⁷² if the child's nationality is not otherwise established, such as through the father.

A foreign woman married to a Lebanese man can apply for Lebanese nationality on the basis of naturalization after one year of marriage provided that the marriage is registered with the PSD.⁷³ The wife must show that she has integrated into the Lebanese way of life and poses no security risk.

Children of foreign women who acquired Lebanese nationality after the death of the Lebanese father can also obtain Lebanese nationality.⁷⁴

Non-Lebanese men cannot be granted Lebanese nationality for marriage to Lebanese women.⁷⁵

⁷⁰ Decree No 15 on Lebanese Nationality of 19 January 1925, as amended in 1934, 1939 and 1960. The Frontiers Ruwad report, [Invisible Citizens: Humiliation and a Life in the Shadows](#) contains detailed commentary on Lebanese nationality law as well as Court de Cassation jurisprudence in relation to nationality.

⁷¹ However, if a Lebanese female gives birth and nobody claims paternity over the child, the child can be incorporated into the maternal grandfather's family serial number and consequently be eligible for citizenship. They will be assigned to his personal status and sect. See Maya Mikdashi, *Sextarianism: Sovereignty, Secularism, and the State in Lebanon, 2022*, Redwood City: Stanford University Press.

⁷² Article 2 of Nationality Law. Frontiers Ruwad, *Invisible Citizens*, pp 14, 38-87.

⁷³ Article 5 of Nationality Law.

⁷⁴ Article 4 of Nationality Law. See Frontiers Ruwad, *Invisible Citizens*, p 14.

⁷⁵ See Frontiers Ruwad, *Invisible Citizens*, p 14.



Birth in Lebanon does not confer Lebanese nationality, although children born in Lebanon of unknown nationality or born in Lebanon without any other nationality are technically eligible for Lebanese nationality under the law.⁷⁶

Lebanese nationality can also be lost in certain limited situations, such as through voluntarily renouncing nationality or through employment as a government official in a foreign state without the permission of Lebanese authorities.⁷⁷

6.2 Stateless persons

Children of unknown parentage or nationality are technically eligible for Lebanese nationality under the Nationality Law.⁷⁸ However, in practice acquisition of Lebanese nationality for persons who are unregistered, or stateless remains extremely challenging. Estimates of non-refugee stateless persons in Lebanon range from 27,600-60,000 persons⁷⁹ to 80,000-200,000 persons.⁸⁰

Stateless persons have been categorized into two groups, namely persons whose status is **'under study' by the Director of General Security (Qayd El Dares)** and those who are **not registered (Maktoum El Qayd)**.

Qayd El Dares are considered by Lebanese authorities to be of foreign background with undetermined nationality, regardless of any historic or cultural roots they may have in Lebanon. **Maktoum El Qayd** covers persons who are not officially registered in the civil registry in Lebanon. This includes children of parents with known nationality whose birth has not been registered ('non-registered'), either before or after the one-year deadline, and persons born to a stateless father or unknown parents ('inherited stateless').⁸¹ Children of mixed marriages are at higher risk of statelessness on account of the complexity of registering such marriages. A significant proportion of members of nomadic groups such as Bedouin and Dom are stateless in Lebanon.⁸²

Nevertheless, even persons who are stateless in Lebanon may be able to access certain types of identity documents and access limited services. Available documents include ta'arif cards or certificates granted by mukhtars to stateless persons or a Qayd el Dares card for those whose status is 'under study'. Holders of such documents can access health services at their own cost as well as schooling and education. Qayd el Dares card holders have additional rights, such as being able to own movable goods and access employment, provided they receive authorization from the Ministry of Labor.⁸³

The Ministry of Social Affairs has the mandate to protect stateless children in Lebanon and operates programs in cooperation with UNHCR, and other United Nations agencies and other NGOs, to implement social services programs to combat statelessness of children.⁸⁴ These include birth registration, social care and educational access programmes.

76 Article 1(2) and (3) of Nationality Law.

77 Articles 4, 6 and 8 of Lebanese Nationality Law. See also Frontiers Ruwad, *Invisible Citizens*, pp 82-87.

78 Article 1(2) and (3) of Lebanese Nationality Law. Frontiers Ruwad, *Invisible Citizens*.

79 UNHCR/SIREN, [Mapping and Understanding Statelessness in Akkar](#), September 2021. A high proportion of traditionally nomadic groups in Lebanon, namely Bedouin and Dom, are stateless in Lebanon, often because they could not prove continued residency in Lebanon during the 1932 census, didn't have sufficient identity documents or were on the move and thus did not participate in the census, pp 80-85. The 1994 Naturalisation Decree allowed many persons excluded from the 1932 Census in Lebanon or their descendants, to acquire Lebanese nationality. However, a significant number of persons in Lebanon with Lebanese origin remain stateless. Descendants of ethnic groups including Kurds, Assyrians, Chaldeans and Armenians who did not register in the 1932 census may also be stateless. See Frontiers Ruwad, *Invisible Citizens*, pp 31-34 for details of other categories of stateless persons.

80 Frontiers Report, *Invisible Citizens*.

81 UNHCR/SIREN, [Mapping and Understanding Statelessness in Akkar](#), pp 6-7.

82 Frontiers Ruwad, *Invisible Citizens*, pp 80-89.

83 UNHCR/SIREN, [Mapping and Understanding Statelessness in Akkar](#), pp 7, 54.

84 UNHCR Lebanon, Myriam Aziz, [Stateless or at Risk of Statelessness](#); See also UNHCR, "Everyone has the right to a nationality" Preventing and Reducing Statelessness in Lebanon", ["Everyone has the right to a nationality"](#) - Preventing and Reducing Statelessness in Lebanon, 15 August 2023,



For example, MoSA offers social care programmes covering basic necessities such as food and shelter for children of Lebanese fathers who have become stateless due to a lack of birth registration and who have filed court procedures to remedy their status. In an effort to prevent statelessness and promote birth registration, the Ministry of Public Health has incorporated information on procedures for birth registration in the new version of the personal Child Health Record booklet that is provided to all newborn babies. Administrative procedures are in place to allow stateless children to attend public schools and sit their final exams.

6.3 Status of Palestinians in Lebanon

All foreign nationals in Lebanon, including refugees and migrants, must have a residency permit to remain lawfully in Lebanon. To obtain a residency permit, foreign nationals must have either entered Lebanon legally, or been permitted to regularize their residency in Lebanon if they entered unofficially and without a visa. This applies to some Syrian refugees and PRS. There are separate requirements for residency of PRL. Entry into Lebanon is regulated under the Law Concerning the Entry, Stay and Exit from Lebanon.⁸⁵ Nationals of certain countries may obtain visas upon arrival in Lebanon, whilst other nationalities must apply for a visa in advance. A range of different visas are available with different conditions and durations. These include visitor visas, business visas and working visas.⁸⁶

Residency for Migrants and other Foreign Nationals

Many foreign nationals in Lebanon are migrants on working visas. Foreigners intending to work in Lebanon must be sponsored by a Lebanese employer and apply for a Preliminary Approval and later a Prior Approval from the Ministry of Labour before entering Lebanon.⁸⁷ Once the Prior Approval is obtained, the foreign national must apply for a Work Permit within ten (10) days of arriving in Lebanon. Work permits may be granted for between one (1) to three (3) years.⁸⁸ In addition to work permits, foreign nationals also require residency permits which are issued by the GSO.⁸⁹ There are different types of residency permits based on the nature of the work permit.⁹⁰ Children of migrant workers are included on the residency permit of their parent.

Domestic migrant workers are excluded from the Labour Law and are subject to the *kafala* system which requires a sponsor who has legal responsibility for the migrant domestic worker during the contract period. The worker is dependent upon the sponsor for the work permit and also legal residency. The migrant cannot change to a new sponsor without a previous waiver/consent from the first sponsor.

Residency for Syrian nationals and Palestinian Refugees from Syria (PRS)

Maintaining legal residency in Lebanon is a major challenge for Syrian refugees, as well as for PRS. This is mainly on account of the need to find a Lebanese sponsor and pay the annual residency fee for persons not registered as refugees with UNHCR. Residency permits must be renewed annually for Syrians and every six months for PRS. An estimated 83 per cent of Syrian refugees in Lebanon do not currently possess legal residency.⁹¹ Eligibility for legal residency in Lebanon depends upon the mode of arrival (official/unofficial), the date of entry to Lebanon, and the status of the person (registered refugee/Lebanese sponsored).⁹²

85 Law Concerning the Entry, Stay and Exit from Lebanon No. 10 of 1962. For further information see NRC [Guide to Employment Rights in Lebanon](#), section 17, pages 29-36.

86 For information available on visas for Syrians, see KOBLE Lebanon, [KOBLE Lebanon Entry Regulations](#).

87 See NRC Guide to Employment Rights in Lebanon, p 31.

88 See Articles 3-6 of Foreign Workers Regulation.

89 Article 7 of Decree No. 10188.

90 For further information see NRC Guide to Employment Rights in Lebanon, Section 17, pp 29-36.

91 Lebanese Crisis Response Plan 2023, p 12.

92 For further details on legal residency see KOBLE Lebanon; [KOBLE Legal Residency](#).



Entry to Lebanon

Syrians are permitted to enter Lebanon using their Syrian national ID card. Until 2015, Syrians could enter Lebanon as visitors and apply for refugee status with UNHCR. They were then eligible for residency permits. In January 2015 the GoL restricted the entry of Syrians to a small number of visa categories, with a very limited number of humanitarian exceptions.⁹³ Applying for refugee status was not one of these categories and UNHCR were no longer formally permitted to register refugees in Lebanon after 2015. As of this date Syrians could enter Lebanon on visitor visas but were required to find a Lebanese sponsor in order to be able to remain legally in Lebanon.⁹⁴ The sponsor can be an employer sponsor or a personal sponsor.

Syrians may still enter Lebanon using their national IDs and/or passports. However, they must inform border authorities of the reason for their entry and provide relevant supporting documentation including a valid national identity card, and/or passport, and a family booklet if they are travelling with their family. Syrians who entered Lebanon unofficially (i.e. without using an official border crossing) prior to 24 April 2019 may regularize their status in Lebanon for the sole purpose of exiting Lebanon by approaching GSO offices, proving their date of entry prior to 24 April 2019 and paying a fine of LBP900,000. Syrians who entered Lebanon unofficially after 24 April 2019 are required to pay a fine and are issued with a departure order.⁹⁵

There are different rules and restrictions for PRS. PRS who arrived through an official border prior to 16 September 2016 may renew their residency every six months. However, PRS who arrived unofficially in Lebanon, regardless of the date, or who arrived officially after 16 September 2016 cannot obtain legal residency in Lebanon.⁹⁶

Legal Residency

Syrian refugees who entered Lebanon prior to 5 January 2015 and registered with UNHCR are allowed to renew their residency permits without paying the annual permit fee.⁹⁷ They can renew their residency on the basis of their UNHCR refugee card. The residency permit will cover all members of the immediate family who are registered as refugees, including children under 15. All other Syrians must extend their legal residency in Lebanon through a Lebanese sponsor and pay the annual residency permit fee.⁹⁸

Syrian children over the age of 15 are required to have their own Syrian ID card or passport and can no longer be registered under their parent's residency permit. They are required to obtain a residency permit in their own name. However, Syrian ID cards can only be issued in Syria and very few Syrian youth return to Syria to obtain them. In March 2018 the GSO issued a new administrative circular allowing Syrian youth aged 15-18 to apply for residency using a civil extract issued in Syria, provided it is not more than two (2) years old.⁹⁹ Syrian youth who do not have a civil extract or whose birth has not been registered with Syrian authorities continue to face difficulties in applying for legal residency.

Registered refugees are not allowed to work in Lebanon. Refugees wishing to work in Lebanon must revoke their refugee status with UNHCR and find a Lebanese sponsor. They are then eligible for work permits. To renew their legal residency, they must attend a GSO office with the necessary paperwork and pay the annual residency fee.

93 See NRC Briefing Note, 'Persisting challenges on legal residency of refugees in Lebanon', February 2019.

94 Syrian nationals may also enter Lebanon on a range of other short-term visas, including visas for students, medical treatment, tenants of apartments, Syrians with Lebanese mothers and other visa types. For further information and a list of visa categories, see KOBALI Lebanon; [KOBALI Lebanon Entry Regulations](#).

95 For further details on legal residency see KOBALI Lebanon; [KOBALI Legal Residency](#).

96 See KOBALI Lebanon; [KOBALI Legal Residency for Palestinians](#).

97 In accordance with a Circular issued by GSO in March 2017. See NRC Lebanon Briefing Note, 'Legal Residency'.

98 Syrians may also extend their residency based on student or business owner visas, but sponsorship by a Lebanese national is most common.

99 NRC Lebanon, Briefing Note, 'Legal residency for refugee youth in Lebanon'.



Under instructions issued by GSO in March 2021, persons whose legal residency has expired were permitted to renew their residency up to 30 June 2021 if they fell within the following categories:

- Syrian nationals with expired residency permits granted previously based on sponsorship (work, personal),
- Syrian nationals who have entered Lebanon through official border crossings, but overstayed their residency, as well as those who did not exit Lebanon despite having departure orders,
- Syrian nationals who entered Lebanon through official borders based on a category other than sponsorship (work or personal) and overstayed their residency permits; and,
- Syrian nationals who failed to obtain a work permit from the Lebanese Ministry of Labour, provided they regularize their status by applying for a residency permit based on sponsorship (work).¹⁰⁰

However, Syrian nationals who entered Lebanon after 15 March 2021 cannot benefit from the above provisions.¹⁰¹

Residency for Palestinian Refugees from Lebanon (PRL)

Most Palestinian refugees live either in the 12 official UNRWA refugee camps in Lebanon or in 'gatherings' which are refugee communities outside the camps, and often close to the camps. There are four main categories of Palestinians in Lebanon, namely:

- UNRWA (and government) registered Palestinian refugees,
- Non-UNRWA-registered Palestinian refugees,
- Non-ID Palestinian refugees,
- Palestinians from Syria.

