Shattered Dreams
Children of Migrants in Lebanon
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Shattered Dreams: Children of Migrant Workers in Lebanon
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List of Acronyms

CAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CCP: Code of Civil Procedure

CRC: Conventions on the Rights of the Child

CSO: Civil Society Organization

GS: General Security

ICCPR: International Convention on Civil and Political Rights

ICERD: International Convention on the Elimination of All Forms of Discrimination

ICESCR: International Convention on Economic, Social and Cultural Rights

IO: International Organization

MoEHE: Ministry of Education and Higher Education

MW: Migrant Worker

UDHR: Universal Declaration of Human Rights

UNHCR: United Nations High Commissioner for Refugees
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**Insan Association:**

Insan Association’s mission is to protect and promote the rights of the most vulnerable and marginalized individuals. Insan Association pursues this through holistic service delivery including education, psychological and legal services, advocacy and research. This report was undertaken by the Research and Advocacy Team. The Advocacy Department aims to influence the structures that deny people access to and the realization of their human rights. Through campaigning, awareness raising and lobbying, Insan endeavours to build the structures that give human rights recognition to those individuals.

**Acknowledgments:**

We would like to thank those migrants who were affected by these unjust decisions for speaking up and bringing this issue to the attention of Insan Association and other Civil Society Organizations. We are particularly indebted to those who agreed to speak to us and contribute to this research despite the difficulty of their personal situation.

This report is the product of efforts by a team of researchers at Insan Association. Coralie Mampaey developed an extensive literature review. Rebecca Crompton conducted interviews and prepared and edited report drafts. Nisrin Debian and Yara Khoury conducted interviews. Zeina Chacar diligently researched Lebanese national laws. Charles Nasrallah and Lala Arabian contributed to the development of recommendations and supervised the research. Roula Hamati coordinated the research project including drafting the report, analysis of the results, and the development of the recommendations.

**Executive Summary:**

The following report explores the incompatibility of recent decisions, by the General Security and the Ministry of Education regarding migrants and their children, with national and international legislation. In particular, the first part of this report analyzes a recent unpublished General Security decision whose impact has denied residency renewal for children of migrant workers belonging to category three and four. The second part of this report looks at a series of decisions by the Ministry of Education limiting the enrollment of non-Lebanese children to public and semi-private schools.

The first part of this report finds that General Security’s recent decision to deny residence permits contravenes a number of national and international laws and principles. Indeed, denying the renewal of residency permits for migrants and their children interferes with the right to a family life established in a number of international conventions including the ICCPR and ICESCR.

This report also finds the expulsion of Migrant Workers (MWs) and their children from Lebanon violates many important provisions in both national laws and international laws. Indeed such measures contravene national legal provisions under the Law on Entry and Exit and Lebanon’s international obligations under the ICCPR.
Furthermore, by failing to publish its decision General Security is breaching the principle of publishing that is enshrined in Lebanese laws and the right to information guaranteed by the UDHR and ICCPR. This report shows that the GS decision also contravenes a number of rights accorded to children under the CRC. Uprooting children from the country where they grew up, separating them from one or two parents violates the principle of the best interest of the child set forth by the CRC.

The second part of this report also finds that limiting the enrollment of non-Lebanese children to public and semi-private schools violates the right to education recognized under both the Lebanese constitution and international conventions that Lebanon has ratified. In particular this report finds that excluding non-Lebanese children from accessing public education contravenes the principles of non-discrimination outlined in the CRC, UNESCO CADE, and the ICESCR. The right of every child to education as articulated by the CRC and ICESCR is also being compromised as a result of these decisions.

Further, this report reveals an incompatibility between the Lebanese constitution and both the International Conventions that Lebanon is a state party to and some national laws in the provision of the right to education.

Finally, this report raises some pragmatic concerns around the issue of the specialized evening schools for Syrian refugees. This report sheds light on Lebanese schools’ limited capacity in dealing with the educational crisis. It also highlights that as a result of these consecutive decisions children of migrant workers and children of other refugees (non-Syrian) are completely denied the right to education as they do not fall under any of these categories.
Introduction

Lebanon is home to a large migrant population. Since early 2000, Lebanon has seen a huge influx of refugees largely as a result of the crises in Iraq and Sudan. This added to the number of Migrant Domestic Workers who are thought to surpass 200,000 women who come from various countries like Ethiopia, Sri Lanka, Philippines, Bangladesh, Nepal and many others. Recently, the civil war in Syria has brought a large number of refugees into the country whose growing needs are met with Lebanon’s limited resources. The UNHCR estimates the number of registered refugees is at 1,163, 2011, while the actual number is thought to be much higher. It is believed that half of the Syrians refugees in Lebanon are children below 18 years old.

Migrant populations in Lebanon are particularly vulnerable because they enjoy very limited rights. Multiple restrictions are placed on the participation of refugees in the labor market. Refugees, including Syrian and Palestinian, are allowed to work only in a handful of occupations and in less lucrative employment categories. Migrant Workers who also form a considerable proportion of the migrant population in Lebanon suffer from the exploitative Kafala system. Under the Kafala system, an employee is tied to one specific employer for the duration of his or her work contract and given very few rights. Employees who fall under the Kafala system do not enjoy the same rights to family reunification.

Previously, despite migrant populations being given very few rights in the country, migrant families, including refugees and migrant workers could apply and sponsor the residency of their Lebanon-born children on a yearly basis. Parents were able to obtain yearly residence permits until their children turned 4 years old. After the age of four, parents could extend their child’s residency based on school enrollment. Migrant workers also faced no difficulty enrolling their children in public schools.

Since the beginning of 2014 however the Lebanese government, specifically the General Security and the Ministry of Education have started to pursue discriminatory policies against migrants and their families, the repercussions of which are felt most keenly by children. Firstly, the General Security has issued a directive that prevents those Migrant Workers belonging to category three and four who have children in Lebanon from renewing the child’s residency, despite possessing all the legal documents necessary to reside here. One parent is usually also affected and not granted residency renewal. Previously those children born and raised in the country were able to renew their residency on a yearly basis without governmental objections. Now, the General Security is prohibiting residency renewals and issuing migrants with as little as 48 hours to leave the country. The text of the Directive has not been shared despite numerous requests for this by Insan Association and other Civil Society Organizations. When questioned about the directive the position of the General Security has been ambivalent. The General

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1 From UNHCR’s website. This number was last updated on 19/02/2015. [http://data.unhcr.org/syrianrefugees/country.php?id=122](http://data.unhcr.org/syrianrefugees/country.php?id=122)

2 Category three workers are workers who are employed in agriculture and the cleaning sector. Category four workers are domestic workers.
Security has officially denied the existence of the directive but numerous inside sources have confirmed its existence off record.

Secondly the Ministry of Education has issued a number of decisions which have restricted the enrolment of non-Lebanese children into public and semi-private schools for many months. The Ministry of Education set out stringent conditions on the enrolment of non-Lebanese students in the primary cycle while completely banning the enrolment of non-Lebanese students from the complementary and secondary cycles. Among the conditions that the Ministry of Education put in place were that parents of the child should have valid residency permits (no. 29/M/2014), non-Lebanese children must be enrolled at school for more than three years, or that non-Lebanese children must have a Lebanese mother (no. 25/M/2014). Registration for all non-Lebanese children opened in mid October before ending on the 1st of November 2015 (no. 28/M/2014). However, schools still demanded that the number of non-Lebanese does not exceed 50% (no. 28/M/2014) and that both parents and children present valid permits. Insan has seen evidence for a further decision saying the 50% quota may be overridden when school capacity permits, however this decision came two weeks after the official registration period ended.

The combined effect of these discriminatory policies on the rights of migrants and their children is huge. Many migrant children and refugees will be expelled from the country as a result of the loss of their legal right to residence and many more will be left without access to their universal right to education.

Those children whose residency is not renewed will face deportation with or without their parents. This is equivalent to breaking apart the family and returning those children to their country of origin, one with which they have little or no familiarity. This can lead to educational difficulties and a deep lack of integration. Furthermore for those migrants who left their country of origin on account of socio-economic difficulty, conflict or political instability, the inherent human rights of their children may again be put at risk by being returned to their country of origin.

It is estimated that more than 500 000 children will be left without schooling this year if the current situation persists. This is likely to lead to further rights violations for this group of children as the lack of education puts them at a greater risk of child labour and child abuse. This is especially true for migrant children who are already in a vulnerable position. For those children whose residency is dependent on their educational enrolment, their legal status to remain in Lebanon is infringed upon by these decisions.

