

**Joint Submission  
for the  
Universal Periodic Review of Lebanon  
Third Cycle Review**

**Juvenile Justice System in Lebanon**

**Joint Submission  
by  
The Arab NGO Network for Development  
Mouvement Social  
Himaya**

**This joint submission is prepared by the Arab NGO Network for Development and Mouvement Social and Himaya focusing on the juvenile justice system in Lebanon.**

**The Arab NGO Network for Development (ANND) is a regional network, working in 12 Arab countries with nine national networks (with an extended membership of 250 CSOs from different backgrounds) and 23 NGO members. ANND was established in 1997 and its headquarters is located in Beirut, Lebanon since 2000.**

**Mouvement Social (MS) was inspired by a group volunteers, men and women, from different religions and cultural backgrounds, and it was acknowledged by the Lebanese State in 1961. Since its inception, MS is working towards sustainable development over all the Lebanese soil in a secular and non-discriminatory approach. It aims to build a fair and humane society, to improve the citizenship and autonomy of the underprivileged and to implicate youths in Lebanon in the development and improvement of their society. MS programs tackle alphabetization and education; youth socioeconomic empowerment; prevention and protection for children, youths and women empowerment; as well as support for local development and citizenship with local authorities and Social Development Centers (SDC) implemented through local community centers covering different Lebanese governorates.**

***Himaya* (which is Arabic for “protection”) is a Lebanese non-governmental organization founded in 2008 and registered within the Ministry of Interior with the notification number 748/2009. Its mission is to protect children from all forms of violence, notably psychological, physical, and sexual abuse, as well as neglect and exploitation. *himaya* works the child, the family and the environment as a whole, and strives to bring about change at the national level to ensure a sustainable impact on the lives of children in Lebanon. Through its dedicated and multidisciplinary team of professionals, *himaya* covers all the Lebanese territory (Mount Lebanon, South Lebanon, North Lebanon and the Bekaa) ensuring accessible services to children across Lebanon. *himaya* achieves its mission through its two main programs: Prevention and Resilience. *himaya* also seeks to build and develop the skills of professionals working with children, to develop child protection policies for local institutions and organizations, and to contribute to advancing research in the child protection sector in Lebanon and the world.**

## **General Background:**

1. General guidelines and procedures for the prosecution of juveniles were established by international treaties and elaborated by domestic laws in an attempt to improve trial conditions and achieve its purpose. Juveniles were thus accorded with trial privileges that do not cover adults. In reality, however, several obstacles are faced in implementing the various privileges, and the extent of state commitment differs from one judiciary to another, including in Lebanon. They include implementing the regulations of the laws in effect, the lack of adequate infrastructure, and the absence of sufficient specialized human resources.

2. While the principle of punishment in general aims at reform, in the case of juveniles, reform, care, and protection must be the primary basis for punitive measures. And therefore, juveniles must be accorded all the required rights, circumstances, care, and support while being held accountable. The decision to punish must ultimately lead to the juveniles' reform and reintegration into society as active and productive members. It must not become an additional contribution to their involvement in the world of crime.

### **Protection of Juveniles in Conflict with the Law or Exposed to Danger**

3. The main law that sponsors the protection of children and juveniles, in Lebanon is the Lebanese Law No. 422/2002 'Protection of Juveniles in conflict with the Law or Exposed to Danger'. However, the law remains without comprehensive executive decrees that clarify its executive procedures and facilitate its application for the best interest of children. The regulatory decrees of this law have not been issued yet and the main articles of this law are not implemented, especially with regards to establishing rehabilitation centers and observation units for children in pretrial detention.

4. The international conventions and practices determined the minimum age of criminal responsibility to be between 12 and 14 years old. As for Lebanon, a juvenile is every male or female -under 18 years of age. It is worth noting that the age of legal responsibility is 7 years old, which raises concerns regarding the capacity of the child at this age to bear the psychological and social repercussions of the criminal responsibility.

5. The detention of juveniles is still occurring in the juvenile wing in Roumieh Prison, and public prosecution offices keep arresting juveniles, particularly those between the ages of 15 and 18 years old.

### **Recommendations in order to activate and improve the law's implementation**

6. Activate the implementation of non-custodial measures, particularly community service and supervised freedom, with imprisonment being the last resort for judges.

7. Stress on the need to respect and implement the Juvenile Law 422/2000 by all the concerned ministries, especially in regards to the rights of juveniles.

8. Stress on the need to respect and implement the Juvenile Law 422/2000 by the respective law enforcement officers, especially respecting the *defacto* privileges prescribed for juveniles, and to increase the number of trained individuals and professionals in charge of supervising and following juveniles in their rehabilitation and reintegration processes.

9. Activate the role of judicial inspection, especially in terms of deadlines of arrest and placing complaint boxes in the places of arrest and detention of juveniles.

10. Reopen and reactivate the rehabilitation centers in order to support the juveniles during their detention and preparing them to a successful reintegration into society after their release.

11. Put together a specialized judiciary, a special police, an expansion in Article 25 that stipulates the different types of violence against a child (that should include for instance child labor, underage marriage, children involved in armed conflicts), and listen to the opinion of the child towards the procedures and measures that ought to be taken in their favor.

12. Involve specialized civil society organizations in ad hoc committees to discuss drafts and proposals in relation to amending legislation or adopting implementation decrees for Law 422/2002 that had previously been suspended to guarantee broader and more comprehensive rights, especially for children under judicial protection.
13. Increase awareness campaigns on Law 422/2000 for all segments of society, in cooperation with civil society organizations.
14. Activate the role of concerned ministries, namely the Ministry of Justice, the Ministry of Interior, and the Ministry of Social Affairs, in drafting national plans to apply juvenile rights in coordination with civil society organizations to achieve harmony and complementarity.
15. Train and raise the awareness of legal professionals on the Law, the rights of juveniles, and how to address their issues.

#### **Recommendations with regard to legal aid system in Lebanon**

16. Every juvenile has the right of defense and fair trial, yet the largest number of juveniles suffer from poverty and limited or no resources that hinder the appointment of a private lawyer.
17. Activate the judicial aid system and support the bar associations in Tripoli and Beirut in securing the necessary funds, based on the right of every juvenile to a fair trial.
18. Set-up and activate a monitoring and accountability system for lawyers assigned by the two bar associations to defend to ensure quality performance and advocate for juveniles through the judicial aid system.

#### **Recommendations with regard to children under judicial protection or at risk**

19. Article 25 of Law 422 identifies the children who fall under the legal protection from exploitation and threats to their development and natural growth. However, the lack of specialized and sufficient material and human resources often leads to the inability to respond to the significant needs imposed in practice.
20. Activate the foster family system and establish specialized child care facilities while maintaining family ties as much as possible.
21. Set clear operational plans and procedures for working and displaced children.
22. Activate coordination frameworks between all the concerned ministries, especially the Ministry of Justice and the Ministry of Social Affairs.
23. Ensure a system of safe referrals in the best interest of the child to facilitate their proper reintegration into society.
24. Reactivate and follow-up on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

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<sup>i</sup> [https://www.unicef-irc.org/portfolios/documents/405\\_lebanon.htm](https://www.unicef-irc.org/portfolios/documents/405_lebanon.htm)