Registered Palestinian refugees are those who are registered with DPAR and issued with an official 'Identification Card for Palestine Refugees' by the Lebanese government.¹⁰²

A small number of Palestine refugees are registered with DPAR, but not with UNRWA. They are also entitled to a government-issued Identification Card and to legal residency. Children of both registered and non-UNRWA registered refugees who are registered with DPAR are entitled to birth certificates, Identification Cards and legal residency in Lebanon.¹⁰³

Non-ID Palestinian refugees are those who are neither registered with UNRWA in Lebanon or Lebanese authorities (DPAR). Many of them are refugees who left Jordan in the 1970s, or otherwise travelled to Lebanon between 1975 and 1990. They do not generally have valid identity documents and are considered illegal immigrants by the GoL. Many of them are registered as refugees with UNRWA in other countries (such as Jordan) but are not permitted to transfer their registration to UNRWA in Lebanon. Some have identity documents issued by the Popular Committees in Palestinian refugee camps in Lebanon.¹⁰⁴

100 General Directorate of General Security, [Announcement of 11 March 2021](#) (Arabic); also General Directorate of General Security, Announcement dated 18 May 2021, [Announcement of 18 May 2021](#) (Arabic). The deadline was later extended from 30 June 2021 to 30 September 2021 with some small modifications. For further details see General Directorate of General Security, [Regularization of the status of Syrians in violation until 30/09/2021](#), Circular dated 1 July 2021.

101 General Directorate of General Security, [Regularization of the status of Syrians in violation until 30/09/2021](#), Circular dated 1 July 2021.

102 In accordance with the Minister of Interior's Ordinance No. 319 of 2 August 1962; see also UK Home Office; Information Note Lebanon: Palestinians, June 2018.

103 See for example, UK Home Office, [Country policy and information note: Palestinians in Lebanon](#), Lebanon, March 2024, section 7.

104 See UK Home Office, [Country policy and information note: Palestinians in Lebanon](#), Lebanon, March 2024, section 7.



Syrian Family (Photo: Grzegorz Zukowski/NRC)



7. PERSONAL STATUS AND FAMILY RIGHTS

Understanding personal status and family laws in Lebanon is a complex matter as the **Lebanese Constitution gives authority to religious communities to determine their own personal status laws**. This covers laws in relation to marriage, divorce, guardianship, custody of children, maintenance, inheritance and other family law-related issues.¹⁰⁵

This results in inconsistencies in practices across different religious groups and poses particular problems for persons who are not religious, are in mixed marriages or have other complicated situations, such as children born outside of marriage. Such laws have particular implications for the children of such relationships.

Whilst efforts have been made by civil society groups and politicians over the years to draft and introduce an optional and secular civil marriage law for Lebanon, religious bodies have opposed such measures.¹⁰⁶ Accordingly, there is no unified law for marriage in Lebanon, and the relevant laws and procedures for marriage and divorce, as well as custody and guardianship of children of marriage, differ across the various religious sects prevalent in Lebanon. Whilst technically Lebanese nationals can remove their religious affiliation from their civil records, this is a difficult bureaucratic process and is rarely done.¹⁰⁷

Although personal status rules vary across religions, the registration of life events, such as births, marriages or divorces, with the PSD is standardized in the Personal Status Law of 1951. Birth and marriage certificates are issued in a standard format and must be registered with the PSD. Non-registered marriages are not considered officially valid.

Personal status rules and doctrines across different religions

Fifteen separate personal status laws exist for Lebanon's different religious communities. The key Personal Status laws of the main religions in Lebanon are as follows:

¹⁰⁵ Article 9 of Lebanese Constitution.

¹⁰⁶ For a history of efforts to pass an optional, civil personal status law, see HRW Unequal and Unprotected, p 26.

¹⁰⁷ Decree 60LR of 1936 in Lebanon recognises freedom of belief by allowing individuals to opt out of their religion's personal status laws. For a detailed analysis of this decree and its current applicability in Lebanon, in accordance with decisions of the Lebanese Court of Cassation, see HRW Unequal and Unprotected, p 20-21.



Denomination	Applicable Law
➤ Sunni	Law of the Judicial Organization of the Sunni and Shia Judiciary Family Law of 16 July 1962. See also Decree No. 46 entitled “the New Code of Family Provisions”, issued in December 2011 by the Sunni Supreme Islamic Council; also the 1917 Ottoman Law of Family Rights and the Personal Status Compendium by Qadri Pasha which govern Muslim Sunni marriages. ¹⁰⁸
➤ Shia	Law of the Judicial Organization of the Sunni and Shia Judiciary Family Law of 16 July 1962. Guide to Jafari Justice, drafted in 1994 by the President of the Supreme Jafari Court.
➤ Druze	Codified Personal Status Law of 1948, amended in 1959.
➤ Catholic	Personal Status Law of the Catholic Sects of 1949. See also the new Latin Code of Canon Law issued on 25 January 1983. ¹⁰⁹
➤ Other Christian denominations	Other Christian denominations include the Armenian-Orthodox, Greek-Orthodox, Syriac-Orthodox and Evangelical denominations, each with their own separate personal status codes and practices, including the Code of Canons of the Eastern Churches issued on 18 October 1990 for Orthodox denominations.

Religious bodies and courts for different denominations

Sharia courts are the highest religious authority for Muslims and *Sharia* Sunni and Jaafari courts of the first instance operate throughout Lebanon.¹¹⁰ They are composed of one judge or several single judges. The Supreme Sunni and Jaafari Courts deal with appeals from first instance courts and sit in Beirut. They are composed of a chief judge and two member judges.¹¹¹ There are six first instance Druze courts, as well as a Supreme Appellate Court in Beirut.

Catholic courts of first instance are established in every diocese of Lebanon, with different panels for different issues.¹¹² There are appellate courts for each Catholic confession.¹¹³ Orthodox courts vary depending on the confession but there are both first instance and Appellate courts. There is one Evangelical first instance and Appellate court in Lebanon.¹¹⁴ Because of the variety of sources of religious law, consisting of codes, edicts, different schools of thought and writings from different religious scholars, as well as different interpretations of these rules by judges, there is a lack of consistency in decisions of religious courts.¹¹⁵

Whilst the court of Cassation is the highest court for civil cases in Lebanon, they have limited oversight of decisions of the religious courts in practice. They will review procedural issues but defer to the religious courts on substantive aspects of decisions of the religious courts.¹¹⁶ Notably, however, the Court of Cassation has challenged some decisions of religious courts which were found to be conflict with child protection measures authorized under the Law on the Protection of Children.¹¹⁷

108 Sunni judges will rule according to Hanafi doctrine except in cases specified in the Ottoman Family Rights Act of 1917.

109 Other sources of law include the Bible, apostolic writings, resolutions of the general or local synods and edicts issued by patriarchs. For further details see HRW Unequal and Unprotected, p 25.

110 ‘First instance’ courts are courts where applicants first lodge their claims and who first decide the case. Their decisions can usually be appealed to appellate courts.

111 See Musawah, Global Repository of Muslim Family Laws; also HRW, Unequal and Unprotected, p 29.

112 A diocese is a district under the supervision of a bishop.

113 Decisions of first instance Catholic courts in Lebanon can also be appealed to the Roman Rota, which is a Catholic court based in the Vatican. See HRW, Unequal and Unprotected, pp 29-30.

114 HRW, Unequal and Unprotected, p 30.

115 HRW, Unequal and Unprotected, pp 25-26.

116 HRW, Unequal and Unprotected, pp 22-23.

117 HRW, Unequal and Unprotected, pp 36-37.



Aleppo Girls (Photo: Zaynab Mayladan/NRC)

7.1 Marriage

Different laws and practices govern marriage for different religious communities in Lebanon. As a valid marriage is necessary to obtain birth registration of children in almost all cases, the rules and procedures for marriage are particularly important. Whilst it is possible to register children born outside of marriage in certain limited cases, the process is complex and there is considerable stigma attached.¹¹⁸

For Sunni Muslims, the Law of the Judicial Organization of the Sunni and Shia Judiciary Family Law issued on 16 July 1962 is the key law, supplemented by Decree No. 46 entitled “Family Judgements”, issued in December 2011 by the Sunni Supreme Islamic Council.¹¹⁹ For Shia, the Guide to Jaafari Justice, drafted in 1994 by the President of the Supreme Jafari Court is the main reference.¹²⁰

The payment of *mahr* by the husband to the wife is an essential aspect of Muslim marriages and the amount of *mahr* payable must be specified in the marriage contract. *Mahr* is a financial obligation by the husband to the wife involving the payment of money, jewelry, furniture or other financial assets or goods. An amount of *mahr* is payable immediately at the time of the wedding, whilst a second type of deferred *mahr* is payable in the event of divorce or termination of the marriage. *Mahr* is an enforceable legal obligation.

7.1.1 Age of marriage, including child marriage

The minimum age of marriage ranges between denomination and can be different for boys and girls.

In 2020 the Sunni Supreme Islamic Council raised the minimum age of marriage to 18 for both males and females who are Sunni. However, as an exception, minors can marry from the age of 15 provided that:

- the minors and their legal guardian agree and that,
- a medical examination is conducted to assess the mental, physical, and psychological condition of the minor who is to be married.¹²¹

118 See Article 16 of Personal Status Law. See also Section 5.1.3 for “Births in informal marriages and non-recognized parentage”.

119 See Musawah, Global Repository of Muslim Family Laws, Lebanon. According to Law No. 177 of 2011 which only applies to the Sunni confession, Sharia judges must now abide by decisions of the High Islamic Council for the Sunni Confession in matters of personal status laws and may only go back to the Ottoman Family Law of 25 October 1917 if “there is no text” on a specific family issue.

120 See Musawah, Global Repository of Muslim Family Laws, Lebanon.

121 Resolution No. 62 by the Sunni Supreme Islamic Council, which was approved on 12 December 2020 amended Ruling No. 46 of 2011 and added a chapter on the marriage of underage girls. See Musawah, Global Repository of Muslim Family Laws, Lebanon.



For Shia, the minimum age of marriage is 15 for males, and the age of puberty for females but only with judicial permission and proving attainment of the legal age of puberty.¹²²

The following table sets out the different ages for different religious denominations:

Religion	Ages of Maternal Custody
> Sunni	18 years for both boys and girls but can be reduced to 15 years with the authorization of a Sharia Court judge.
> Shia	Marriage cannot take place before the age of puberty for girls or the age of 15 for boys and only with the authorization of a Sharia Court judge.
> Druze	Minimum age of 18 for boys and 17 for girls subject to authorization by a sheikh or judge.
> Catholic	Minimum age of 16 for boys and 14 for girls.
> Greek Orthodox	18 years for both boys and girls.
> Evangelical	Minimum age of 18 for boys and 16 for girls subject to authorization by the Spiritual Court.
> Armenian Orthodox	Minimum age of 18 for boys and 14 for girls subject to authorization by an Archbishop.
> Syriac Orthodox	Minimum age of 18 for boys and 14 for girls.
> Assyrian	Minimum age of 18 for boys and 15 for girls subject to authorization by a Bishop.

Table based on information from Girls Not Brides.¹²³

7.1.2 Documents necessary for marriage registration

Marriages that take place in Lebanon must be conducted before a religious authority and registered in the *Nofous* within 30 days of the marriage.¹²⁴ Lebanese nationals need only register the marriage with the *Nofous*, whilst foreign nationals must additionally register the marriage with the Foreigners Affairs section of the *Nofous*, the Lebanese Ministry of Foreign Affairs and, typically, with their Embassy or with authorities in their own country. Marriages of PRL must be registered with the DPAR.

Marriage certificates must contain the following information;

- > Name, surname, profession, sect, date of birth, place of birth and place of residence of both spouses,
- > Name, surname, profession and place of residence of the father and mother,
- > Name, surname, profession and place of residence of each of the witnesses,
- > Date of marriage (year, month, day and time).¹²⁵

122 See Musawah, Global Repository of Muslim Family Laws, Lebanon.

123 Girls Not Brides, [Lebanon page](#).

124 Article 22 of Personal Status Law of 1951. Pursuant to Article 23 of the Personal Status Law, fines are payable for late registration of marriage.

125 Article 23 of Personal Status Law of 1951.



The process for issuance of marriage certificates for foreign nationals, including Syrian and Palestinian refugees, involves seven separate steps:

1. Preparing the application with religious authorities. Depending on their religious denomination, parties should approach the religious authorities or court for their respective religion. This will include *Sharia* Courts for Sunnis and Shia as well as Druze, Catholic, Orthodox or Evangelical courts. The court will appoint an authorized religious figure to conduct the marriage. This includes religious judges in *Sharia* courts or authorized sheikhs (*mazzoun*) who will give permission for the marriage contract (*izen shar'i*). A special permit should be provided by the *Sharia* court for early marriages. The court will then pick a date for the marriage ceremony.

2. Conducting the marriage ceremony. For *Sharia* court ceremonies, both parties must attend the court with two adult witnesses. The court will prepare two copies of the marriage contract; one for the parties and one for the court. Documents necessary for the court are:

- Identity documents for both parties, issued within the past three months,¹²⁶
- Medical tests for both parties and a doctor's report certifying that there are no health obstacles to the marriage. Marriage contract fees start from LBP 5,000,000 depending on the court in each area.

3. Marriage certificate from *mukhtar*. Once the marriage has been conducted, the local *mukhtar* must issue a marriage certificate. The marriage certificate is a standard format document. The parties must give a copy of the marriage contract, or equivalent document for other denominations¹²⁷, to the *mukhtar* who will then issue the marriage certificate and ask the parties to return to the religious authority (e.g. *Sharia* court) to have the certificate signed and stamped. The *mukhtar* will then countersign and stamp the certificate. Two witness signatures are also required.¹²⁸ *Mukhtar* fees for issuance of the marriage certificate will vary according to the *mukhtar* and location.

4. Registration at *Nofous*. After the *mukhtar* has stamped the marriage certificate, the document must be stamped at the *Nofous* closest to the place of marriage. There is a fee of LBP20,000 at the *Nofous*.