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3 Interview with a School Principle
4 Minister of Education Letter number 7563 12/11/2014
5 Brown, Gordon. 2015. We are Failing the Children of Syria and Lebanon: This Tragedy is Avoidable. The Guardian. http://www.theguardian.com/commentisfree/2015/jan/20/failing-children-syria-lebanon-tragedy-avoidable-gordon-brown

6 Insan Association. 2014. Unprotected Childhood; The Experiences of Lebanese and Non-Lebanese Children in Abuse, Maltreatment & Discrimination
Objectives:
The following report seeks to investigate two sets of decisions. The first decision is the General Security’s directive on the refusal to renew residence permits for children of migrant workers and one of their parents. The child and their parent are then forced to leave the country leading to the breakup of the family unit. The second issue being investigated is a number of decisions by the Ministry of Education limiting the enrollment of non-Lebanese students into public and semi-private schools. These consecutive decisions have denied the right to education to a large number of non-Lebanese children.

There are two aims in this; firstly the report will highlight the contradictions between national and international law and the policies of the General Security and Ministry of Education. Secondly the report will uncover the sociological effects of the directives on migrants and refugees through a series of interviews with affected individuals, schools, and the embassies of migrant’s countries of origin.

This report is mainly addressed to decision makers and members of the General Security, by highlighting the illegality of such measures and by emphasizing the negative repercussions of these decisions on the lives of migrants, this report makes the case for putting an end to these illegal practices and for ensuring that migrants enjoy their human rights. Findings from this report can also be of use to human rights organizations and particularly migrants’ rights organizations who offer legal services to migrant workers and their families. This report offers a comprehensive guide on the applicable national and international laws that can aid human rights lawyers to challenge and appeal these decisions. Finally, findings from this report can be used for future advocacy efforts aiming to secure equal right for migrant workers and members of their family.
Methodology

As has already been mentioned, the aim of this report is to analyze the legality of the recent General Security and Ministry of Education decisions. In order to do so this report will examine both the text of these decisions and the ensuing practices.

To inform a better understanding of the problem the report will gather the views of a wide range of stakeholders including migrants and their children, public schools, and embassies of countries of origin. The General Security was also approached but refused to comment or give any information.

Legal Research

The legal part of the study will centre on exploring the directives’ violation of national and international laws and conventions. This will be accomplished by examining the text of the decisions and the ensuing implementation. Both the texts of these directives and their implementation will be examined in the light of national and international laws. Contradictions between the directives and national and international laws will be sought and highlighted throughout this study.

It must be noted however that while the decisions of the Ministry of Education were made available to all public schools and therefore were not very difficult to obtain, a lot of obscurity and secrecy surrounded the decision of the General Security. Insan Association went to great length to try and secure the text of the Directive. The organization submitted, on numerous occasions, official requests to the General Security to share the text of the directive. Insan Association also asked that the criterion upon which the General Security is making the determination to grant or withhold residency renewals be shared. These demands were not met by the General Security and no official response was received.

Given the inability to access the text of the General Security’s directive banning the renewal of permits for children of migrant workers, we based our analysis of the legality of the GS decision on the observed implementation of this directive. Through a wide network of migrant workers Insan Association conducted numerous interviews with affected individuals and accumulated factual evidence to inform a general understanding of the nature of the directive as well as its content.

Finally it must be emphasized that, in addition to relevant national legislation, this report will only look at international conventions that Lebanon is a state party to. Other treaties that may be of relevance but have not been ratified are beyond the scope of this study as they pose no legal obligation on the Lebanese state.
Sociological Research:
The sociological part of this study highlights the social impact of the directives on the lives of migrant families and other marginalized groups who are likely to be affected by these directives. A number of in-depth qualitative interviews were undertaken with those affected by the directives - migrant workers, refugees and their children. The interviews focused on uncovering the negative repercussions that the directive has had on the families, with particular interest paid to their effect on children.

Interviews with a number of public school principals were also conducted to better understand the implementation of these directives and to demonstrate exactly who is being targeted by the order. Interviews were also conducted with a number of Embassies and Consulates of migrant’s countries of origins. These interviews focused on assessing the Embassies’ awareness of the problem and exploring the steps that they are undertaking to help MWs who were affected by this order.

Qualitative data from interviews with affected migrants and children were compiled to feed into the legal research and evidence from cases of migrants who were refused residency were used to highlight the illegality of the deportation orders.

Limitations of the Research:
The major limitation of this study is that the text of the directive concerning the non-renewal of permits has not been shared. Not having access to the text of the directive made it difficult at the initial stages of the research to assess how far this directive is violating national and international laws. To counter this problem, researchers gathered evidence from cases of migrants and their families who were refused visa renewal. Based on this evidence our researchers were able to reach an accurate conclusion on the content of the directive.

The directives and memos of the Ministry of Education on school enrolment for the school year 2014-2015 were however made available to Insan. However, in the period of the last 4 months the Ministry has issued more than 6 directives, with each directive overriding the previous one. This has resulted in schools continuously changing regulations making it difficult to assess who was entitled to register at public schools and who was excluded.

Finally, following the non-renewal of their permits and the short notices many migrant families were given, many of them were forced to leave the country. Those who did not, preferred to keep a low profile as to avoid detention and subsequent deportation. Subsequently, identifying suitable respondents was a difficult task. To counter this problem we had to rely extensively on our network of trusted community leaders to identify respondents who were willing to talk to us.
The Denial of Residency Renewal

The General Security:
The General Security is a Lebanese intelligence agency that was established in 1921 under decree number 1061. At the time of its establishment the General Security was known as the ‘First Bureau’. In 1945, and under decree number 3845, the First Bureau was transformed into the General Directorate of the General Security and was annexed to the Ministry of Interior. The General Security carries out diversified functions including general intelligence work, media censorship and handles all matters relating to the stay and exit of foreigners on Lebanese soil. The General Security is the only agency regulating the entry and stay of foreign nationals in Lebanon. Article 17 of the 1962 Law on The Entry and Exit of Foreign National gives the General Security large discretionary power in deporting foreigners. The General Security has the power to issue a deportation notice for any foreigner if he or she is deemed a threat to public security.

The Directive:
The text of the General Security Directive, which has prohibited the non-renewal of residency permits for migrant workers who have had children in Lebanon, has not been made available. Insan Association has requested the document officially but no reply was given. The existence of the directive was however confirmed by internal sources at the General Security on multiple occasions, including by high ranking officials. However, despite not possessing the actual text of the directives, the features of this decision have become apparent from the cases that Insan Association and other Civil Society Organizations who work with migrant workers have received. In all these cases profiles of individuals who were denied residency renewal are similar; migrant workers with children who have been working legally in Lebanon for a number of years are being denied residency for their children and sometimes for themselves.

From this we can deduce the following points. First, the directive seems to be targeted first and foremost at children of migrant workers. This is because all cases of residency denial involved children. Sometimes denial affected the child alone and sometimes one parent was also refused residency. Second, the directive seems to be affecting migrants from the 3rd and 4th categories (domestic workers, cleaners, and agricultural workers). Third, all individuals affected by this decision were residing legally in Lebanon and have had valid yearly residence permits, this rules out the possibility that the decision to deny residency renewal is undertaken as a result of a breach in the immigration regime.

Family Rights and Discrimination:
The decision not to grant children of migrant workers renewals is symptomatic of a larger trend of human rights violations and discrimination that the Lebanese state perpetrates against migrants of a certain socio-economic group. In fact, this new decision reinforces two previous and unlawful General Security regulations limiting the family rights of category three and four migrant workers. General Security previously dictated that migrants of the third and fourth category are not entitled to family reunification, and prohibited them from getting married and

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7 Article 6 of Decree No. 2873 of 16 December 1959 regulating the General Security Directorate
having children. This regulation was up till very recently never implemented. This is because marriage is not controlled by the General Security but by other governmental and religious institutions. This suggests that denying children of migrants residence permits is a punitive measure that the state is using to reinforce its previous regulations, which directly interferes and denies migrant worker their rights to family life. When questioned about the motivation for its decision sources within General Security have justified the decision on the grounds that migrant workers are not allowed to get married in the country.\(^8\)

The true motivation behind this decision are however unclear as case evidence shows that even when migrant workers were married outside of Lebanon they were still affected by deportation orders. Insan Association spoke with two women who were married in their country of origin and who were still ordered to leave the country with their children even though they had presented the General Security with a marriage certificate showing that the marriage took place outside of Lebanon.