5. Registration at the Foreigners Registry. After registration with the *Nofous*, foreign nationals must attend the Foreigners' Register at the PSD at the centre of the governorate (*mohafaza*) to register the marriage. They will require:

- The marriage certificate,
- Parents ID. This can include a national ID card, passport, a Family Booklet or a family civil extract. For Syrian nationals, the civil extract should be stamped by the Syrian Ministry of Foreign Affairs, the Syrian Embassy and the Lebanese Ministry of Foreign Affairs.

6. Registration with the Lebanese Ministry of Foreigners Affairs. Once stamped by the Foreigners Registry at the *Nofous*, foreign nationals must take the marriage certificate to be ratified with the Lebanese Ministry of Foreign Affairs.

7. Registration with Embassy or national authorities. Most countries also require registration of overseas marriages with national authorities. This will depend on the requirements of the country.

Marriages of Lebanese nationals outside of Lebanon should be registered with the nearest Lebanese Embassy or consulate. The parties should send a copy of the marriage certificate and their ID documents to the Embassy or consulate who will then send details to Lebanon so that the marriage can be registered with the PSD.¹²⁹

126 Some courts ask for civil extracts for foreigners to be certified by the Ministries of Foreign Affairs in Syria and Lebanon and the Syrian embassy in Lebanon.

127 For example, Christians receive a marriage attestation after the ceremony.

128 Article 22 of Personal Status Law of 1951.

129 Article 26 of Personal Status Law of 1951.



7.1.3 Informal marriages

Informal marriages, such as those conducted through a verbal agreement or by a *sheikh* outside the court must later be formally registered with the mukhtar and at the *Nofous*. The process is the same as for marriage registration and the date of marriage will be registered as the date of the informal marriage, and prior to the birth of any children of the marriage. If there are children of the informal marriage, the parties must also obtain a proof of kinship decision from the court confirming their parentage over the child.¹³⁰ The proof of kinship decision can be issued by the court at the same time as the marriage order from the court. To issue the proof of kinship decision, the court will often ask for witness testimony, a birth notification for the child and may also ask for DNA testing.

7.1.4 Mixed marriages and civil marriages

Some couples in Lebanon, including couples in **mixed denominational marriages** who do not wish to be married in accordance with religious law, marry under foreign civil law outside of Lebanon. Foreign marriages are recognized in Lebanon.¹³¹ However, there are significant limitations. Firstly, foreign civil marriages are only considered valid in Lebanon if the couple does not also hold a religious ceremony in Lebanon. Secondly, where both spouses are Shia, Sunni or Druze, the foreign civil marriage will not be recognized by Jaafari, Sunni and Druze courts in Lebanon if one of the parties later goes to court in Lebanon, such as for a divorce or marital dispute.¹³² Instead, they will apply their own religious law.

There have been cases of mixed Sunni-Shia marriages in which a Sunni marriage is conducted overseas, but one party, for example the Shia husband, registers the marriage as a Shia marriage with a Jaafari court in Lebanon. The marriage will then be considered a Shia marriage in Lebanon and disputes will be adjudicated in accordance with Shia law.¹³³ In some cases, parties convert to another religion with more lenient grounds for divorce or termination of marriage.¹³⁴ Some Christian men convert to Islam, allowing them to marry up to four wives, meaning that the first Christian marriage remains valid but so are subsequent Islamic marriages.¹³⁵

In 2013, the Lebanese Supreme Council of the Judiciary approved the registration of a marriage between a couple who had removed their religious affiliation from their civil records, and thus could not be married under religious law. As there is no civil marriage law in Lebanon, the marriage was governed by a foreign civil law, namely French civil law, which was applicable at the time of Decree 60LR in 1936.¹³⁶

Lebanese children of mixed marriages are at increased risk of statelessness if the marriage is not registered in Lebanon.

7.2 Divorce

Divorce laws vary depending on the religious denomination of the parties. Male spouses may make a unilateral declaration of divorce (*talaq*) under *Sharia* law, whilst grounds for divorce are considerably more limited for female spouses. Divorce is extremely restricted for Catholics. The situation becomes even more complex in cross-denominational relationships.

130 Syrians are exempted from this requirement as they can register children directly with the Nofous, even after one year.

131 Hatim, Court of Cassation, Ruling no. 46, December 27, 1972, vol. 134, p. 18; Baz 1964, Court of Cassation, Ruling no. 36, December 19, 1964, p. 149; Judicial Bulletin, ruling of February 11, 1967, 1968, p. 161; as noted in HRW Unequal and Unprotected, p 20-21.

132 HRW, Unequal and Unprotected, p 21.

133 See HRW, Unequal and Unprotected, pp 51. See also a case in which a Sunni female married a Catholic man in a Catholic ceremony which was registered as a Catholic marriage with no basis for divorce. Finally, both parties converted to Assyrian Christianity, which permitted dissolution of the marriage.

134 For example, a case reported in HRW Unequal and Unprotected, p 62.

135 HRW, Unequal and Unprotected, pp 64-65.

136 HRW, Unequal and Unprotected, pp 19, 21-22.



The following section sets out the right of divorce under different religious denominations.¹³⁷

Sharia law divorces (Sunni, Shia)

Under *Sharia* law, husbands have the right to unilaterally divorce their wives without cause and outside of court proceedings. However, to formally certify the divorce and resolve issues related to the marriage including custody of children and payment of maintenance and *mahr*, the husband must file a lawsuit confirming divorce with *Sharia* courts.¹³⁸ If a husband makes a unilateral declaration of divorce but does not register the divorce in court, the wife remains registered in the husband's name in the civil registry. Even after making a unilateral declaration of divorce, husbands can revoke their divorce within a certain period, even without the consent or knowledge of the wife.¹³⁹

Women, conversely, can only divorce in the following circumstances:¹⁴⁰

- *Isma*. Women can include a specific clause in their marriage contract confirming that both husband and wife have an equal right to divorce. With this clause in the marriage contract, they are free to unilaterally divorce. In practice, on account of the social stigma attached to including *isma* in contracts, very few women do so.¹⁴¹
- *Severance*. Severance is only available in Sunni, not Shia marriages. Severance of marriage occurs when a marriage is terminated by religious courts for certain specific reasons set out in the law. These include the following:
 - Non-payment of spousal maintenance,
 - Where the husband is unable to have sexual relations because of impotence, contagious disease or insanity,
 - Where the husband has a prolonged absence from the marital home due to travel, disappearance or imprisonment,
 - Grounds of “hardship and discord” in the marriage, “harm arising from poor conjugal relations, such as assault and insult or compulsion to perform a prohibited activity”,¹⁴²
- *Khul* or *quittance*. In accordance with *khul*, a wife may end her marriage by consent with her husband in return for agreeing to forfeit her financial rights, including payment of maintenance and *mahr*. Women may also pay a sum of money by way of compensation to end the marriage.
- *Sovereign divorce*. This is available for Shia marriages in which the woman obtains an order from a Shia religious authority who acts in place of the husband to terminate the marriage. This religious order must then be certified by a *Jaafari* court to be valid.¹⁴³

Courts often postpone decisions on severance of marriages for between 12 and 18 months to provide time for the parties to try and reconcile. In practice, this can result in extreme difficulties in relationships in which the marriage has irretrievably broken down or where there is domestic violence or abuse, but where the spouses are required to remain together in the marital home.¹⁴⁴ The party who leaves the marital home may be considered to be at some fault.

137 See HRW, *Unequal and Unprotected*, for a detailed analysis of divorce laws in Lebanon and their discriminatory impact on women, especially pp 40-66. The analysis in this section is taken from the detailed information contained in this report, specifically pages 42-66.

138 See HRW, *Unequal and Unprotected*, pp 41-42.

139 HRW, *Unequal and Unprotected*, pp 52-53.

140 The analysis in this section is taken from the detailed information contained in the HRW report, *Unequal and Unprotected*, specifically pages 42-66.

141 See Musawah, *Global Repository of Muslim Family Laws, Lebanon*; HRW, *Unequal and Unprotected*, p 43.

142 These grounds derive from Article 130 of the Ottoman Family Law.

143 See Musawah, *Global Repository of Muslim Family Laws, Lebanon*.

144 HRW, *Unequal and Unprotected*, pp 44-49.



Before issuing an order for severance, the court appoints two male arbiters to identify the causes of the marital breakdown, apportion fault between the parties and write a report. However, the judge is not bound by the findings of the arbiters and can reach his own conclusion as to fault for the marital breakdown. If the husband is deemed most at fault, the court will order severance and the husband must fulfill the wife's marital rights, including the rights to maintenance and *mahr*. If the wife is found to be most at fault, the judge will order that the *mahr* need not be paid, subject to the proportion of fault.¹⁴⁵

In practice, decisions of the courts can be arbitrary, discriminatory and without reasoning or written justification. This, plus the time taken to obtain a severance judgement and the requirement to continue to live in the marital home, can act as a significant deterrent to initiating a lawsuit for marital severance. As a result, many women prefer to terminate their marriage through *khul* or renunciation of their financial rights.¹⁴⁶

Severance is not available in Shia marriages, and some women consequently apply for 'sovereign divorces'. This process is also complex, lengthy and arbitrary. Sovereign divorce can be requested on the grounds of non-payment of maintenance, harm, poor conjugal relations or abandonment. However, there is no consensus as to who constitutes a Shia religious authority authorized to make the divorce in place of the husband.¹⁴⁷ If the Jaafari court does not accept that the Shia religious authority is a sovereign authority they may refuse to certify the order. Nor is there any codification of the legitimate grounds for a sovereign divorce. As such, Jaafari courts may sometimes refuse to certify the sovereign divorce.¹⁴⁸

Druze divorces

Many of the rules applicable to Druze divorces are the same as under Sharia law with some exceptions. Druze men can make a unilateral declaration of divorce but must do so before a Druze court for the divorce to be valid.¹⁴⁹ The right of Druze women to obtain a divorce is more limited.

They may:

- insert an *isma* clause into their marriage contract,
- request severance of the marriage. The grounds for severance are the same as those in Sunni divorces and are prescribed in the Druze Personal Status Law. Additionally, a Druze marriage may be terminated on the grounds of adultery by the husband,
- ask for a divorce on the basis of mutual consent of the spouses.¹⁵⁰

However, they may not obtain a divorce through *khul* or through sovereign divorce.

Christian divorces

It is almost impossible for most Christian confessions to obtain a divorce, although divorce is possible under the Evangelical and Greek-Orthodox churches on very limited grounds of adultery.¹⁵¹ The Catholic, Greek-Orthodox and Evangelical churches permit annulment of marriage, dissolution of marriage or an end to marriage through temporary or permanent desertion in extremely restrictive circumstances.¹⁵²

145 Based on Article 343 of the Law on Regulation of Sunni and Jaafari Justice; see HRW Unequal and Unprotected, p 45.

146 HRW, Unequal and Unprotected, pp 44-49.

147 However, there seems to be current acceptance that the Supreme Shia Islamic Council's (Office of Legal Affairs) constitutes a sovereign authority and will be accepted as such by Jaafari courts. See HRW Unequal and Unprotected, p 52.

148 HRW, Unequal and Unprotected, pp 49-52.

149 HRW, Unequal and Unprotected, p 42.

150 Articles 44-46 of the Druze Personal Status Law; see also HRW, Unequal and Unprotected, p 44.

151 See HRW, Unequal and Unprotected, p 59 for a commentary on the grounds of divorce for Greek-Orthodox marriages and p 63 on divorce for Evangelical Christians.

152 For a detailed analysis of the grounds for termination of marriage in the Christian faiths, see HRW, Unequal and Unprotected, pp 56-60.



Playtime (Photo: Grzegorz Zukowski/NRC)

7.3 Parental Responsibilities

Legal responsibility for guardianship, care and custody of children are similarly governed by the religious denomination of the parties and the personal status rules and customs of that denomination.

Whilst both parents are responsible for the upbringing of children during a marriage, the father generally remains the legal guardian of the children until they reach 18, even after divorce or termination of the marriage. After the marriage ends, the mother generally has maternal custody of the children until a certain age.

Under *Sharia* law, whilst both parents have responsibility for the upbringing of the child, the mother has a greater formal role under the concept of '*hadana*' which involves custody of the child and daily care and responsibility, including raising the child and attending to daily needs. In some cases, custody will transfer from maternal (*hadana*) to paternal custody (*damm*) after a certain age.

Children no longer require a custodian after the age of 15 when they can decide which parent to live with if the parents are separated. Legal guardianship or '*wilaya*' typically rests with the father. The guardian is the legal representative of the child and is responsible for major life decisions as well as the child's legal status and financial affairs.

Under Catholic Personal Status law, the rights and duties of parental authority (apart from breastfeeding) are confined to the father.¹⁵³ Armenian-Orthodox law, however, does not limit guardianship to the father.¹⁵⁴

It's possible that in applying the Law on the Protection of Children, Lebanese courts may limit the formal and exclusive guardianship role of fathers when determining the best interests of the child, particularly if the father has been found to be abusive.

7.3.1 Guardianship of Children

Legal guardianship involves control over a child's education, medical treatment, career guidance, consent to marriage and any other affairs concerning the minor's interests. Guardianship of children is regulated by the religious laws of the parties. However, across all denominations, legal guardianship remains the prerogative of the father.

The laws that govern such communities are as follows.

¹⁵³ Article 123 of Lebanon's Personal Status Law of the Catholic Sects of 1949.

¹⁵⁴ HRW, *Unequal and Unprotected*, p 66.



Denomination	Applicable Law
> For Sunnis	Law of the Judicial Organization of the Sunni and Shia Judiciary Family Law of 16 July 1962 and Decree No. 46 of 2011.
> For Shia	Law of the Judicial Organization of the Sunni and Shia Judiciary Family Law of 16 July 1962 and Guide to Jafari Justice, drafted in 1994 by the President of the Supreme Jafari Court.
> For Druze	Codified Personal Status Law of 1948, amended in 1959.
> For Catholics	Lebanon's Personal Status Law of the Catholic Sects, 1949.

To obtain and prove guardianship, the concerned person should initiate a lawsuit before the competent religious courts. The request should be supported by arguments and be evidenced to obtain the guardianship.