This clearly contravenes that the Universal Declaration of Human Rights (article 16) which specifically sets out the right of “Men and women of full age, without any limitation due to race, nationality or religion, […] to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution”. The Declaration further points out “the family is the natural and fundamental group unit in society and is entitled to protection by society and the state”.

According to the UDHR, any prohibition on getting married or having children is considered unlawful. Despite common assumptions to the contrary, the Universal Declaration of Human Rights is not legally binding. In the case of Lebanon, the preamble of the Lebanese constitution however makes the UDHR legally binding by asserting that “Lebanon is a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights”.

Thus, Lebanon commits to granting all people [in its territory] regardless of nationality the same rights to marriage and commits to protect the family unit. Hence, measures that limit the right of Migrants Workers to start families or that penalize migrants for having children, for example by denying them residence, are not only unlawful but are also in direct contradiction with the Lebanese constitution.

A number of legally binding treaties that Lebanon has ratified also embody in more detail the principles set forth by the UDHR with regards to the right to family and family reunification. The International Covenant on Civil and Political Rights (ICCPR) that Lebanon acceded to in 1972 sets forth many of the principles established in the UDHR. Most importantly article 23 of the Convention reaffirms the importance of the family “the family is natural and fundamental group unit of society and is entitled to protection by society and the State”.

Article 26 of the Convention also reaffirms the equality of everyone, regardless of national origin, before the law “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect the law shall prohibit any

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\(^8\) This was not the General Security’s official position but an answer given by a member of the General Security
discrimination and guarantee to all persons equal and effective protection against
discrimination on any ground such as race, color, sex, language, religion, political or other
opinion, national or social origin, property, birth or other status”.

The Human Rights Committee which is the Committee in charge of monitoring the
implementation of the ICCPR clarifies the scope of non-discrimination under the Convention in
its General Comment No 31: “the enjoyment of Covenant rights is not limited to citizens of State
Parties but must also be available to all individuals, regardless of nationality or statelessness,
such as asylum seekers, refugees, migrant workers and other persons, who may find themselves
in the territory or subject to the jurisdiction of the State Party”9. Although General Comments
do not impart legal obligations on State Parties, they do however provide an authoritative
interpretation of the content of a treaty body giving rise to “normative consensus on the meaning
and scope of particular Human Rights”10.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) that Lebanon
has also ratified goes even further by declaring that “the widest possible protection and
assistance should be accorded to family, which is the natural and fundamental group unit of the
society, particularly for its establishment and while it is responsible for the care and education
of dependent children”11. Thus, under international law not only is Lebanon obliged to protect the
family unit indiscriminately; but the Lebanese state should also proactively assist in its
establishment.

The commitment to principles of the equality before the law and non discrimination are also
underscored by article 5 of the International Convention on the Elimination of All Forms of
Racial Discrimination (ICERD) that Lebanon acceded to in 1997; “State parties undertake to
prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of
everyone, without distinction as to race, colour, or national or ethnic origin, to equality before
the law”.

Decisions that selectively affect certain groups of migrants violate international law because they
are discriminatory on two levels. Firstly, limiting family rights to migrant workers from the third
and fourth category discriminates between citizens and non-citizens. Secondly, these decisions
also discriminate between different groups of migrants along economic, social and racial
lines. Migrant workers in Lebanon are classified into four categories and different categories are
 accorded varying rights with regards to family life and family reunification. For example,
administrative bans on marrying and having children are only applicable to category three and
four workers; category 1 and 2 migrants are allowed to sponsor their spouse and children on their
work visa whereas category 3 and 4 are denied this right. This latest decision denying residency

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9 Human Rights Committee, General Comment No. 31, Paragraph 10.

10 Blake .2008. Normative Instruments in International Human Rights Law; Locating the General Comment. Center

11 ICESCR Article 10
renewal for children of migrant workers only affects those children of category three and four migrants. The classification of migrant workers into categories is also stratified by racial and economic lines. Migrants belonging to category 1 and 2 are usually well-off individuals coming from the West who find employment in well paying jobs, whereas category 3 and 4 workers are individuals coming the Global South employed to do menial and low paying jobs such as jobs in the cleaning, construction and agricultural sector. By further limiting family rights life for category 3 and 4 migrants Lebanon is upholding and reinforcing a discriminatory regime that systemically discriminates between different groups of foreigners in the country on the basis of economic class, social status and race. This directly contravenes Lebanon’s obligation under ICERD, ICCPR, and ICESCR.

**Lawful vs. Unlawful Expulsion:**

Pursuant to international law, the expulsion of children of migrant workers and in some cases their parents cannot be undertaken arbitrarily; a number of conditions must be satisfied for expulsion to be lawful.

The International Convention on Civil and Political Rights (ICCPR) specifies “An alien lawfully residing in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially delineated by the competent authority”.

Under the current circumstance, children of migrant workers who were residing lawfully in the country and who were able to obtain residence renewals in previous years are being denied residence with no clear reference to any established laws. Denial of residency amounts to expulsion as in many cases parents’ papers were confiscated and their residency was revoked by the General Security until they sent their children away or returned with them. Officially, the General Security has repeatedly denied the existence of a directive and asserted that their decision is made on a case by case basis. If this is truly the case, this is problematic because without a clear reference to laws these decisions are made arbitrarily and therefore violate the principles outlined by the treaty above. If however, a clear administrative decision exists and is not made public then the expulsion of Migrant Workers is equally unlawful as it violates the principle of the right to information that will be discussed in more detail below.

Furthermore, as outlined in the treaty above in cases where migrant workers and their children are to be expelled, they “must be allowed to submit the reasons against their expulsion and have their case reviewed [...] by the competent authority”. It is highly unlikely if not impossible that in the limited time period designated by the General Security to Migrant Workers for their departure from the country, in some cases as little as 48 hours, that they were able to gain access to the correct resources and processes that would allow them to submit reasons against their expulsion and have their case reviewed by the competent authority. Furthermore, when migrant workers had sufficient time remaining on their visas enabling them to submit an appeal they were bluntly told by members of the General Security who registered their appeal “not to bother as the appeal will make no difference whatsoever”. By determining a priori the result of the appeal the General Security is depriving Migrant Workers from their right to a fair appeal and therefore denying them their lawful right to have their “reasons against expulsion considered”
and presented. A previous report by Frontiers explored the difficulty in challenging administrative decisions before the same administration that made them, this was noted with regard to Iraqi refugees in Lebanon\textsuperscript{12}. The same holds true for the case of migrant workers whose only available recourse to appeal these decisions is by submitting so called ‘mercy requests’ to the General Security. The effectiveness of such a process however is highly suspect as very few cases are indeed reconsidered. The legal department of Insan Association has aided a number of migrant workers to appeal the decision of the General Security by submitting mercy requests on their behalf. In the overwhelming majority of cases the General Security did not revisit its decisions. In only one case a schoolgirl was given an extension until July to leave the country. This begs the question of whether the appeal process is truly effective and whether the General Security offers migrant workers a fair chance at having their case reconsidered in front of the competent authority.

The Right to Information:
A number of treaties and international pronouncements have guaranteed and emphasized the importance of the right to public information including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), both of which are legally binding for Lebanon.

The right to information becomes all the more fundamental when the information being sought has real consequences on the lives of the people involved. Despite numerous attempts by civil society organizations and diplomatic missions in Lebanon, the General Security has failed to provide the basis upon which it is making the determination to grant or withhold the right of residence of those children. What this means in practice is that Migrant Workers affected by this decision have no means to access information on the requirements for residency and are therefore unable to assess whether they satisfy these conditions or not\textsuperscript{13}.

According to Article 19 of the UDHR, “Everyone has the rights to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

Article 19 of the ICCPR also reiterated the right to freedom of expression in similar terms: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. Finally during the first session of the UN General Assembly the commitment to the right to information was reiterated by the adoption of Resolution 59: “Freedom of information is a fundamental human right and [...] the touchstone of all the freedoms to which the UN is consecrated”.

The international interpretation of the Freedom of Information has also evolved from the abstract ideas expressed in the UDHR and the ICCPR to a more concrete definition, one that directly involves governments. In his 1999 report, the Special Rapporteur on Freedom of Opinion and Expression emphasized that “everyone has the right to seek, receive and impart information and that this imposes a positive obligation on States to ensure access to information, particularly


\textsuperscript{13} \url{http://www.article19.org/resources.php/resource/3024/en/international-standards:-right-to-information}
with regard to information held by Government”. In the same report the Special Rapporteur expressed his concern that “national security laws can, on occasion, be misused by official agencies to violate both the right to freedom of expression and the right to seek, receive and impart information”.

Freedom of Information has two important dimensions; the freedom of information to those who request it and the obligation to publish information making it available to everyone who has taken interest in it. “Freedom of information implies not only that public bodies should accede to requests for information, but also that they should publish and disseminate widely documents of significant public interest. Otherwise, such information would be available only to those specifically requesting it, when it is of importance to everyone”.

In this respect, not only has the General Security failed to publish its recent decision, it also turned down the request of numerous Civil Society Organization and diplomatic missions of countries of origin who requested information on the criteria for refusing the renewal of permits. Furthermore, when inquiring about the reason for the refusal of the renewal of their residency permits Migrant Workers were not presented with a clear reason rooted in established rules and regulations. Migrant Workers were simply told “you are here to work and not to have a family”.

The Principle of Non-Refoulement:
Although Lebanon has not ratified the 1951 Convention Relating to the Status of Refugees, the Lebanese state is nonetheless bound by the principle of Non-Refoulement as articulated by the International Covenant Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which Lebanon ratified in 2000.

Article 3 of the Convention emphasizes that “No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights”.

Despite Lebanon’s international obligation not to return migrants to countries where their lives may be at risk or where they might be subjected to torture, the General Security has on several occasions refused the renewal of children of migrant workers who come from countries with ongoing conflicts. We have acquired evidence of the General Security refusing visa renewal at least for one family from South Sudan who are recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR) in Lebanon.

Technically, the Lebanese state does not consider that it is committing refoulement because it is not ‘forcing’ migrants to return to a war ravaged country. However, the notion of consent is contestable in this context. Not renewing the permits of migrant workers and their children

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amounts to coercion because migrants are not presented with a real choice. The only choice they are presented with is between remaining in the country illegally at the risk of detention and subsequent deportation or returning home where their lives may be at risk. Lebanon has in the past employed similar tactics with Iraqi refugees. A Human Rights Watch report documents how Lebanon detained Iraqi refugees indeterminately in order to force them to ‘choose’ to return home. The report concluded that Lebanon is in practice committing refoulement.\(^{15}\)

This same policy is being applied in relation to migrant workers who also qualify as refugees; by not renewing their residency the state is effectively forcing them to choose to return home or face dire consequences. Therefore their choice is coerced and Lebanon is committing refoulement under the guise of voluntary return.

The Rights of Children and the Sociological Effects of Separation and Return:
The decision not to renew residence permit for children of migrant workers and in some cases their parents is primarily directed against children and affects them disproportionately. We have seen cases where children are being returned to their country of origin accompanied by one parent while the other parent stays behind. In other cases children are ordered to leave Lebanon unaccompanied while their parents’ visas are being renewed. Up to this date, we have not heard of any case where a child has returned unaccompanied while his/ her parents stayed behind, although this might very well be the case. Despite the devastating economic repercussions, when children are denied residency renewals parents choose to return with their child as returning their children alone to their country of origin will jeopardize their safety and put them at risk from various rights violations.

In an interview that was conducted with Karen, a Migrant Domestic Worker whose daughter was refused residency renewal, she told us: “I am very scared ... if the General Security will not accept our appeal I will have no choice but to return with my daughter to the Philippines. This will deeply affect us. We will have no income, no home, no family, nothing. But I have no choice... I can’t send her alone to the Philippines”.

This does not however negate the fact that by returning children alone the Lebanese state is compromising their safety and wellbeing and overlooking its obligation under the CRC to ensure the best interest of the child.

Poverty and the lack of economic opportunities at the country of origin eventually force many migrant workers to make tough choices such as migrating again to find work and leaving their child behind or having the child work at a very young age. In one case, a mother who returned home with her child after he was refused renewal of his residence permit was forced to return to Lebanon to find work after the family’s financial situation deteriorated significantly. The child was left in the care of his relatives in his country of origin while both his parents worked in Lebanon. This had a devastating effect on the child who now suffers from yet another separation after he had been separated from his father, friends and the the country he grew up in.

\(^{15}\) Human Rights Watch. 2007. Rot Here or Die There; Bleak Choices for Iraqi Refugees in Lebanon. 
http://www.hrw.org/sites/default/files/reports/lebanon1207.pdf
The Convention on the Rights of the Child (CRC) that Lebanon ratified in 1991 guarantees certain basic rights to all children without any discrimination such as race, color, sex, religion, ethnic or social origin.

Article 3 of the CRC maintains that the best interest of the child should be at the heart of any action affecting children: “All actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration”.

The Convention further specifies that children ought not to be separated from their parents unless this separation is deemed in the best interest of the child: “State parties shall ensure that a child shall not be separated from his/her parents against their will except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interest of the child”.

Furthermore, in all matters pertaining to the child his or her views must be heard; “State parties should assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child”.

The separation and return of children of migrants under the current directive undermines the best interest of the child in a plethora of ways. Children that are being ordered to return to their country of origin were in all cases born and raised in Lebanon. They are enrolled in Lebanese schools. Very few of them have ever visited their country of origin or maintained ties with family members overseas. To them Lebanon is home. In most cases those children could not even speak the language of their country of origin. Any attempt to return children to their country of origin will uproot them from familiarity. Child returnees have difficulty adapting to their new environment. Their right to education- another universally acknowledged right- is being jeopardized as a result of difference in curriculum and difference in the language of instruction. In the case where children are returned unaccompanied, the absence of an adult caregiver can result in the child falling victim to child labor, or even trafficking and exploitation. Finally, families are broken apart when children return unaccompanied or when a child is forced to return with one parent while the other parent stays behind.

The Research Team at Insan has conducted a number of interviews with children who were affected by this decision. All children interviewed expressed a desire to stay in Lebanon; ”I love Lebanon, I have friends here, my whole life is here. We didn’t do anything wrong I don’t understand why we need to go back to Sri Lanka”. It is evident from these interviews that in all these cases the views of children were not taken into consideration when the General Security made the determination to deny their residency renewal.

Insan Association has also been in touch with a number of returnees; all of whom seem to be having difficulties adjusting to their new environment. A 16 year boy from Sri Lanka who returned home with his mother is facing many difficulties. The boy told us “in Lebanon I used to have my own room, I was happy, in Colombo I have to sleep in the same room as my mother and grandmother”. The boy is currently living with his mother and grandmother in Colombo. He is also suffering from difficulties at school because of the difference in the curriculum and the
language of instruction. His father laments “he calls me every day and asks me to arrange his return back to Lebanon... but there is nothing I can do”.

The General Security’s recent measures to deny residency renewal for children of migrant workers goes against the two main principles of ensuring the best interest of the child and taking the child’s views into consideration in any decisions affecting him or her. By denying residency renewals for children, the General Security is taking the decision to separate children from their parents when such separation is clearly contrary to the best interest of the child. The General Security is also uprooting children from an environment where they were born and raised without taking their views into consideration. By doing so the General Security is violating various international legal agreements.

Non-Renewal of Residence Permits in the Context of National Legislation:
The previous section has explored in depth the manner in which this directive contravenes Lebanon’s commitments under international law. The non-renewal of residence permits does not however only contravene the principles of international law; this practice is also questionable from a national legal perspective. This section will highlight the incompatibility between the practices of the General Security regarding the non-renewal of permits and the Lebanese state’s legal provisions.

Justifications of Decision:
The official General Security narrative has been to deny the existence of a directive banning the renewal of residency for migrant workers and their children. Instead, the General Security has maintained that decisions of non-renewal are undertaken on a case by case basis. If this is truly the case, then any decision not to renew residence permit must be justified in reference to existing laws and regulations.

Article number 537 of the Code of Civil Procedure (CCP) states that any court decision must satisfy a number of conditions in order to be valid. Among the conditions that must be satisfied is that “the reasons for the decisions must be stated”. This means that individual court decisions must always be justified and motivated. If these decisions are not motivated they are automatically considered invalid.

The same reasoning is applicable to the individual decisions of non-renewal that the General Security is undertaking. In line with the legal provisions of the CCP, the General Security is obligated to provide justification on why it is declining to renew the permits of migrant workers and their children in each and every case of non-renewal. Up to this date the General Security has failed to justify its decisions in any of the cases where residency renewal was refused. As a result the General Security’s decision is considered invalid in all these cases.