Guardianship under *Sharia* law

In accordance with *Sharia* law and practice, the **father, or the paternal grandfather in the absence of the father, has legal guardianship over children of the marriage** as well as over any possessions of the child. Legal guardianship formally ends once a child turns 18. There are two types of guardianship, namely legal guardianship (*wilaya*) and appointed guardianship (*wisaya*).

Sharia law differentiates between guardianship over the minor/person (*al-wilayat ala al-nafes*) and guardianship over the minor's property (*al-wilayat ala al-mal*). Both types of guardianships are an agnatic right and derive from the father's side of the family.

Appointed guardianship (*wisaya*) applies in cases in which a guardian is appointed by the family or court. These are typically situations in which the father or paternal grandfather are not available or not considered suitable to act as guardian. For example, an appointed guardian may be organized by a father who is living overseas, or through the court for a father who is in prison. Legal guardianship by the parent may be suspended for juveniles subject to reform measures for criminal matters, such as during placement in a juvenile reform institute.

Other denominations

For Christian communities, the legal framework for matters like guardianship is typically based on the ecclesiastical or religious laws of the respective Christian sects. Each Christian sect has its own ecclesiastical courts that handle personal status matters, including issues related to guardianship.

The appointment of a legal guardian for a minor or an incapacitated person is typically done through a legal process that may involve the ecclesiastical court. The guardian may be appointed to make decisions related to the person's well-being, education, and other important aspects of their life.

For the Druze, guardianship of child and assets remains with the father, or alternatively with a trustee chosen by the father, or then a trustee appointed by a judge. However, guardianship may also pass to the wife, the mother and other women.

Even during the maternal custody period, fathers have the obligation to cover the expenses of children.¹⁵⁵

155 HRW, *Unequal and Unprotected*, p 67.



7.3.2 Custody

The general principle across religious denominations is that when marriage terminates, custody is determined by the age of the child. Courts favour maternal custody when children are young and often transfer custody to the father as the children's legal guardian once the child reaches a certain age. The concept of joint custody is not recognized by religious courts, although some Christian courts have left this to the discretion of the judge.¹⁵⁶ To act as custodian, the person must be of sound mind, mature, free from serious infectious diseases, capable of raising and caring for the health, safety and morals of the child.

Maternal custody periods for the different religions are as follows:¹⁵⁷

Religion	Ages of Maternal Custody	Source
➤ Sunni	Ends at 12 for both boys and girls. Can be extended if the judge determines it is in the best interests of the child	Article 15 of the New Code of Family Provisions issued on 10 January 2011.
➤ Shia	Ends at 2 for boys and 7 for girls. Jaafari judges can extend custody if the child has reached the legal age of choice (usually reached when the child reaches puberty) and chooses to stay with his or her mother.	Article 348 of the Guide to Jaafari Justice. ¹⁵⁸
➤ Druze	Ends at 12 for boys and 14 for girls.	Article 64 of Druze Personal Status Law
➤ Catholic	Ends at 2 for boys and girls. Can be extended if the judge determines it is in the best interests of the child	Article 124–123 of the Personal Status Law of the Catholic confessions.
➤ Greek Orthodox	Ends at 14 for boys and 15 for girls. Can be extended if the judge determines it is in the best interests of the child.	Article 57 of the Personal Status and Procedural Code of the Greek Orthodox Patriarchate of Antioch and All the East approved by the Holy Synod in Balamand on 16 October 2003.
➤ Coptic Orthodox	Ends at 11 for boys and 13 for girls. Can be extended if the judge determines it is in the best interests of the child.	Adopted in Article of its first code, issued on 9 December 2010.
➤ Evangelical	Ends at 12 for both boys and girls. Can be extended if the judge determines it is in the best interests of the child.	Article 62 of the Personal Status Law of the Evangelical confession in Syria and Lebanon, approved by the Supreme Evangelical Synod in Syria and Lebanon.
➤ Armenian Orthodox	Ends at 7 for boys and 9 for girls. Can be extended if the judge determines it is in the best interests of the child.	Articles 128-132 of the Personal Status Law of the Armenian Orthodox confession.
➤ Syriac Orthodox	Ends at 7 for boys and 9 for girls. Can be extended if the judge determines it is in the best interests of the child.	Article 61 of the Personal Status law of the Syriac Orthodox confession

156 HRW, Unequal and Unprotected, p 67.

157 The table is taken directly from the HRW report, Unequal and Unprotected, p 68-69.

158 Also note that the lack of codification of Jaafari rules led the president of the Supreme Jaafari Court in 1994 to draft a 'Guide to Jaafari Justice' re-edited in 2010, which collects and explains rules related to personal status matters in Jaafari law.



During the period of maternal custody, the father is obliged to cover his children's expenses and has the right to visit as per mutual agreement between the parents. The father also has the right to make decisions about his children's education, travel, assets, and residence as the legal guardian of the children.

Religious judges often extend the period of custody beyond the fixed age of maternal custody if they consider it to be in the best interests of the child. They can also limit maternal custody, for example if the mother does not comply with cohabitation and 'obedience' requirements.¹⁵⁹

In practice, Lebanese religious courts typically adhere strictly to religious rules determining custody based on the age of the child. In many cases, however, judges ask children about their preferences prior to making a decision.¹⁶⁰ Sometimes women forfeit maternal custody in order to obtain a divorce or forfeit financial rights, including maintenance and *mahr*, in order to maintain custody.¹⁶¹

However, the Court of Cassation has now confirmed that civil courts have jurisdiction over the substantive, not just procedural aspects, of decisions of religious courts and has indicated its refusal to accept decisions that breach principles of basic public order including child welfare and protection. Following this decision, religious courts have increasingly looked at the best interests of the child in custody cases.¹⁶²

Sharia law principles

Under *Sharia* law, if the custodian is a woman, they cannot be married to a man that is unrelated to the child (*non-mahram*), unless the court decides otherwise. A woman loses her right to custody when she re-marries outside the child's immediate family.

However, under Shia interpretation, a mother is prohibited from retaining custody if she marries any other man if the child's father is alive and eligible for custody. A mother may lose custody if they do not raise their child in the Islamic faith. In some cases, custody will transfer from maternal (*hadana*) to paternal custody (*damm*) after a certain age.

If the mother cannot act as the custodian of the child, the female relatives will assume custody with the maternal relatives being given preference over the paternal relatives. Custody will be determined in the following order; the mother, then the maternal grandmother, the paternal grandmother, sisters with full sisters being given preference over half-sisters, maternal aunts and paternal aunts.

If there is no female custodian from among these women, or if she is unfit for custody, the right passes to the male agnates according to the following order, the father, paternal grandfather, brothers with full brothers being given preference over half-brothers. If one of the male or female relatives refuses custody, it passes to the next person in line.

However, only persons who are *mahram* (close relatives) of the child, whether male or female, are entitled to custody. In the event of equal entitlement, the judge shall give preference to the person who is more suitable and capable.¹⁶³

If the custodian is a man, he is not permitted to raise a child on his own; rather a woman fit for nursing children should be present to help him with the child's upbringing and the man must be inadmissible for marriage to the female child (*mahram*).

159 HRW, *Unequal and Unprotected*, p 67.

160 HRW, *Unequal and Unprotected*, pp 70-75.

161 HRW, *Unequal and Unprotected*, p 70.

162 HRW, *Unequal and Unprotected*, p 8, 36; See also Judge Fawzi Khamis in collaboration with Judge Fadi Al-Aridi, 'Protecting Children at Risk in Light of the Law and Jurisprudence in Lebanon', Friedrich Ebert Stiftung, 2nd edition, Lebanon, 2011.

163 Article 18 of the New Code of Family Provisions issued on 10 January 2011.



Loss of custody

Maternal custody rights, unlike paternal guardianship rights, are time-bound, conditional, and revocable, either due to a legal end to maternal custody, a judgment of maternal unfitness, or in some cases because a woman gives up these rights as part of a settlement. A mother may lose her maternal custody rights for the following reasons:

- **“unfitness”** – in evaluating maternal fitness for custody, judges consider a mother's capacity to provide for the child's “moral” education.¹⁶⁴ However, there are no clear standards for evaluating reliability.
- **marriage with a man who is not the father** – in cases where an estranged mother is remarried to a man other than the child's father and who is not a *mahram*, ie. first degree relative, the mother loses maternal custody in the Shia, Sunni and Druze confessions.
- **neglecting a child's religious education** – one of the most common reasons cited by judges for ruling that women should lose maternal custody is neglect of the child's religious education. There is a presumption that women neglect their child's education if they are from a different confession.
- **recalcitrance** – this applies to women who have left their marital home. A court may order a woman to cohabit with her husband. If she refuses, the court can issue a judgment of recalcitrance which can then be used to revoke her maternal custody.¹⁶⁵

In practice, decisions on custody can be arbitrary and discriminatory, often involving critical judgements on women's behaviour and lifestyle as part of a subjective assessment of maternal fitness for custody. Many women find such assessments unfair and often humiliating.

In several cases reviewed by Human Rights Watch for their report 'Unequal and Unprotected':

- Women were found to have stayed with abusive husbands to avoid losing custody of their children. In cases, women also gave up, for example, their financial rights to husbands who threatened to question their “fitness” as a mother before the courts, if they insisted on claiming their rights to compensation.
- Husbands were found to have used the threat of revocation of maternal custody due to new relationships to coerce and threaten women. As a result, women were found to have chosen to abstain from having any relationships – despite the fact that their husbands could – so that they did not risk losing their children.

Under Catholic law, a mother may lose custody of her children in the following circumstances:

- if she is 'behaving badly',
- if she is not capable of raising and rearing her child,
- if she has caused the lack of joint marital life,
- if she changes her religion, or changes her Catholic sect,
- if she remarries after the dissolution of the marriage, or the death of her husband.¹⁶⁶

Joint custody is not recognized by religious courts in Lebanon, except for few recent decisions of Christian courts which provide the judge with discretion to recognize the concept.

164 Article 24 of the New Code of Family Provisions for Sunnis; Article 54 - 64 of the Druze Personal Status Law; and Article 358 of the Guide to Ja'fari Justice.

165 See HRW, Unequal and Unprotected, pp 76-86 for an analysis of jurisprudence on loss of custody.

166 Article 125 of Lebanon's Personal Status Law of the Catholic Sects of 1949.



Regardless of which parent has physical custody, only fathers have legal guardianship over their children. This means that even when mothers have physical custody, they cannot perform basic bureaucratic tasks for their children (e.g. getting them government IDs, opening bank accounts) Mothers also cannot travel with minor children unless the (divorced) father gives express permission).

Persons who remove children from their legal guardian or custodianship without permission are punishable by imprisonment under the Penal Code.¹⁶⁷

7.4 Paternity

Paternity can be established by marriage, acknowledgement (*iqrar*) or by evidence. Children are presumed to be children of the marriage unless a court orders otherwise. Fathers are listed on the birth certificates in cases involving registered marriages. In unregistered or *urfi* marriages one of the spouses can apply to the court to register the marriage and establish parental affiliation, including paternity, of any children born of the marriage. The court decision can then be used to register the child at the registry office.

However, in the case of children born out of wedlock, the parent's names cannot be included on the birth certificate unless the parents' consent, or subject to a court order, and the child is considered to be of unknown descent (*majhul al-nasab*).

Cases of paternity by acknowledgement include situations in which the father acknowledges paternity before the court or where the court accepts other forms of evidence to establish paternity. *Sharia* courts have exclusive jurisdiction over cases involving parentage. Maternity can also be proven through marriage, acknowledgement or evidence.

7.5 Maintenance

Husbands have a legal duty to provide for their wife and family under the personal status laws and codes of all religious denominations. This includes provision of food, clothing, shelter and other living expenses. Wives have an obligation of 'obedience' and cohabitation.

The obligation to provide **spousal maintenance** continues throughout the marriage, but ends if the wife initiates proceedings to terminate the marriage, such as through divorce, is deemed to be a 'recalcitrant wife' or if she fails to fulfil her marital obligations.¹⁶⁸

In Christian courts women lose their right to maintenance if they are found to be at fault for desertion.¹⁶⁹ The right to maintenance also ends with the formal termination of the marriage by the court, although maintenance is payable for the first three months after the divorce for Sunnis and Shia during the 'waiting period' (*idda*) in which the husband can revoke the divorce.¹⁷⁰

After this date the husband is no longer obliged to provide maintenance for his wife, although he has an ongoing obligation to provide financial support to his children who may be in the custody of his wife. The obligation of a father to his children includes the obligation to pay for food, clothing, housing, education and other living expenses. This obligation continues until the male child becomes productive financially and the female child is married.

167 Article 495 of Penal Code.

168 See HRW, *Unequal and Unprotected*, p 87-88. Recalcitrance is defined as leaving the matrimonial home without consent of the husband.

169 HRW, *Unequal and Unprotected*, p 93.

170 HRW, *Unequal and Unprotected*, p 95.



Wives may take their husbands to court for failure to pay spousal maintenance as well as maintenance expenses for children.¹⁷¹

Under Sunni and Shia personal status codes, the husband must also pay his wife any deferred *mahr* that was agreed in the marriage contract between the parties, whilst in Christian personal status code the husband can be ordered to pay compensation if he is found at fault for the termination of the marriage.¹⁷² Under Druze codes the wife may be entitled to both the deferred mahr and damages.¹⁷³

Decisions on the payment of maintenance are expedited by Lebanese courts. Court decisions on maintenance are implemented immediately by the enforcement division of the court. If the husband does not make payment within five (5) days of being notified, he can be sentenced to a period of imprisonment.¹⁷⁴

7.6 Visitation rights

Non-custodial parents have the right to visit their children based on mutual agreement between the spouses. If the spouses cannot agree, either parent may apply to the religious court for an order on visitation rights.¹⁷⁵

7.7 Travel with Children

The GSO has issued a decision requiring the consent of both the mother and father before a passport can be issued to a minor (18 years or younger).¹⁷⁶ The signature of both parents must be certified by the competent notary or at the GSO. The father's consent was previously sufficient for minor children between the ages of seven (7) and 18 to be issued a passport.

If one parent does not agree to the child's travel, it is possible for the other parent to file a case in the personal status court. The court will then consider the circumstances, including the best interests of the child, before making a decision on whether the child can travel.