The Duty to Publish:
Justification is not due if on the other hand a directive concerning the non-renewal is in place. However in this case the content of the directive must be made public and individuals affected by it should have the opportunity to access it. This is because the law follows the principle of “ignorance of the law excuses no one”, this principle assumes that a person cannot

16 Civil Procedure, article 537.
escape liability for violating the law merely because he or she was unaware of its existence. This principle puts an obligation on the state to properly publish and distribute the law in question. Thus, in order to consider the implementation of this directive lawful, its content must be made public and accessible to all.

Unlawful Expulsion of Migrant Workers and their Children:
As previously mentioned, decisions of expulsion have been affecting migrant workers whose residency permits are valid or those whose residency is about to expire and have applied for residency renewal on the grounds of having children in the country. In one case, a migrant worker from Sri-Lanka was asked to leave the country with her three year old daughter when she applied for a residency renewal for her daughter. This is despite that she and her husband both hold residency permits that are valid until late 2015.

The 1962 Foreigners Law is the only law regulating the entry and residence of foreigners in Lebanon. Article 17 of this law allows the expulsion of foreigners but specifies certain conditions that have to be satisfied in order for the expulsion to be considered lawful:

“A foreign national shall be deported from Lebanon if the presence of that foreign national is considered to be a threat to public security. The Director of the General Security is required immediately to submit to the Ministry of Interior a copy of his or her decision. Deportation shall be effected either by notification of the person affected of the order to leave Lebanon within the time set by the Director of the General Security or by having the person deported taken to the border by the Forces of the General Security”.

Thus, the General Security has the power to deport foreign nationals only if it is able to show that the individual in question is a threat to public security and immediately notify the Minister of Interior of its decision. In practice these two conditions are not being respected.

Firstly, given that this decision is targeting children who were lawfully residing in the country it can hardly be argued that under these circumstances the presence of those children posed a threat to public safety or security. This means that unless the General Security is able to justify and subsequently demonstrate how the presence of those children posed a threat to national security, their expulsion is considered unlawful. The General Security has the obligation to justify in writing how the foreigner poses a threat to national safety, which is something that is not taking place in practice. In all of the cases where Migrant Workers and their children were denied renewal none involved a written justification. Instead Migrant Workers were simply told “you are here to work not to have children”. Furthermore, the General Security has been carrying out large scale expulsions of children of migrant workers. The indiscriminate expulsion of all children further undermines the hypothesis that the GS is deporting them because they pose a threat to public safety. If a group of children truly posed a threat to public safety, they would be the only one affected by expulsions order. What we are witnessing instead is large scale and indiscriminate expulsions of children who previously satisfied all legal requirements for residence in the country.

Secondly, in case of a decision of expulsion, the law requires the Director of the General Security to immediately submit a copy of his decision to the Minister of Interior. In practice this is not taking place. Following a press release by a number of CSOs including Insan Association
on this issue, L’Orient Le Jour interviewed the Minister of Interior and asked about whether he had prior knowledge of the ongoing decisions of deportation. The Minister of Interior denied any knowledge of this issue.\textsuperscript{17}

This suggests that General Security is abusing its powers and taking arbitrary decision of expulsion without notifying the Ministry of Interior or following the due process specified in article 17 of the Law on Entry and Exit. Hence the legitimacy and legality of these decisions can be questioned.

\textsuperscript{17} L’Orient Le Jour. 2014. Au Liban des enfants de travailleurs immigrés font l’objet d’expulsions. 
Access to Education

The right to education is a universally acknowledged right. Education not only enables the moral fulfillment of individuals but also contributes to the well-being of societies that they live in. Studies have shown that education increases life expectancy of individuals, improves their health, increases their income, and contains violence. Thus education for all has ample benefits on society.

Given the importance of education in building better and more peaceful societies, a number of Treaties and International pronouncements have codified the right to free education for all children indiscriminately. These include the Universal Declaration of Human Rights (UDHR), the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the UNESCO Convention against Discrimination in Education (UNESCO CADE). Lebanon is a state party to all of the aforementioned Conventions and abides by the principles set forth by the UDHR.

Despite Lebanon’s international commitments and as a result of increasing pressure on the educational sector resulting from the large influx of Syrian refugees, the Ministry of Education has taken a series of decisions tightening the conditions of enrollment of non-Lebanese students. The first decision came on the 5th of August 2014 and limited registration to public schools for the school year 2014-2015 to Lebanese students only. Foreign students were completely denied the right to register until another decision came out on the 17th of September 2014 establishing stringent conditions on the enrollment of non-Lebanese students in the elementary cycle only, while enrolment in secondary cycles was still not permitted. In order to register, students had to satisfy one of the following conditions: be enrolled at Lebanese schools for more than three years (this condition was implemented to exclude Syrian refugees who came to Lebanon to flee the war), returning students born to a Lebanese mother, unregistered Lebanese nationals, non-Lebanese students whose parents possess a valid residency permit issued by the General Security, Palestinian students living in Lebanon for more than three years and who do not live in the vicinity of an UNRWA school. On the 17th of October the Ministry issued yet another decision, this new decision opened registration for foreign students in the elementary cycle with priority being given to returning students or siblings of existing students. A condition was set that their ratio does not exceed 50% of the total classroom and does not engender new costs incurred by the school. The decision also announced that the official registration period will end on 01/11/2014, which gave students less than 2 weeks to register.

18 [Link](http://www.oecd.org/education/skills-beyond-school/EDIF%202013--N%C2%B010%20%20eng--v9%20FINAL%20bis.pdf)

19 Idem.

20 MoEHE decision number 22/M/2015

21 MoEHE decision number 28/M/2014
On November the 15th, two weeks after the official registration period ended, the Ministry of Education announced that it will exceptionally accept public schools’ request to have more than 50% of its total capacity in foreign students as long as this does not incur extra costs on the school.\(^{22}\)

International law makes no distinction between nationals and foreigners in the provision of the right to education. Both the International Covenant on Economic, Social, and Cultural Rights and the Convention on the Rights of the Child “recognize the right of every child to education” (ICESCR article 13 and CRC article 28). Article 13 of the ICESR also states that “with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;
(b) Secondary education in its different forms, including technical and vocational secondary education; shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education”. The same clause is also repeated in Article 28 of the CRC.

Moreover, any act of discrimination between national and foreigners in the provision of education contravenes Lebanon’s international obligation under the UNESCO Convention against Discrimination in Education. Article 3 of the Convention specifically affirms that State Parties to the Convention undertake “to give foreign nationals resident within their territory the same access to education as that given to their own nationals”.

The decisions of the Ministry of Education have restricted the enrollment of a large number of foreign students to Lebanese public schools. A recent report by Save the Children\(^{23}\) showed that four out of every five Syrian children in Lebanon are out of school. The report cited the lack of space in schools as the main reason for children not being able to attend school. Other groups, like children of migrant workers and children refugees of other nationalities, were also deeply affected by this decision although no official statistics exist in this regard. Restricting the entry of foreign children into public schools was made possible through the application of policies that discriminate between Lebanese and non-Lebanese children which contravenes Lebanon’s obligation to ensure equality and non-discrimination in education under the CRC, the CADE and the ICESCR. By delaying the registration of non-Lebanese students in the complementary cycle well into the school year and by failing to publicly announce its decision to accept non-Lebanese students, the Ministry of Education made it effectively impossible for parents of Non-Lebanese children to know that, for a very short window of time, they had the right to register their children at public schools. Furthermore, by the time registration was open to non-Lebanese students it is likely that very few places remained.

\(^{22}\) MoEHE decision number 7563 data 15/11/2014  
\(^{23}\) Save the Children. 2014. Futures Under Threat: The Impact of the Education Crisis on Syria’s Children.  
http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/FUTURES_UNDER_THREAT.PDF
Education as a Tool to Curb Migration:
Among the many conditions that Ministry of Education has instituted, one specifically stands out. The Ministry of Education has requested that in order to register children in public schools parents must present valid residence permits. In practice however, public schools are not only asking for parents’ residence permits but are also inspecting children’s residency documents. Using education as a means to control migration goes against the spirit and text of the CRC and ICESCR which guarantees the right of all children, including the rights of those who are in irregular situations, to education. The Committee on the Convention on the Rights of the Child “has affirmed that states’ objectives and policies concerning migration control should not deny children their human rights, even if they have breached migration law or lack a particular document” (CRC Committee, 2005).24

Public School Principals were also rattled by the new requirement. A Public School Principal told the research staff: “I am really puzzled as to why we are being asked to inspect the residency documents of parents of Non-Lebanese students, I am not the General Security so why should I inspect their residency documents?!” Furthermore, the implementation of this requirement has not been systematic across schools. Some schools told our research staff that they require that both children and parents present valid residence permits while other schools said that their only requirement is that parents present valid residence permits.