7.8 Inheritance

Under *Sharia* law, the father, or the paternal grandfather, acts as legal guardian for any possessions of the child, including **inheritance** (*al-wilayat ala al-mal*). This includes managing, saving or investing any possessions of the child under guardianship, including any funds or properties.

However, the guardianship may be revoked if the legal guardian misuses the funds, there is a risk of the possessions being lost or the guardian is missing, imprisoned or arrested. In such cases a temporary guardian may be appointed. Nor may the legal guardian donate, invest in or sell the properties of the child without a court order.

Female children are only able to inherit half of the male share.

The Non-Muslim Inheritance Law established equality between the sexes and considers that the closest degree of relatives eclipses the furthest degree of relatives.¹⁷⁷

171 For further analysis, see HRW, *Unequal and Unprotected*, pp 87-100. Courts often order wives to return to the family home during claims for spousal maintenance. If the wife refuses, the courts can refuse the claim for maintenance.

172 HRW, *Unequal and Unprotected*, p 96-100. Note however that the Greek and Evangelical denominations are more liberal and will also pay compensation for women in financial hardship, regardless of fault.

173 HRW, *Unequal and Unprotected*, p 95.

174 See Musawah, *Global Repository of Muslim Family Laws*, Lebanon.

175 See HRW, *Unequal and Unprotected*, p 67.

176 General Directorate of General Security, [New Biometric Passports](#).

177 Non-Muslim Inheritance Law issued on 23 June of 1959.



Syrian girl alone (Photo: Grzegorz Zukowski/NRC)

7.9 Children of unknown descent

Children of unknown descent (foundlings) are to be taken to the *mukhtar* of the locality together with any information that may help identify the child. The *mukhtar* will draft a report with details of the place, time, and conditions under which the child was found and take the child to an institution authorized by the Ministry of Public Health for such purposes.¹⁷⁸ This institution will draft a birth certificate for the child and send it to the PSD to be officially registered.

7.10 Alternative care arrangements

Alternative care arrangements are typically put in place for children of unknown descent, or for children who can't remain in their home or extended family environment for various reasons. This can include situations where parents/guardians are unable to properly care for children, where children are at risk in their home environments or where they cannot otherwise remain at home or with family or relatives.

The UN Guidelines for the Alternative Care of Children urge all State bodies involved in the referral of, and assistance to, children without parental care, in cooperation with civil society, to adopt policies and procedures which encourage information sharing and networking between agencies and individuals in order to ensure effective care, aftercare and protection for these children.¹⁷⁹

The guiding principle is that children should be cared for in their home environment where possible and when this is in the best interests of the child. However, the SOPs on the Implementation of the Law on the Protection of Children set out the criteria for when children can be placed in alternative care arrangements, such as when:

- it is in their best interests of the child, taking account of their age and vulnerability,
- where parents are unable or unwilling to provide adequate care and protection,
- everything else possible has been done to keep the child within the family, including extended family,
- there is no adequate social safety network to protect the child,
- there is no stability in the existing home arrangements to protect their child.¹⁸⁰

178 Article 16 of Personal Status Law 1951.

179 [UN Guidelines for the Alternative Care of Children](#), Resolution adopted by the UN General Assembly, 24 February 2010, A/RES/64/142.

180 See Appendix 9 of Juvenile Protection SOP; Gale, p 56.



Children who cannot be cared for in their home environment may be placed in residential care through various residential care centres established throughout the country. Children may be placed in residential care as a result of court orders or referral from MOSA, although families can also make applications for children to be placed in residential homes directly to MOSA. Assessments of the family situation should be conducted by Social Development Centres, although this is not currently the case.¹⁸¹

Residential homes are within the responsibility of MoSA but are managed by NGOs contracted by MoSA.¹⁸² Children living in residential homes include those in need of protection, but also children from families in financial hardship, children with disabilities, children from broken homes, orphans and abandoned children, and children in contact with the law.¹⁸³

Informal or kinship care arrangements also exist in Lebanon. These are informal arrangements whereby children are hosted by relatives of extended family, either on a temporary or ongoing basis. In some cases, this may be because parents are still in Syria.¹⁸⁴ On occasion, judges may also order kinship care arrangements through a child protection order.¹⁸⁵

Adoption is not possible in Islam but is possible for Christian families in certain restricted circumstances, namely if the baby is abandoned, if the identity of the mother is not known and if baby is thought to be of Christian background.¹⁸⁶ The circumstances of the child must first be assessed by the General Prosecutor to ensure that the identity of the parents is not known. The child must then be registered at the Ministry of Interior. Parents wishing to adopt must be assessed by an authorized NGO and the case will then be referred to the Christian courts for an assessment and decision.¹⁸⁷

There are some examples of promising practice in relation to support for kinship and host carers in Lebanon, particularly amongst those working with refugees. Save the Children has been working since 2015 with mainly refugee kinship carers to provide parenting training to host and extended families. This approach relies on a family-based setting which is the best place for children to be able to develop and maintain secure and lasting relationships with significant people and develop their full potential.

The two main purposes for this approach are:

- To ensure that children are only separated from their parents when necessary and in their best interests,
- To ensure that children who cannot live with their parents are placed in family settings, either with extended families/friends of the family or in specially recruited, selected, and trained host families.

181 Gale, p 65.

182 Gale, pp 64-65.

183 UNICEF and Université Saint Joseph of Lebanon Social Affairs (2012) Strengthening the Child Protection System in Lebanon: Opportunities and Challenges; see Gale, p 64.

184 Gale, p 60, with reference to Child Frontiers (2017) Scoping study and recommendations for next steps on alternative care Lebanon. Child Frontiers, INTERSOS and the Migration Policy Centre, 2017.

185 Gale, p 62.

186 Gale, p 71.

187 Gale, p 72.



At play (Photo: Zaynab Mayladan/NRC)

8. RIGHTS TO HEALTH, EDUCATION, SOCIAL WELFARE AND OTHER RIGHTS



8.1 Right to Health

8.1.1 Health Care Services and Entitlements for Children

Primary health care is free of charge for children through the national health network operated by the Ministry of Public Health. Prior to the economic crisis which hit Lebanon in October 2019 the Government was in the process of developing a more comprehensive health care system, aimed at ensuring universal access to health care for disadvantaged families and individuals.¹⁸⁸

All mandatory vaccinations are included under the national vaccination schedule for all children. They are free of charge until the age of 18 and are available in health centres and dispensaries.¹⁸⁹ Since 2012 the Ministry of Public Health has organized immunization campaigns against polio from birth until the age of five (5) and against measles and rubella from the age of nine (9) months to 18 years, targeting all children, Lebanese and non-Lebanese alike, regardless of the number and timing of previous doses, in cooperation with relevant ministries and the private sector, and with support from the World Health Organization and UNICEF.¹⁹⁰

Prior to Lebanon's economic crisis, half the Lebanese population enjoyed health coverage through public and private insurance funds. The Ministry of Public Health provided curative health services to the remaining half by contracting private hospitals or hospitals to provide subsidised health care services. To access public health services, Lebanese nationals must hold a Lebanese ID card whilst foreign nationals, including Syrians and Palestinians, must hold a valid ID document and proof of their legal residency.

Palestinian refugees access public and private hospitals and other health services provided by the Ministry of Public Health (immunization programmes, basic medicines, training programmes) through contracts concluded by UNRWA with hospitals to provide health and therapeutic services. Exceptional approval can be obtained from the Minister of Public Health to cover some services for Palestinians and foreign workers in the case no other coverage mechanism exists.¹⁹¹

188 OHCHR, [Committee on the Rights of the Child Examines the Report of Lebanon](#), 19 May 2017.

189 United Nations, Committee on the Rights of the Child (CRC Committee), Consideration of reports submitted by States parties under article 44 of the Convention on the Rights of the Child, 6 November 2015, CRC/C/LBN/4-5, Chapter VII, page 38.

190 United Nations, CRC Committee, Consideration of CRC reports submitted by States parties, 6 November 2015.

191 United Nations, CRC Committee, Consideration of CRC reports submitted by States parties, 6 November 2015, Chapter IX, page 49.



8.1.2 Children with Disabilities

Persons in Lebanon with disabilities have special rights and entitlements under Law No. 220 of 2000 concerning the Rights of Persons with Disabilities. The law is built around a set of rights integrating citizens with disabilities into social and economic life through employment, transport, and housing quotas, and guarantees of health and educational services. Services for persons with disabilities are provided by the Ministries of Social Affairs as well as the Ministry of Education and Higher Education.¹⁹²

The law requires that schools and other educational institutions, as well as public buildings, are accessible by persons with disabilities and meet certain requirements, such as having appropriate bathrooms, parking, entrances, room sizes.¹⁹³ Abandonment of children with disabilities by those responsible for their care is punishable by law.¹⁹⁴

8.2 Right to Education

The Lebanese Constitution guarantees **free education** provided it is not contrary to public order and morals and does not affect the dignity of any of the religions or sects. Different communities have the right to establish their own private schools as long as they comply with the general requirements laid down by the State with respect to public education.¹⁹⁵ The principle of non-discrimination applies to both public and private educational institutions.

Law No. 293 of 2001, also known as the Law on Education in Lebanon, is considered cornerstone legislation that guarantees the right to education for all Lebanese citizens and residents. It contains key provisions regarding compulsory education and non-discrimination.

The Reaching all Children with Education (RACE), initiative seeks to improve access to formal education for Syrian refugee children and underprivileged Lebanese children in the country. RACE is a government programme supported by the international community. The second phase of the project plans to increase equitable access to educational opportunities in the formal public system, improve the quality and inclusiveness of the teaching and learning environment, and strengthen the national education system, policies, and monitoring.¹⁹⁶

8.2.1 Basic Education and Compulsory School Enrolment

Public primary education (elementary and middle school) is theoretically **free and compulsory** for all children residing in Lebanon between the ages of six and 15, regardless of nationality, social background, or religious affiliation.¹⁹⁷ In practice, parents and some NGOs often pay contributions to school funds in public schools. The Law on Education places responsibility on parents and guardians to ensure their children attend school and the government is tasked with creating mechanisms to enforce this obligation.

The law allows for religious instruction according to the student's faith, but it must be **optional** and not a prerequisite for enrollment or advancement. While Arabic is the official language of instruction, the law acknowledges the right to education in other languages, such as French, particularly in areas with significant minority populations. Specific regulations define the framework for multilingual education.

192 United Nations, CRC Committee, Consideration of CRC reports submitted by States parties, 6 November 2015, Chapter IX, page 34.

193 Articles 3-5 of Decree No. 7194 of 16 December 2011 implementing Law No 220 of 2000.

194 Articles 498-500 of Penal Code.

195 Article 10 of Lebanese Constitution.

196 World Bank, [Lebanon: Support to Reaching All Children with Education \(RACE\) II Program's Consultations](#).

197 Law No. 293 of 2001 on the Law of Education. See also Decree 9706 regulating the conditions of compulsory free education. This Decree is based on amendments to Article 49 of Decree 134 of 1959 regarding compulsory education at the primary level.



Under the Lebanese curriculum, students in public schools receive a certificate of completion after finishing middle school exams. In the final year of high school, students are required to complete the Lebanese General Secondary Certificate, commonly known as the *Lebanese Baccalaureate* or *Terminale*, in order to graduate. The Lebanese *Baccalaureate* is a prerequisite for admission to most Lebanese universities. Foreign nationals are not required to sit these exams but would likely be prevented from going to Lebanese universities without the *Baccalaureate*.

8.2.2 Education for non-Lebanese students

Non-Lebanese students

Whilst non-Lebanese refugee students theoretically have access to Lebanese schools, in practice the Ministry of Education has passed various directives restricting the right. This is largely the result of economic pressure in Lebanon and the large influx of refugees. Legal residency is often used as a criterion for school and university enrollment. However, as an estimated 83 per cent of Syrians and 51 per cent PRS in Lebanon do not have current legal residency, this requirement effectively excludes many students.¹⁹⁸ Migrant and foreign children with legal residency are eligible to attend public schools. Sometimes, the Ministry of Education issues circulars relaxing the requirements or providing exemptions to facilitate school enrolment for children without legal residency.

Palestinian students

In theory, Palestinian students have full access to Lebanese schools and the same rights and entitlements as Lebanese students. In 2010 the Minister of Education issued a circular asking officials of public and private schools of all types and stages and of public and private universities to accept the registration of Palestinian students upon presentation of an identity card no older than three years, provided that they meet the other registration requirements.¹⁹⁹

However, once again, this right has been restricted by subsequent directives. In 2014 the Minister of Education issued a circular asking principals of public schools to limit the acceptance of Palestinian students to those who have been living in Lebanon for more than three years and who have no UNRWA schools in their area of residence.²⁰⁰

Syrian students

The large influx of displaced Syrians has placed pressure on the Lebanese education system and has resulted in morning and afternoon shifts to accommodate all students. Syrian children attend afternoon shifts and are only eligible for morning shifts once the registration deadline for Lebanese students has closed. These shifts also affect the quality of education being offered. The Minister of Education and Higher Education issues annual circulars with the aim of organizing the registration process of Lebanese and Syrian students in public schools.²⁰¹ Despite such initiatives, various restrictions remain in place and in order to access public schools, Syrian students are generally required to provide a residency permit.²⁰²

198 [Lebanon Crisis Response Plan 2023](#), p 12.

199 Ministry of Education and Higher Education Circular 7/m/2010 of 3 February 2010. United Nations, CRC Committee, Consideration of CRC reports submitted by States parties, 6 November 2015, Chapter IX, page 48.

200 Ministry of Education and Higher Education Circular 7/m/2010 of 3 February 2010. United Nations, CRC Committee, Consideration of CRC reports submitted by States parties, 6 November 2015, Chapter IX, page 48.