Presenting valid residency documents for both parents and children is particularly challenging for migrant workers and their children, many of whom have been denied residency renewal as a result of the General Security’s latest decision. Children of migrant workers were previously able to obtain yearly residence permits on the basis of enrollment in Lebanese schools. Migrant workers who were not able to renew the permits of their children are caught in a vicious circle as they require valid residency papers to enroll their children in schools while also requiring a school enrolment certificate in order to obtain a residence permit renewal. In this regard, making school enrolment contingent on the presentation of valid residency papers will contribute to marginalizing this group of children further and will deprive them of any chance to regularize their situation in the country. This problem is unique to children of migrant workers as they are the only category whose children’s visa depends on school enrolment. Syrian nationals have different residency conditions and their children’s residency in Lebanon is not contingent on school enrolment.25

Evening Schools for Syrian Children:
A number of Public School Directors that we spoke to attributed the latest decision to delay and restrict the enrollment of non-Lebanese children to the expected establishment of specialized evening schools for Syrian children. This coupled with the inability of the public education system to cope with a large number of refugees of school age was cited as the main reason for

24 (CRC Committee, 2005)“

25 Until very recently, under the Lebanese Syrian treaty Syrian nationals were able to enter Lebanon freely on a visitor visa for up to 6 months, renewable. Recently, the General Security has changed the entry and residence requirements for Syrian nationals. Syrians who wish to enter Lebanon must either have a job offer requiring sponsorship, are either considered displaced under certain conditions, or are entering on transit
restricting the enrollment of foreign students at Lebanese public schools. One director went as far as to state: “the aim of these directives is to pressure Syrians to return to their country”.

While it is true that the influx of large numbers of Syrian refugees has tested the resilience of the Lebanese public school system and while Lebanon has limited resources to cope with the large numbers of children of school age, the way in which the Lebanese government has been dealing with the crisis has been far from adequate for a number of reasons.

In principle opening specialized schools for Syrian children may seem like a good idea. Such establishments can cater to differences in curricula between the two countries and the special needs of Syrian children. If in practice the evening schools will be an effective solution to the educational crisis remains to be seen. Evening schools opened their doors on the 26th of January 2015, four months after the start of the school year. Evening schools are expected to run for reduced hours and classes will end in July 2015. Evening schools will teach the Lebanese curriculum. In light of the delay in commencing classes and the reduced hours of operation it is highly unlikely that these schools will be able to provide pupils with same quality of education that is offered to their Lebanese counterparts enrolled in public schools. The issue of capacity is equally concerning. The Ministry of Education announced that 147 afternoon schools will open their doors in various regions of the country. So far only 45 000 Syrian children of estimated 450 000 were successfully enrolled in evening schools, a mere 10% of children who are of school age. This means that the overwhelming majority of refugee children are still deprived of their right to education.

Second, and more importantly the decision of the Ministry of Education seems to restrict the right to enroll in public schools for all foreign children, including Syrian refugees, children of migrant workers, and children of refugees of other nationalities like children of Iraqi and Sudanese refugees. The government’s solution to the educational crisis however, namely opening specialized schools for Syrian children, has so far only been geared towards solving the problem of education for Syrian children. This has created a group of children who are doubly discriminated against; they are excluded from public schools while also being excluded from other alternative educational arrangements. The double exclusion is affecting all non-Syrian foreign children such as the children of migrant workers and the children of other refugee groups most notably Iraqi and Sudanese refugees.

A number of migrant workers who spoke to our researchers have shared stories on their inability to register their children at public schools despite the fact that their children were previously enrolled in these very same schools. “This year our children had to skip school, no school would accept them. We tried three different schools and no school would accept them”.

http://assafir.com/Article/396358/Archive
http://www.alaraby.co.uk/society/6a626c3d-779f-4d99-a8bb-775bd63d21bc

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The Right to Education in National Legislation

The Lebanese constitution did not formally recognize the right to education for all children on Lebanese territory. Article 10 of the Chapter entitled “The Lebanese, their rights and their Duties” recognizes the right of Lebanese children to education: “Education shall be free insofar as it is not contrary to public order and morals and does not affect the dignity of any of the religions or sects. There shall be no violation of the right of religious communities to have their own schools provided they follow the general rules issued by the state regulating public instruction, no mention is made on the rights of foreigner children.

The preamble of the Lebanese constitution however clearly states that “Lebanon is a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights”. This recognition indicates that Lebanon is legally bound by the principles set forth by Universal Declaration of Human Rights including the right of every child to education. Article 26 of the Universal Declaration of Human Rights affirms the rights of every child to free and compulsory education in elementary stages and the rights of all children to accessible higher education: “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit” (UDHR Article 10).

Despite Lebanon’s commitment under its constitution to ensuring the rights of all children to education, a number of national legislations have failed to guarantee this right. Law number 686 of 1998 states that “education is free of charge and compulsory […] and is the right to every Lebanese citizens of school age”. This law clearly establishes the right of Lebanese children to education. Law 686 makes no mention of the right of non-Lebanese children to education and whether education is also free and compulsory for this group. Law No. 150 of 2011 on free and compulsory education in basic education also reaffirms that basic education is the right of Lebanese nationals only; “education is compulsory at the basic level and is freely available in public school. [Education] is the right of every Lebanese of school age”.

Resolution No. 407 / M / 2000 of 2000, which set the internal regulation of primary schools and kindergartens limited the enrollment of children into these schools to Lebanese children only, which was not the case in previous texts. Law No. 150 of 2011 on free and compulsory education in basic education also reaffirms that basic education is the right of Lebanese nationals only.

In spite of Lebanese national legislations that do not clearly guarantee the right to education to non-Lebanese children, the General Prosecutor in cooperation with the Ministers of Justice, Interior and Social Affairs, issued in 2011 a landmark decision to stop children from begging on the streets. Parents whose children were begging on the streets were arrested and were asked to sign a pledge so that they may be released from custody. The parents pledged to take their children off the streets and enroll them into schools. Although Lebanese laws do not guarantee the right to education for non-Lebanese students, the General Prosecutor’s decision constitutes an indirect admission to the right of non-Lebanese children to education. This decision is significant because it acknowledged the equality between Lebanese and non-Lebanese children.
in their right to education and measures were taken to ensure that those children enjoyed their right.

Finally, it must also be emphasized that while Lebanese national legislation does not warrant the right to education for migrant children, Lebanon is signatory to a number of International Treaties and Conventions that guarantee the right to education regardless of the child’s nationality or national origin. These conventions include the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the UNESCO Convention against Discrimination in Education (UNESCO CADE). Following the principle of hierarchy, International Conventions take supremacy over national laws and the Lebanese constitution is highest of all. Thus, in spite of national legislation that does not guarantee the right of education to children of migrants, under the Lebanese constitution and international laws, Lebanon is bound to respect, protect, and promote the rights of all children to education regardless of nationality.

Embassies and Consulates of Countries of Origin:
Diplomatic missions of countries of origin are aware of the new problems affecting migrant workers especially with regards to Migrant Workers visa renewals. For the purposes of this study our researchers spoke to a number of embassy and consulate officials about this issue.

Despite being aware of the problem, some embassies of countries of origin decided not to interfere. They have instead focused on coordinating and facilitating the return of those who were affected by this decision. A number of other diplomatic missions have tried to contact the General Security and demand more details about the new policy. One embassy official who spoke to us on condition of anonymity said: “We have contacted the General Security requesting a copy of the decision that details who is eligible for renewal and who is not, but we never heard back from them”. The official emphasized: “we need this information to advise our citizens on what they can and cannot do”.

Pressure from diplomatic missions in Lebanon is not very effective because embassies and consulates have no real authority over the General Security. This does not however give the General Security the right to ignore the demands of the diplomatic missions as information of this kind must be at the very least made accessible to embassies and consulate of countries of origin to enable them to carry out their job in supporting and advising their nationals effectively.

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27 For a more detailed discussion of the right to education under International Conventions refer to section 1.
Recommendations

This report has explored in detail how the new General Security directive and the policies pursued by the Ministry of Education and Higher Education contravene a number of provisions in national and international law. To address this issue, we have developed a number of recommendations. If followed, these recommendations will ensure that both the General Security and the Ministry of Education comply with both the national and international human rights standards.