201 Ministry of Education and Higher Education Circular No. 25/2014

202 Ministry of Education and Higher Education, [Circular No. 11 dated 15 April 2021](#) (Arabic).



8.2.3 Documents Required for School Registration

To enroll in schools in Lebanon, children typically require the individual civil registration extract issued by the Personal Status Department and a national ID or passport if they are foreign. They must submit an application to the school, signed by both parents, along with the child's relevant identification documents.²⁰³ School enrolment is compulsory, and parents can be penalized for their failure to enroll children in school.²⁰⁴

8.2.4 Documents Necessary for National School Exams

In 2011 the Ministry of Education issued a Circular listing the requirements for applying to the official *Baccalaureate* exams for Lebanese and non-Lebanese students enrolled in private or public schools. In addition to educational certificates and passport photos the Circular requires non-Lebanese students to provide, as a requirement for applying to the official exams, one of the following documents issued by the GSO:²⁰⁵

- Annual residency permit (courtesy or permanent), or the receipt issued by the GSO providing evidence of submission of a request for a residency permit,
- Residency permit of the father as well as the student for stateless students or students whose status is 'under-study' (*Qayd El Dares*),
- Laissez-passer of stateless students or students whose status is under-study (*Qayd El Dares*),
- Palestinian ID card issued by the GSO,
- Residency permit – multiple entry visa,
- Temporary residency permit for foreign nationals,
- Temporary residency permit for Arab nationals.

In addition, PRL must provide the registration card issued by the DPAR. Otherwise, an individual civil extract issued after 1 September 2020 is required. PRS students must satisfy the residency permit requirements set out above.²⁰⁶

In May 2021 the Lebanese Council of Ministers issued a communiqué allowing foreign students of all nationalities and lacking valid residency permits and other necessary documents, to take the official exams for 2021.²⁰⁷ However, exam certificates will not be issued until students regularize their status before the GSO.²⁰⁸

8.3 Right to Social Welfare and Assistance

8.3.1 Social Welfare

The Ministry of Social Affairs (MoSA) contains several specialized departments and units that provide **social welfare services to families and children**. This includes the **Directorate of Social Development** and the **Directorate of Social Services**.

203 "Instructions of Enrollment and Acceptance in Schools of Basic Education for Academic Year 2016-2017," No. 543/4/6, issued by the Syrian Ministry of Education.

204 Article 18 of Law on Organizing and Determining the Conditions for Free and Compulsory Education (Law 9706 of 2022).

205 Ministry of Education and Higher Education, [Circular No. 11 dated 15 April 2021](#) (Arabic).

206 Ministry of Education and Higher Education, [Circular No. 11 dated 15 April 2021](#) (Arabic).

207 Lebanese Council of Ministers, [Communiqué No. 477 dated 21 May 2021](#) (Arabic).

208 Lebanese Council of Ministers, [Communiqué No. 477 dated 21 May 2021](#) (Arabic) issued by the Council of Ministers in response to a letter submitted by the Minister of Education on 4 May 2021, confirming the approval of the Lebanese President of the Republic and the Lebanese Prime Minister to allow foreign students of all nationalities and lacking valid residency permits and other required documents, to take the official exams for 2021.



The **Directorate of Social Services** contains different departments and units providing social welfare services such as the **Department of Social Welfare** which contains the **Department of Families and Children**, the **Juvenile Protection Department** and the **Specialised Social Welfare Department**. Separate **Departments of Disability Affairs** and **Departments of Family Affairs** also provide services and assistance through their social work programmes.²⁰⁹

The **Department of Social Welfare** is responsible for the development of partnerships and contracting arrangements with civil society organisations.²¹⁰ This includes contracts for management of day centres for children requiring access to basic services, including food and clothing, as well as psychosocial counselling, information and advice. It also includes the management of residential centres for children at high levels of protection risks, such as victims of physical or sexual abuse, neglect or street-children.²¹¹

8.3.2 Social Assistance

Social assistance payments are available to different categories of vulnerable people in Lebanon, including families in financial hardship. Payments are administered by the Department of Social Welfare within MoSA.²¹² The Department of Families and Children also provides cash transfers to vulnerable families. However, due to the current economic crisis in Lebanon the government's capacity to make social assistance payments remains extremely limited.²¹³ Payments made in LBP are devalued quickly on account of the currency exchange fluctuations and extreme levels of inflation.

8.4 Right to Freedom of Expression and Association

The right to **freedom of expression** in accordance with limits set by the law is guaranteed in the Lebanese Constitution.²¹⁴

8.5 Right to Social Development

The right to education is guaranteed by the Lebanese Constitution.²¹⁵ The Higher Council for Childhood implements national strategies for the protection and development of children.²¹⁶

The Department of Social Welfare within MoSA manages a wide network of Social Development Centres throughout the country which provide social health, education and training services to children. The centres employ social workers, liaise with local organisations and groups and provide oversight of projects and programmes for the social development of children within the local area.²¹⁷

209 See Gale, p 41.

210 Gale, pp 41-43.

211 Gale, p 44.

212 Gale, pp 42-43.

213 Gale, pp 42-43.

214 Article 13 of Lebanese Constitution.

215 Article 10 of Constitution.

216 See [Higher Council for Childhood in Lebanon](#). The Council was established in 1994 by virtue of Decision No 29 of 94 issued by the Council of Ministers

217 Gale, p 43.



Thinking ahead (Photo: Zaynab Mayladan/NRC)

9. WORK RIGHTS FOR CHILDREN



9.1 Working Age for Minors

It is illegal to employ minors under 14 years of age,²¹⁸ although children from the age of 12 are permitted to undertake certain types of vocational training in approved institutions.²¹⁹

Minors under 15 years of age are prohibited from working on industrial projects, on works deemed exhausting, and on works that are harmful to health. Minors under 16 years of age are prohibited from undertaking works deemed dangerous by nature, or that threaten the life, health or manners of the minor given the circumstances of the work.²²⁰

9.2 Prohibited Work

In 2012 the Lebanese government signed Decree 8987 on the Worst Forms of Child Labour which states that all types of work that may harm the health, safety or morals of children are prohibited in Lebanon

Annex 1 to the Labour Code lists the professions in which **minors may not work**. These include; underground work in mines, quarries and for stone extraction, work with explosives, welding, melting or firing glass or mineral products, treatment of lead or other dangerous chemicals, operating, repairing or driving engines, producing alcohol or working in abattoirs.²²¹

Annex 2 lists professions in which minors may **only work with a medical certificate**. These include; marble and stone cutting, production of cement, soap, cotton, fertilizer, leather, glue, glass, tobacco, paint, building works except for rural construction, spinning, weaving and printing and passenger transport.

²¹⁸ Article 22 of Labour Code.

²¹⁹ Articles 22 and 23 of the Labour Code state it is permissible for children to work from the age of 12 in institutions dedicated to teaching and vocational trades provided that the curriculum of these institutions specifies the type of trade, working hours, and conditions, and are approved by the Ministry of Labor and Health Departments.

²²⁰ Article 23 of Labour Code.

²²¹ For full details of working rights, entitlements and restrictions for minors see NRC Lebanon, [Guide to Employment Rights in Lebanon](#), pp 26-27.



9.3 Special Conditions and Entitlements for Minors

Minors (under 18 years of age) are entitled to special conditions and protections in the workplace.²²² They are:

- prohibited from working more than six (6) hours per day. When minors work continuously for four (4) hours, they should be granted a rest of at least one hour in the middle of the day,
- prohibited from working from 7pm to 7am,
- entitled to a daily rest period of 13 consecutive hours,
- should not be given extra work or work during daily and weekly rests, or on holidays when the business of the employer is closed.
- entitled to a yearly vacation of 21 days fully paid, provided that the minor has been employed by the employer for a year at least.

The Labour Code does not differentiate between minors that are Lebanese nationals and minors that are foreigners, and foreigners benefit in general from the provisions of the Labour Code which applies to them. Therefore, theoretically, the provisions of the Code related to minors would apply to minors that are foreigners. Employers are responsible for verifying the age of minors by asking them for a copy of their ID card.²²³ The Ministry of Labour have advised that there are no legal texts that prevent the Ministry from granting work permits to minors that are foreigners, but that in practice they have never received such work permit applications. They have advised that they would likely reject such work permit applications for foreign minors, even if they were of working age.²²⁴

9.4 Employer Obligations to Minors

Minors must undertake a medical examination before being employed to ensure they are fit to work. The medical certificate should be granted for free and should be renewed on a yearly basis up until the minor reaches 18 years of age.²²⁵ The medical certificate may be revoked at any time if it is proven that the minor is not fit to undertake his or her work. Employers as well as parents and guardians of minors under working age who have allowed their children to work are criminally liable for breaches of the Labour Code for minors and subject to penalties.²²⁶ Employers are not allowed to provide accommodation at their home to minors whom they employ.²²⁷

9.5 Supervision of Workplaces employing Minors

The Ministry of Labour is the main government entity responsible for child labour issues and enforces child labour laws by undertaking workplace inspections.²²⁸ The Ministry of Labour also hosts the National Steering Committee on Child Labour, raises public awareness about child labour and receives complaints on child labour violations through its Child Labor Unit hotline. Several other institutions are also responsible for protecting children from working conditions that do not comply with the requirements discussed above. These institutions include (i) the Higher Council for Childhood; (ii) the Juvenile Protection Department and (iii) the Unit to Combat Child Labour. The current economic situation in Lebanon makes it challenging for government entities to meet their obligations to protect children from unlawful working practices, including child labour.

222 Article 23 of Labour Code.

223 Article 24 of Labour Code.

224 See NRC Lebanon, [Guide to Employment Rights in Lebanon](#), p 26.

225 Article 22 of Labour Code.

226 Article 30 of Labour Code. In accordance with Article 1 of the Law Amending the Labour Code of 17 September 1962 any violation of the Labour Code shall be referred to the competent courts. The perpetrator of each violation shall be punished individually with a fine ranging from LBP 255,555 to LBP2,555,555, imprisonment for a period of one to three months, or both. The penalty will be doubled in case of repetition within one year.

227 Article 15 of Labour Code.

228 Article 20 of Labour Code.



Danger (Photo: Charbel Koseifi/NRC)



10. PROTECTIONS AGAINST ABUSE OF CHILDREN

The **Law on the Protection of Children in Violation of the Law or Exposed to Danger** is the main law in relation to the protection of children in Lebanon. Under the terms of this Law, the security and safety of a juvenile is threatened when:

- a child is in a situation that exposes him/her to exploitation, or threatens his/her health, safety, morals or upbringing,
- a child is exposed to sexual abuse or physical violence that exceeds the limits of non-harmful, culturally acceptable disciplining, or
- a child is found begging or is homeless.²²⁹

Whilst not a comprehensive child rights law, it sets out measures of protection to be taken by authorities, including MoSA and its agencies, as well as courts, for 'at risk' children, including those listed above. It also includes procedural safeguards for juvenile offenders in contact with the law, during investigation, prosecution and criminal proceedings.

An important supplementary resource is the **Standard Operating Procedures for the Protection of Juveniles (SOP on Juvenile Protection)** issued by MoSA which sets out procedures and methodology in line with the Law on the Protection of Children.²³⁰

The SOP sets out criteria on assessing protection risks for children, standards for protection case management, procedures for developing appropriate responses, the various judicial and non-judicial measures that can be taken to protect children and mandatory reporting requirements and obligations. The SOP also lists the actors responsible for the protection of juveniles, including government ministries, local authorities, NGOs and health actors. Parents, legal guardians and immediate and extended family play a central role.²³¹

229 See Article 25 of Law No. 422 od 200; also Juvenile Protection Sop of 2015, p 16.

230 Gale, p 36-37.

231 Juvenile Protection SOP, p 48.



In response to the escalating child protection needs in Lebanon, child protection organizations in Lebanon, along with the MoSA, have contextualised the global Child Protection Minimum Standards (CPMS) for Lebanon in order to make them more relevant to Lebanon's operating context, The CPMS task force, operating under the National Child Protection Working Group and co-led by MoSA, have collaborated with national and international child protection agencies and UN organizations operating in Lebanon to undertake this process.

10.1 Sexual Abuse

In addition to the general crimes of sexual abuse contained in the Penal Code, the Code lists specific crimes of sexual abuse against children, or which may be particularly applicable to children.

Sexual intercourse with minors under the age of 15 is penalized with increased penalties for intercourse with minors under the age of 12.²³² Sexual intercourse with minors between the age of 15 and 18 is penalized, except in the context of a valid marriage in which cases criminal proceedings may be suspended.

However, prior to suspending such proceedings, the judge must request a report from a social worker taking account of the social and psychological situation of the minor. If the relationship ends in divorce without legitimate reason within three years, the criminal proceedings shall continue.²³³

Intercourse with minors by family members, including in-laws, as well as by persons with lawful or actual authority over a minor, are punishable, with increased penalties depending on the age of the minor.²³⁴

The commission of indecent acts with minors or inducement of minors to commit indecent acts is punishable by imprisonment.²³⁵ Other offences include indecent touching of minors, use of indecent language with minors and seduction to sexual intercourse with the promise of marriage.²³⁶

The kidnapping of girls and women with the intention of marriage, violence or commission of indecent acts is penalized, with increased penalties depending on the age of the minor.²³⁷ Other crimes include facilitating prostitution.²³⁸ Minors who engage in prostitution are subject to remedial, not penal, measures.²³⁹

In addition to measures to punish perpetrators, the availability of support services for child victims is necessary. This includes ensuring provisions for counseling, support services, and legal assistance to ensure victims receive the necessary care and resources to cope with the trauma of abuse.

Legal aid and support services for victims may be available throughout the legal process, from filing complaints to participating in investigations and court proceedings. This is particularly important in situations in which survivors of sexual abuse are required to confront perpetrators in courts.

Such services are often provided by UPEL, local legal aid or child protection actors, as well as by international agencies or UN bodies, subject to funding.

232 Article 505 of Penal Code.

233 Article 505 of Penal Code.

234 Article 506 of Penal Code.

235 Articles 507-510 of Penal Code.

236 Articles 518-520 of Penal Code.

237 Articles 514-517 of Penal Code.

238 Articles 523-527 of Penal Code.

239 Article 535 of Penal Code.



10.2 Physical Abuse

The Law on the Protection of Children defines **child abuse** as “any act that would expose the child to the risk of exploitation or threaten the child's health, wellbeing, morals and development” as well as exposure to “sexual assault or physical violence that exceeds the limits permitted by custom as a form of harmless discipline”.²⁴⁰ Child abuse may be reported by the child, the child's parents, caregivers, legal guardians or the individuals responsible for the child, social workers, the public prosecutor, or anonymous persons.

Different local NGOs and agencies have been mandated by the Ministry of Justice, pursuant to Law on the Protection of Children, as having responsibility for follow-up actions required under the law (such as the preparation of reports for court use). This includes UPEL, Himaya and Qarama.

The process for reporting child abuse will typically depend on the severity of the incident being reported. Where the incident in question is a case of sexual abuse or is life-threatening, the incident should be reported to the police, or any other agency mandated by the Ministry of Justice. The police will then investigate the case and determine whether there is sufficient evidence to prosecute the case. In accordance with Law, a specialized division for domestic violence crimes is to be established within the GSO, which must include female officers professionally trained in ‘conflict resolution and social guidance’.²⁴¹

In 2013, the GSO issued a service memorandum governing “communication and treatment by GSO officers in relation to complaints of domestic violence,” setting standards for GSO officers when they receive or encounter victims of domestic violence. This memorandum provided for a hotline for women victims of violence to call GSO officers in a 24/7 operation room, who must guide the victim, if she has already left the house, to the closest police station or to the Public Prosecutor (depending on whether the violence occurred more than 24 hours ago).

Failure to comply risks disciplinary measures.²⁴² If the victim is still in the family home, the GSO officer must inform the relevant police station so that they can attend the victim's house as well as the Lebanese Red Cross if the victim needs to be transported to a hospital. If necessary, the victim must be guided to associations that can provide her with legal, psychological, and social assistance, including a shelter if she has left or wishes to leave the marital house. GSO officers can also accompany the victim to the police station to press charges or take her to a hospital if needed.

If the victim attends a police station to file a complaint, GSO officers must receive her in a separate interrogation room to ensure her privacy and treat her with respect. Officers must listen to the victim's story without ‘preaching or blaming her’ and refrain from influencing her to reconsider filing a complaint. The victim must be informed of her right to request a protection order and her right to request the presence of a social assistant while at the police station.

If necessary, GSO officers shall go to the place where the violence occurred. Upon receiving a complaint, the GSO officer must contact the Public Prosecutor if the victim wishes to make a formal complaint, and the Public Prosecutor shall give full instructions regarding the protection measures that must be taken.

All necessary facilities must be provided, within the available means, to allow the victim to file her complaint if she is unable to do so by her own means. The investigation must be confidential.²⁴³

240 Article 25 of Law No. 422.

241 Law for the Protection of Women and Family Members from Domestic Violence No. 293 of 2014.

242 See Service Memo No. 164/204 (May 2013) and Law No. 293 of 2014.

243 See Service Memo No. 164/204 (May 2013) and Law No. 293 of 2014.



Certain measures of protection for child victims should be undertaken in relation to any investigations of child abuse, including obligations of confidentiality and the need to be mindful and respectful of the age, capacity and maturity of child victims when collecting evidence or investigating the incident. Where the abuse does not give rise to a threat to the victim's life, the abuse should be reported to the Ministry of Social Affairs.²⁴⁴

The court has the right, if the need arises, to transfer the child victim to the care of a legal guardian, or, if necessary, to a foster family or approved institution responsible for social care.

In addition to general crimes of assault, rape, murder and other felonies, the Penal Code punishes various specific offences of physical abuse against children. Crimes of kidnapping children, hiding children, swapping children, abandoning children or passing children off as the children of another person are also punishable under the Penal Code.²⁴⁵ Similarly, abduction of children from the lawful custody of the legal guardian or custodian is punishable by law.²⁴⁶

Violence against family members is specifically punished in the Penal Code, including violence that causes moral or economic damage or which leads to deprivation of their basic needs.²⁴⁷

244 Gale, p 35.

245 Articles 492-493, 498, 500 of Penal Code. However, mothers who abandon a child in order to 'save their honour' are exempt from punishment.

246 Article 495 of Penal Code.

247 Article 503 bis 1.



Children in Bekaa (Photo: Tina Abu Hanna/NRC)



10.3 Neglect of Children and Street Children

Neglect of children is punishable by law. If the mother, father or legal guardian of a child with maintenance obligations fails to meet those obligations, they may be sentenced to a period of imprisonment.²⁴⁸

A father, mother or legal guardian of a child may be deprived of guardianship if they are convicted of a crime and are found to be unworthy of exercising their authority over the child or orphan.²⁴⁹ They can also lose guardianship if a child in their custody commits a criminal offence and they were negligent in supervising the child.²⁵⁰ Parents of minors under the age of 15 who leave the minor homeless may be prosecuted for failure to meet their parental responsibilities.²⁵¹

Certain categories of minors or juveniles are considered at particular risk and need of protection under the law including those:

- found in an environment that exposes them to exploitation or threatens their health, safety, morals, or upbringing conditions,
- subjected to sexual assault or physical violence beyond the permissible limits of non-harmful disciplinary methods,
- found begging or homeless.²⁵²

Judicial authorities can take various measures including protective measures, supervised freedom, or reformative measures to protect minors in such situations, based on complaints from minors, parents, guardians, social workers, prosecutors or other responsible persons. They can also rely upon other information reports.²⁵³ Judges are required to intervene automatically in urgent cases.

Minors are considered to be **begging** if they engage in soliciting for charity by any means, such as by asking for money from the general public. Begging is penalized if done by persons with access to other income or support, or the capacity to earn other income.²⁵⁴ Persons who induce minors to beg may be prosecuted.²⁵⁵ They are considered homeless if they leave their home to live on the streets and public places or do not have a residence.²⁵⁶

Prior to taking any protective or other measures, the judge should hear from the minor, parents, guardian or other responsible authority, except in urgent cases.²⁵⁷

After hearing from the parents, the judge may keep the minor in their natural environment or home as much as possible and appoint a person or a social institution for monitoring, advising, and assisting the parents and guardians in their upbringing. These persons must submit regular reports to the judge on the minor's progress.²⁵⁸

248 Article 501 of Penal Code.

249 Article 90 of Penal Code.

250 Article 92 of Penal Code.

251 Article 617 of Penal Code.

252 Article 25 of Law No. 422 of 2002.

253 Article 26 of Law No. 422 of 2002.

254 Article 610 of Penal Code.

255 Article 618 of Penal Code.

256 Article 616-617 of Penal Code; Article 25 of Law No. 422 of 2002. See ILO report [Children Living and Working on the Streets in Lebanon: Profile and Magnitude](#), 2015, for further details on the extent of street-based children in Lebanon and their interaction with the law.

257 Article 26 of Law No. 422 of 2002.

258 Article 27 of Law No. 422 of 2002.



The judge can also impose specific obligations on parents and those responsible for the minor, such as restrictions on entering a school or social institution, requirements to attend specialized health institution or obligations to engage with specific professionals, such as social workers, psychologists and so on.²⁵⁹

10.4 Trafficking of Children

Trafficking in persons, including children, is punished both in the Penal Code and under the Law on the Punishment of the Crime of Trafficking in Persons.²⁶⁰ Under the Anti-Trafficking Law, penalties are imposed for persons who encourage children to participate in the following acts:

- breaking the law,
- prostitution,
- sexual exploitation,
- begging,
- slavery, or similar practices,
- forced labour,
- engagement in armed conflicts or terrorist acts,
- organ removal.²⁶¹

Those convicted of human trafficking under the law face penalties of imprisonment of between five (5) and fifteen years, and a fine of between one hundred and six hundred times the official minimum wage. These penalties are increased in a number of circumstances, such as if the victim is a child, if the crime involves more than one victim, or the trafficking causes serious harm to the victim.

In addition to the sentences and fines, the Law provides that any funds obtained from human trafficking must be confiscated and deposited in a special account at the Ministry of Social Affairs to help the victims of trafficking.

There are several competent authorities to whom crimes of trafficking may be reported, including the police, the Ministry of Social Affairs and the Ministry of Labour. A case relating to trafficking will be heard by a court judge.

Although there is no single body specifically responsible for handling cases of child trafficking, the anti-trafficking law also grants the Minister of Justice the right to conclude agreements with specialized institutions and organizations to provide assistance and protection to the victims of trafficking.

10.5 Recruitment of Children into Armed Conflict

The Convention on the Rights of the Child, as ratified by Lebanon, sets 15 as the minimum age for conscription, whether for conscription or participation in military operations. However, Lebanon has signed but not ratified the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict and there are no special laws in Lebanon addressing this issue.²⁶²

259 Article 27 of Law No. 422 of 2002.

260 Article 586 of the Penal Code and Law No. 164 of 2011 on the Punishment of the Crime of Trafficking in Persons.

261 Article 586(1) of Penal Code.

262 See for example, Gale, p 32.



10.6 Economic Exploitation of Children

Exploitation falls within the definition of child abuse under the Law on the Protection of Children as “*any act that would expose the child to the risk of exploitation or threaten the child’s health, wellbeing, morals and development.*” Accordingly, cases of economic exploitation of children would be handled in the same way as noted in the section on physical abuse of children. Employment of children under the age of 14 is prohibited by law, as is the employment of children under the age of 15 in industrial projects or works considered exhausting or harmful to health.²⁶³ Children under the age of 16 are prohibited from doing work which is considered dangerous or that threatens the life, health or manners of the minor.²⁶⁴

10.7 Protection of Children in Media and Access to Information

There are protections against the disclosure of information about criminal trials and proceedings involving minors. Publication of images of minors and information about their investigation and trial is prohibited in the media, including books, newspapers or other forms of media.²⁶⁵

More specifically, it is prohibited to publish a photo of the child and publish the facts of the investigation or trial or its summary in newspapers, cinemas, or any other media. In any court ruling, only the first letters of the child’s name or surname can be published. Any violation of these provisions exposes the violator to a prison sentence from three months to one year and a fine from one million to five million liras, or either of these two penalties.

10.8 Rehabilitation and re-integration of child victims

Lebanon’s Law on the Protection of Children, as well as the accompanying SOP, contains detailed provisions in relation to children requiring protection and measures of practical implementation. This includes both judicial and non-judicial case management pathways.

Judicial pathways can be used when there’s an imminent risk of danger to the child and in cases of sexual abuse or physical abuse beyond limits of discipline that are culturally accepted.²⁶⁶ Reports of child abuse can be made to the public prosecutor, juvenile courts, Ministry of Justice, police or NGOs contracted by the Ministry of Justice.²⁶⁷

Non-judicial pathways include notification of staff of the MoSA (Juvenile Protection Department, Social Development Centres, or Hotline), or NGOs contracted by MoJ, including UPEL, UNRWA in the case of Palestine refugees²⁶⁸ or UNHCR in the case of non-Palestinian asylum seekers and refugees.²⁶⁹ Cases must be transferred from the non-judicial to the judicial pathway when there’s an imminent risk of danger to the child, sexual or physical abuse.

Both pathways involve the design of intervention pathways for children which are designed to eliminate risk, protect the child and strengthen the capacities of his or her parents or guardians.²⁷⁰ Social workers, appointed through judicial or non-judicial processes, are involved in the design and implementation of appropriate risk reduction plans, which can include placement of children in alternative care, restrictive or protective measures, regular monitoring by social workers and other actions.

263 Articles 22 and 23 of the Labour Code.

264 Article 23 of the Labour Code.

265 Article 48 of Law No. 422 of 2002.

266 Article 25 of Law No. 422 of 2002

267 Gale, p 54.

268 Gale, pp 57-59.

269 Gale, pp 52-55, 57.

270 Gale, p 56.



10.9 Mandatory Reporting of child abuse

The Law on the Protection of Children specifies that abuse of children may be reported by the child, the child's parents, caregivers, legal guardians or the individuals responsible for the child, social workers, the public prosecutor, or anonymous persons.²⁷¹ The Criminal Procedure Code requires any person who witnesses an attack on public security or any person's safety or life or property, to inform the prosecution.

The SOPs on the implementation of the Law on the Protection of Children detail mandatory reporting procedures for both professionals and members of the public. When reporting instances of child abuse, professionals can follow either a judicial or non-judicial pathway, depending on the level of and type of risk. Judicial pathways, such as those involving the police or courts, are the responsibility of the Ministry of Justice, whilst non-judicial pathways, such as those involving government or NGO-appointed social workers, are the responsibility of MoSA.²⁷²

The Juvenile Protection SOP sets out in detail the procedures to be followed when reporting cases of child abuse.²⁷³ This includes the various agencies and actors who may be notified about cases of child abuse, such as the social workers with MoSA, staff of NGOs contracted by MoSA and professionals working with juveniles in emergency situations.²⁷⁴

Civil servants, including government social workers, who do not report misdemeanors or crimes that they become aware of during their duty or whilst performing their functions can be fined. They are also liable if they are responsible for investigating crimes as part of their work, such as allegations of child abuse, and fail to report those crimes to authorities.²⁷⁵ Health professionals, such as doctors or nurses, can be sanctioned if they provide medical assistance to a victim of a misdemeanour or crimes that should be reported to authorities.²⁷⁶ The law notes that there is no breach of professional confidentiality by health professionals for reporting risks of harm against juveniles.²⁷⁷

271 Article 26 of Law No. 422 of 2002.

272 See Juvenile Protection SOP, pp 25-30.

273 See Juvenile Protection SOP, p 32.

274 See Juvenile Protection SOP, p 39.

275 Article 399 of Penal Code.

276 Article 399 of Penal Code.

277 Article 26 of Law no. 422 of 2002.



Noor, Mohammed and Seraj (Photo: Charbel Kousseifi/NRC)



Youth Programme (Photo: Sherbel Dissi/NRC)

11. JUVENILE JUSTICE



11.1 Age of Criminal Responsibility

The minimum age of criminal responsibility is seven (7) years old.²⁷⁸ There are different sanctions for children involved in the commission of crimes between the ages of 7-12, 12-15 and 15-18 years old.²⁷⁹

11.2 Special Procedures for Dealing with Juvenile Offenders

Some basic principles for dealing with juvenile offenders are set out in the Law on the Protection of Children:

- Efforts should be made, wherever possible, to avoid legal proceedings by adopting settlements, amicable solutions, and non-restrictive measures,
- Judges have a reasonable degree of discretion within the bounds of the law to take measures that are most suitable for the situation of the minor,
- Restrictive measures are the last resort, and minors cannot be detained with adults.²⁸⁰

Social workers employed by UPEL are based in the major courts throughout Lebanon and are tasked with accompanying each child through the judicial process, sitting with the child during interviews and ensuring that the child's best interests are promoted.²⁸¹ According to the law, social workers have the right to attend at least six hours of interrogations with the child. If a social worker is not available, the judge can assign other case workers from trusted NGOs.²⁸²

Judges in juvenile courts can ask agencies contracted by the MoJ, or UPEL, to conduct an assessment of child welfare issues.