Regarding Residency:
In this previous section this report has demonstrated how the latest General Security directive contravenes national and international legislation both in form- the decision is not published and refusals are not justified in relation to law- and in content- the decision contravenes the principles of the right to family, non-refoulement, non-discrimination and the best interest of the child.
Among the chief findings of this report was that the General Security’s directive contradicts the right to information under international law and the principle of ignorance of the law excuses no one in national legislation. By refusing to share the content of the decision the General Security is therefore applying an invalid decision. Thus, the General Security has the obligation to share and publish this decision and ensure that people who are affected by it have the means to access information.

Second, while taking appropriate measures to share the report and ensure access to its content will make it valid in form, the directive is still however invalid in content as it contradicts many principles enshrined in international law. Refusing residency renewals to children of migrant workers and sometimes their parents violates the rights to family under the ICCPR and ICESCR. Forcing migrant workers and their children to return to countries where conflicts are ongoing and where their lives may be at risk also contradicts the principle of non-refoulement as articulated by the International Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment and Punishment. This decision also violated the principle of non-discrimination articulated in the International Convention on the Elimination of All Forms of Racial Discrimination as it only applies to migrants of the third and fourth category. Finally, denying residency renewal to children of migrant workers does not take into consideration the best interest of the child guaranteed by the CRC.

Given the contradictions between international law and the content of the directive, the General Security must immediately reverse this directive and stop its implementation. Furthermore, children and migrant workers who were wrongfully affected must be compensated and granted residency renewal. This should include migrant workers and children who chose to return to their country of origin and those who chose to remain in the country and subsequently became undocumented.

Regarding Education:
This report has revealed that children of migrants’ right to education in Lebanon has been compromised as a result of the series of MoEHE decisions that limited the enrollment of non-Lebanese children into public schools. This research finds that such a practice violates Lebanon’s
obligations under the CRC, CADE, ICERD and ICESCR to provide free and compulsory education to all children indiscriminately. The report also finds that as a result of the measures adopted by the MoEHE, including the opening of evening schools for Syrian children, a variety of children, namely the children of migrant workers, refugees and non-IDs, will be left with no means to access education. Those children are left out of public schools and semi-private schools and cannot be admitted into evening schools as these exclusively admit Syrian children.

Thus, in line with Lebanon’s international commitments, the Lebanese state must ensure that all children on the Lebanese territory ought to have equal rights to education. In this regard, any decision that discriminates between Lebanese and non-Lebanese children should be revoked. Furthermore, the right of undocumented children to education should be guaranteed. The current practice of requiring valid residency permits for either the children, parents or both as a condition for school enrollment should also be abolished.

The research has also revealed that Lebanese national laws on education are not in line with the international standards that guarantee the right to education for everyone. In particular Law No 686 of 1998 and Law No 150 of 2011 discriminate in the provision of the right to education on the basis of nationality. This is despite the fact that Lebanon has ratified a number of International Conventions that warrant equal rights to education for all children and is therefore obliged to amend its national legislation to correspond with the provisions of the treaties. Hence this study recommends that the Lebanese state takes appropriate measure to amend its legislation in order to reflect its obligations under international laws. Amendments should include abolishing any clauses that discriminate between Lebanese and non-Lebanese children in the provision of the right to education. Legislative amendments should also guarantee the right of all children to free and compulsory education that is based on merit.

With the influx of a large number of Syrian refugees, the Ministry of Education is facing tremendous and unprecedented challenges in terms of providing education to children. Evening schools can be a good solution to the current crisis if implemented effectively. However the issue of organization and capacity are two issues of concern. Evening schools are expected to operate for reduced hours and the school year is scheduled to end in June. This will make it very difficult to ensure the same quality of education as is offered in regular schools. Limited capacity is also another challenge. The Ministry of Education has announced that evening schools will cater for 100 000 Syrian students which means 300 000 children will be left out of school. To address the problem of limited capacity and poor quality of education in evening schools, non-formal education can be undertaken as a temporary solution until school capacities have expanded. However, informal education can only contribute to solving the problem if diplomas granted by these institutions are officially recognized and can lead to entry to formal schools when capacities have been expanded.

Finally, to deal with the crisis in the educational sector, all stakeholders must work together; this includes the Ministry of Education, International Organizations, and Civil Society Organizations. It is unreasonable to expect the MoEHE to have the capacity to deal with a problem of this scope on its own, partnerships between the Ministry and other sectors are crucial. One of the major obstacles leading to delays in opening evening schools was the lack of sufficient funds. As the Syrian war shows no signs of ending, more attention should be paid to the longer term needs of
the refugee population. International Organizations (IOs) and funding agencies should shift their focus from the immediate relief of the needs of refugees towards a more sustainable strategy, one that includes education. More funds should be allocated to the Ministry of Education to support the double-shift school system. At the same time IOs and the Ministry of Education should work together on supporting, both financially and technically, local organizations that offer informal education for children. Informal education can be a temporary solution to ensure that no child is left behind until public schools’ capacities have expanded.
Conclusion

This report has explored in depth the manner in which recent decisions by the General Security and the Ministry of Education violate principles of national and international laws. The report has also examined the devastating effects of these decisions on migrant workers and their families who, under the current sponsorship system, are already highly vulnerable. Those recent decisions were found to add to their vulnerability.

This report found that decisions to refuse residency renewals for children and their parents were undertaken arbitrarily. This has been demonstrated by looking both at national and international laws. From an international legal perspective these decisions are discriminatory, arbitrary, interfere with family life and violate the basic rights of the child. This was found to contravene a number of international Conventions that Lebanon has ratified; CRC, ICCPR, ICESCR, ICERD. From a national law’s perspective, expelling foreigners could only be undertaken if a number of conditions were satisfied. In the cases of migrant workers and their children those conditions were found to be lacking.

Further, the MoEHE decisions to restrict the enrollment of non-Lebanese children into public schools were also found to violate principles of equality in the right to education as articulated in the Lebanese constitution and a number of international conventions including the CRC, CADE, ICESCR. This report has also revealed some areas of contradiction between national legislation and the international standards that Lebanon has committed to.

Lebanon has affirmed on multiple occasions its commitment to international human rights standards. The preamble of the Lebanese constitution is a proud reminder of this fact, “Lebanon is a founding and active member of the United Nations Organization and abides by its covenants and the Universal Declaration of Human Right”. Yet, despite these commitments the issue of human rights in the country is lagging behind. Migrants’ rights is an area that needs acute improvement. With the influx of more than 1 million Syrian refugees, this issue becomes even more pressing.

Limited resources and growing security concerns are real problems that Lebanon has to deal with. However, the Lebanese state has the legal and moral obligation to find creative solutions to these problems without compromising the human rights of any of its residents; Lebanese and non Lebanese equally. The recommendations of this report offer a way to do exactly that. It is hoped that in light of this report the appropriate authorities will halt the implementation of these decisions and make the necessary adjustments to their policies to safeguard the human rights of everyone within the Lebanese territory.
### Annex 1: Relevant Human Rights Conventions Ratified by Lebanon

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</td>
<td>Accession</td>
<td>04/11/2000</td>
</tr>
<tr>
<td>Conventions on the Rights of the Child (CRC)</td>
<td>Ratification</td>
<td>13/06/1991</td>
</tr>
<tr>
<td>International Convention on Civil and Political Rights (ICCPR)</td>
<td>Accession</td>
<td>03/11/1972</td>
</tr>
</tbody>
</table>
Annex 2: Decisions by the Ministry of Education Setting the Conditions for Enrolment to Public Schools.
الجمهورية اللبنانية
وزارة التربية والتعليم العالي
القرار

تعمي رقم ٣٠٠/٣/٠٨

عملًا على التعميم ٣٩/٣/١٤٠٤/١٧/١٢/١٨٢٢، الذي قضى بتنظيم تسجيل الطلبة في المدارس الرسمية من غير البنات في مدارس البنات،
والتي تجاوز عمرها سبع سنوات، وتعتبر من الامتيازات المالية المحددة.

بطلب إلى مدير المدارس والمدارس الرسمية التي تسجل روضة تقدم لهذه الزيادات، بما يأتي:

١- تُحدد أصول تسجيل الطلبة في المدارس الرسمية لغاية يوم السبت الواقع فيه ٨/١١/١٤٠٤.

٢- بقبول الطلبة في مرحلة الروضة، يحسب الأولوية التالية:
   - الطلبة الذين تجاوزوا دراسة مرحلة الروضة في المدارس الرسمية خلال العام الدراسي ٢٠١٣-١٤١٤.
   - الطلبة الذين لديهم خبرة بالدراسة في أي من مراحل التعليم في المدرسة الرسمية نفسها.