278 Article 3 of Law No. 422 of 2002.

279 Article 6 of Law No. 422 of 2002.

280 Article 2 of Law No. 422 of 2002.

281 Gale, p 46.

282 Article 34 of Law No 422 of 2002.



11.3 Juvenile Courts

Special juvenile courts are established under Lebanese law to deal with offences committed by juveniles. There are two types of juvenile courts/judges in each palace of justice, namely judges responsible for misdemeanors and judges responsible for felonies. Protection files are followed by the misdemeanor judges. This consists of a single judge who handles violations and misdemeanors, as well as specific cases involving minors at risk, including those subject to abuse, exploitation, neglect or sexual assault or physical violence.²⁸³ Judges in the initial chamber of the court of first instance deal with felonies. Personal rights lawsuits against minors, such as for damage caused by minors, can also be brought against minors in the juvenile courts in accordance with the Code of Criminal Procedure.²⁸⁴ Decisions of juvenile courts are subject to appeal.²⁸⁵

When dealing with juveniles in contact with the law, judges often rely upon social worker reports prepared by trained NGOs.²⁸⁶

11.4 Criminal Procedures for Juvenile Offenders

Procedures for the investigation or prosecution of minors follow the same procedures are set out in the Code of Criminal Procedure, but with certain additional protections and procedural safeguards as set out in the Law on the Protection of Children.²⁸⁷

Parents, guardians or persons responsible for the minors must be immediately informed about any investigation into a minor by a prosecutor or judicial police. A social worker should also be informed about the investigation and be invited to participate.²⁸⁸ They must join within six (6) hours and the investigation cannot start until they are present. If they cannot attend, the prosecutor or the juvenile affairs department in the MoJ can appoint a social worker from an authorized association, such as an NGO, to attend. Not only must the social worker attend, but also conduct a social inquiry into the case and the minor's circumstances and present it to the person conducting the investigation.²⁸⁹ The minor's parents, guardians or persons legally responsible for them must be notified of the date of trial of the minor as well as any judgements against the minor.²⁹⁰

Investigations and prosecutions are conducted with respect to the confidentiality of the minors, and trials of minors are conducted in private, not publicly. However, court judgements are given in public. The only persons who may attend the trial are the minor, their parents, guardian, or the person who is legally responsible for them, witnesses, the accredited social worker, lawyers, any claimant in a private case against the minor and any person authorized by the court to attend.²⁹¹ The publication of a minor's image as well as the disclosure of the investigation and trial proceedings or their summary in books, newspapers, cinema, or any other media is prohibited.²⁹²

Minors must be legally represented during criminal trials and other lawsuits. If the minor's parents or legal guardian don't appoint a lawyer, the court must assign a lawyer or request that the Bar Association appoint a lawyer.²⁹³

283 Chapter 4 of Law No. 422 of 2002.

284 Article 38 of Law No. 422 of 2002.

285 Article 44 of Law No. 422 of 2002.

286 Gale, pp 45-46.

287 Article 31 of Law no. 422 of 2002; see also Gale p 47.

288 Article 34 of Law No. 422.

289 Article 34 of Law No. 422 of 2002.

290 Article 36 of Law No. 422 of 2002. Where this is not possible, the minor can be directly notified or a special guardian can be appointed by the court for the purpose of the trial.

291 Articles 39, 40 of Law No. 422 of 2002.

292 Article 48 of Law No. 422 of 2002.

293 Article 42 of Law No. 422 of 2002.



During judicial proceedings, the judge must hear from the minor individually, but may allow them not to attend the trial or may absent them from some of the trial procedures if it considers this to be in the best interests of the minor. However, if the minor is not involved, the minor's parent, guardian, custodian, or relative must be present.²⁹⁴

Prior to issuing a verdict in a case involving a minor, the court must obtain a social investigation report conducted by the accredited social worker or by a person appointed by the court from those working in the social sector.²⁹⁵ The social investigation report must include information about the material and social conditions of the minor's family, their social, educational, and professional environment, the minor's health, mental state, and criminal record. It should also propose appropriate measures for their rehabilitation.²⁹⁶

The court can also order a medical examination, such as a physical, psychological, or mental examination to better understand the minor's situation. Another action the court can take is to place the minor under observation for three months or more before issuing the verdict if this is recommended by the social investigation or examination.²⁹⁷ Final judgments by the court may be published without revealing the name, surname, or initials of the minor.²⁹⁸

Penalties applicable to juveniles are typically mitigated. In relation to felonies committed by a juvenile aged between 15 and 18 years, if the felony is punishable by death or life imprisonment with hard labor, the penalty is reduced to imprisonment from five to 15 years. For other felonies, the minimum and maximum duration of imprisonment are reduced by half.²⁹⁹

11.5 Reform and care measures for juveniles

Judges have the power to order a range of non-restrictive measures when dealing with juvenile offenders including; warnings, probation, protective measures, supervised freedom, community services and payment of compensation to the victim.³⁰⁰

Protective measures include releasing the minor into the care of their parents, another legal guardian, another family or an accredited social or health institution, subject to certain conditions.³⁰¹ Supervised freedom involves placing the minor under the supervision of the social worker or responsible authority under the supervision of the judge.

The social worker is responsible for monitoring the behavior, conduct, work, and proper guidance of the minor, as well as overseeing their health, psychological, social, and professional affairs.³⁰²

Restrictive measures that can be imposed by judges include forms of rehabilitation, disciplinary measures and reduced sentence of imprisonment.³⁰³

294 Article 43 of Law No. 422 of 2002.

295 Article 41 of Law No. 422 of 2002.

296 Article 41 of Law No. 422 of 2002.

297 Article 41 of Law No. 422 of 2002.

298 Article 48 of Law No. 422 of 2002.

299 Article 15 of Penal Code.

300 Articles 5-12 of Law No. 422 of 2002.

301 Article 9 of Law No. 422 of 2002.

302 Article 10 of Law No. 422 of 2002.

303 Article 5 of Law No. 422 of 2002.



In the event correctional measures are taken against the juvenile, they are typically placed in a correctional institute for a minimum period of six (6) months where they will receive education, vocational training, and supervision of their health, psychological and other issues. The judge may decide to release the juvenile when they reach the age of 18. Alternatively, after hearing from the juvenile, the judge may decide to place them under the supervision of a social representative for a period of time determined by the judge. The judge may also opt to place the juvenile in a disciplinary institute until the end of the penalty.³⁰⁴

The juvenile may also be placed in a disciplinary institute for a period of at least three months. If the juvenile reaches the age of 21 and is still in the disciplinary institute, the judge may release the juvenile. They will remain under probation for a period not exceeding one year. Otherwise, the juvenile will remain in the disciplinary institute until the completion of their sentence or will be transferred to the juvenile prison or to the regular prison, as determined by the judge.³⁰⁵

Judges can also order preventative measures against juvenile offenders which restrict some rights and freedom of movement. These can include; preventive shelter in a specialized institution, prohibition on entering certain places, prohibition of residence and exit from the country if the minor is non-Lebanese, travel ban, prohibition of engaging in certain work, carrying weapons and sharp objects, and physical seizure of items. These measures can be imposed until the age of 18 but can be extended until the age of 21 by the judge for exceptional reasons.³⁰⁶ In some cases, the judge can order the removal of the minor from their parents or guardian to be placed in an appropriate institution under the care and custody of the institution, and the responsible social worker.³⁰⁷

The judge can order measures which allows the child to remain with their parents and order social workers to follow up on these cases. The judge can also make a placement order and a social worker must then find a place in residential care for the child. A judge is also able to request monitoring reports for each case. If the judge has awarded measures that involve the child remaining with their family and if there is no improvement in a child's situation and there is persistent risk, the judge can change the orders they made.³⁰⁸

304 Articles 13, 15 of Law No. 422 of 2002.

305 Article 14 of Law No. 422 of 2002.

306 Article 18 of Law No. 422 of 2002.

307 Article 20 of Law No. 422 of 2002.

308 Gale, p 46.



Yehya and brothers (Photo: Zaynab Mayladan/NRC)



11.6 Police Special Procedures

If detaining minors in relation to the investigation of criminal offences, police must immediately inform the parents, guardians or persons responsible for the minors. A social worker should also be informed about the investigation and be invited to participate in the police questioning.

11.7 Detention of Juveniles

Minors under the age of 12 cannot be detained unless they are found begging or homeless and are admitted to a specialized social institution.³⁰⁹

Minors over the age of 12 can be temporarily detained if accused of involvement in offences liable for more than one year imprisonment but only for the purposes of investigative needs, safety, preservation of evidence, and preventing potential escape.³¹⁰ Judges may also order the detention of minors in an observation home, release them into a fixed place of residence or to an authorized person who undertakes to bring the minor before judicial authorities when requested. Judges may also impose a travel ban on minors.³¹¹ However, minors can only be detained in accordance with the provisions of the law.³¹²

Minors may also be detained due to their lack of legal residency. Lebanon's sole immigration detention centre is under the authority of the GSO which decides matters related to the entry, residency, and exit of foreigners. Undocumented children of migrant workers are subjected to arrest and detention if they do not have appropriate identification documents.³¹³ Refugee children have been subjected to detention alongside adult criminals in police stations and places of imprisonment or detention on the grounds of illegal entry.³¹⁴

Refugees and migrants are subjected to specific procedures applied to non-citizens after completion of sentences or decisions to release them. The administrators of prisons and detention centres notify the GSO of the pending release of any foreigner in their custody and they are transferred to the GSO regardless of the charges or the legality of their residence. Their ongoing detention becomes an act of administrative detention outside any specific legal framework. Very often prison authorities are unable to transfer the foreigner to the GSO detention centre due to overcrowding or to lack of transportation or staff. As a result, the foreigner remains in prison pending their transfer, leading to their arbitrary detention.

309 Article 35 of Law No. 422 of 2002.

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312 Article 8 of the Lebanese Constitution states that "No one may be arrested, imprisoned, or kept in custody except according to the provisions of the law."

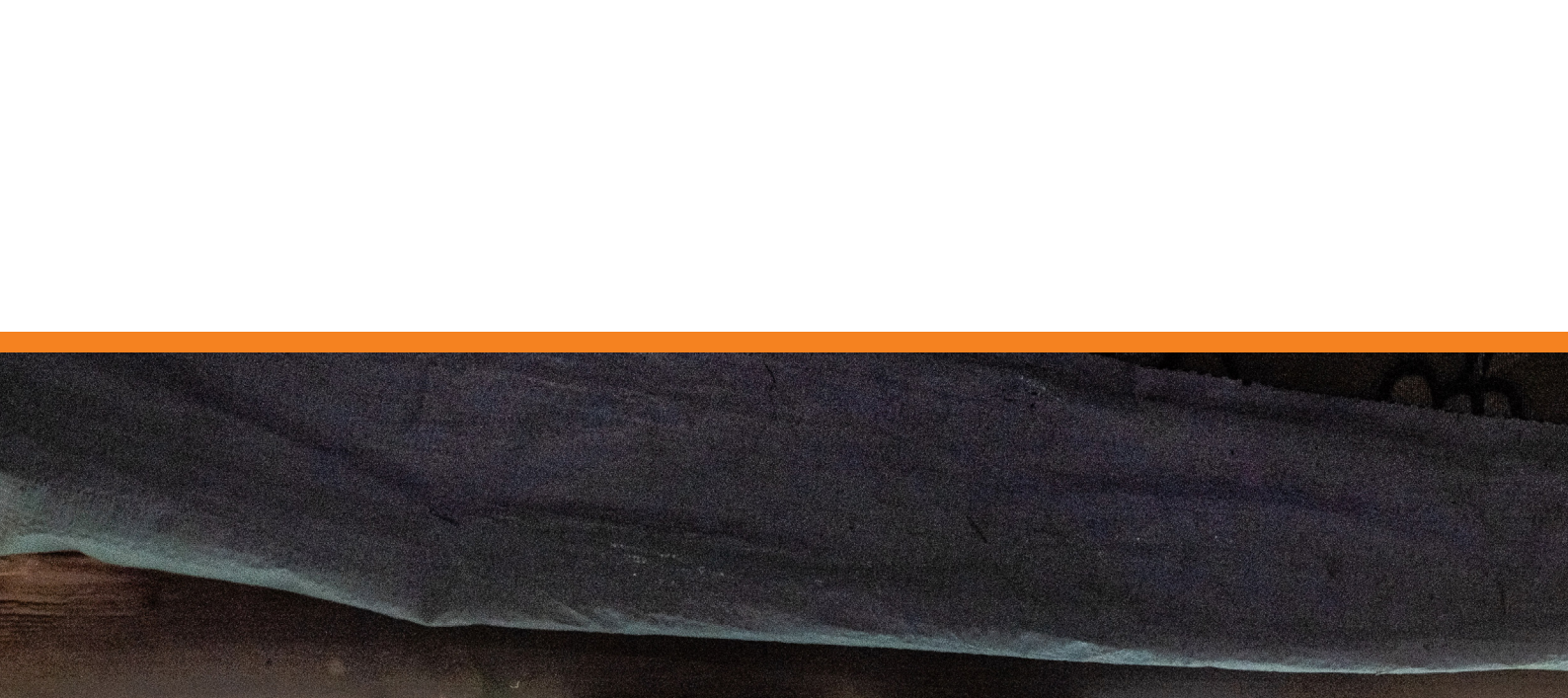
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