٣- تراعى في كل حالة استخدام التوزيعات في المدرسة عامة.
   - عدم ترتيب أي كليفة مالية إضافية سواء من خلال استحقاقات أي شعب جديد أو زيادة ساعات التعاقد.
   - تأكيد عدم تجاوز نسبة الطلبة غير البنات في كل صف، بما لا يقل عن ٦٠% من الطلبة كحد أقصى.

٤- تتم نقل الطلبة المقبولين للتسجيل في ضوء ما ورد أعلاه، من مدارس البنات في كل من صندوق
   المدارس وصندوق مجلس الأهل، كما ينشر أولويات الأمر بالتنويع في المدارس المطلوبة.

٥- تم تقييم أحكام التعميم ٣٩/٣/١٤٠٤/١٧/١٢/١٨٢٢ في كل ما لا يتعارض مع ما ورد أعلاه.

بالتاريخ ٨/١١/١٤٠٤

وزير التربية والتعليم العالي

الطيب بوصعب
الجمهورية العربية
وزارة التربية والتعليم العالي
الوزير

تعميم رقم ۳۰۵/۳۳ من ۲۲ كانون الثاني ۲۰۱۶

الاتحاد العام للجامعات الصغرى والجيش العربي Installer: الصناعات البتروكيماوية المحدودة

وصفاً على التعميم رقم ۳۰۵/۳۳ من ۲۰۱۶/۷/۲۷

تعميم رقم ۳۰۵/۳۳ من ۲۰۱۶/۷/۲۷

الاتحاد العام للجامعات الصغرى والجيش العربي Installer: الصناعات البتروكيماوية المحدودة

وصفاً على التعميم رقم ۳۰۵/۳۳ من ۲۰۱۶/۷/۲۷

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الاتحاد العام للجامعات الصغرى والجيش العربي Installer: الصناعات البتروكيماوية المحدودة

وصفاً على التعميم رقم ۳۰۵/۳۳ من ۲۰۱۶/۷/۲۷

تعميم رقم ۳۰۵/۳۳ من ۲۰۱۶/۷/۲۷
التعليم رقم 25/2014 بتاريخ 14/9/2014 الذي قصى تسجيل الطلبة غير اللبنانيين في المدارس الرسمية، والالتزام أيضًا بتوجيهات عدم تجاوز الاعتمادات المالية المحددة، وبناءً على نهاية دورة التدريس الموافقة للدراسة الحالية للمدارس الرسمية المعتمدة للتدريب في دوم الظهر، يطلب من مدير المدرسة الرسمية التقدم بما يلي:

1- تسمح بإتمام تسجيل الطلبة في المدارس الرسمية لمدة يوم سبت وقريباً فيه 1/11/2014، على أن تتم تسجيل الطلبة بحروف الألف الأرياف، لجميع الطلبة إلى السلطات الرسمية لتسجيل الطلبة في المدارس الرسمية المعتمدة للتدريب في دوم الظهر، وبناءً على نهاية دورة التدريس الموافقة للدراسة الحالية للمدارس الرسمية المعتمدة للتدريب في دوم الظهر.

2- يتم تسجيل الطلبة في مرحلة التعليم الأساسي بحروف الألف الأرياف، ومن ثم الطلبة ينتمون إلى مدارس التعليم الأساسي، ومن ثم الطلبة ينتمون إلى مدارس التعليم الثانوي، ومن ثم الطلبة ينتمون إلى مدارس التعليم العالي، ومن ثم الطلبة ينتمون إلى مدارس النظام العام.

3- تتم ترقيات الطلبة في مستوى التعليم الأساسي، وفقاً للاحتياجات المادية، وهو مستوى التعليم المركزي، وهو مستوى التعليم الأساسي.

4- تتم ترقيات الطلبة في مستوى التعليم convene، وفقاً للاحتياجات المادية، وهو مستوى التعليم الأساسي، وهو مستوى التعليم الثانوي، وهو مستوى التعليم العالي، وهو مستوى التعليم العالي.

5- تتم ترقيات الطلبة في مستوى التعليم الأساسي، وفقاً للاحتياجات المادية، وهو مستوى التعليم الأساسي، وهو مستوى التعليم الأساسي، وهو مستوى التعليم الأساسي.

6- تتم ترقيات الطلبة في مستوى التعليم الأساسي، وفقاً للاحتياجات المادية، وهو مستوى التعليم الأساسي، وهو مستوى التعليم الأساسي، وهو مستوى التعليم الأساسي.

7- تتم ترقيات الطلبة في مستوى التعليم الأساسي، وفقاً للاحتياجات المادية، وهو مستوى التعليم الأساسي، وهو مستوى التعليم الأساسي، وهو مستوى التعليم الأساسي.

8- تتم ترقيات الطلبة في مستوى التعليم الأساسي، وفقاً للاحتياجات المادية، وهو مستوى التعليم الأساسي، وهو مستوى التعليم الأساسي، وهو مستوى التعليم الأساسي.
لازمة حول سير أعمال التسجيل 

تتكفل مديرية التعليم الإداري والمنطقة التربوية، أو عبر لجنة التعليم في حالات الطوارئ وحالات الرخصة وإ שקاغ التلميذين، لتلبية الازدراء بالمدارس التي تضم مدرسة من غير البنات. وفقاً للخطة العامة للتعليمية، تكون السبعة المدارس التي تتم تدريسافها من غير البنات، وفقاً للخطة العامة للتعليمية، تكون السبعة المدارس التي تتم تدريسافها من غير البنات.

وتتولى المدير العام للتعليمية تنفيذ هذا الأمر على شروط.

1.1 - تتكفل المدرسة الإدارية التي تمت تدريسافها من غير البنات، أو عبر جمع التلاميذ في عام الدراسي 2014/2015 خلال دورة الظهر، إعداد لوحات إرشادية بإشراف من غير البنات، وذلك في حالة عدم تلبية الازدراء بالمدارس التي تتم تدريسافها من غير البنات.

1.2 - يقرت هذا الأمر مكتباً بمعدلة هذه المدرسة الإدارية في عام الدراسي 2015.

1.3 - تبلغ نسبة هذا التمديد إلى المدارس الازدراء بالمدارس للتعليمية لأخذ العلم والمتابعة.

إن وزير التربية والتعليم العالي، إذ يؤكد ضرورة الالتزام بما ورد أعلاه، وما في ذلك من ضمانات لا تفوت للتلاميذ والمدرسة الأساسية، لتلبيه بذلك المدرسة الإدارية وادارية، يحتل مدير المدرسة الإدارية المدرسية قبل إتخاذ أي تدابير خارج إطار الحالات المحدودة أعلاه، مع ما يترتب على هذا الأمر من مسؤولية تدابير.

يوروب في: 20/7/2015

البدارى يوفر
استكمالاً للتعليم 2014/9/18
الرئيسية
والتزاماً بضرورة عدم تجاوز الاعتمادات المالية المحددة
وبالنظر في أن الاعتمادات المالية اللازمة للتمكّن من استقبال مزيد من الطلبة من غير اللبنانيين في مرحلة الروضات.

يطلب من مديرى رياض الأطفال والمدارس الرسمية التي تضم مرحلة روضات التقدم بما يلي:

- يقبل التسجيل في مرحلة الروضة، ويحسب الأولوية التالية:
  - التلاميذ المكتومون القدامى من أصول لبنانية، وذلك بعد أخذ موافقة المديريات العامة للتربية على اوضاعهم.
  - التلاميذ من غير اللبنانيين المولودون من أم لبنانية.
  - التلاميذ من غير اللبنانيين المقيمين في لبنان من قبل الأزمة في الجمهورية العربية السورية، على أن يكون الفساد في الهجرة ومن ثم تواجد صحف روضات تابعة للأثرياء في القطاع الريفي، لإمكانتهم.
  - التلاميذ من غير اللبنانيين الذين يحمل ذويهم إقامات لا تتلقى من السنة بتاريخ حصول التسجيل، من ضمن الضمانات العامة.

2- تراعى في قبول التلاميذ الشروط التالية مجتمعة:
- توفر الظروف الاستيعابية داخل الصف في المدرسة حسب عدد تلاميذ الصف.
- توفر الفضاء المالي إضافيًا سواء من خلال استعداد أي شاب جديد أو زيادة ساعات التعاقد.
- تأكيد عدم تجاوز نسبة التلاميذ غير اللبنانيين في كل صف للدراية كحد أقصى.

4- يتطلب مدير المدرسة مسؤولية التسجيل المصري للغة من قبل مدرستين وفقاً وتحليلاً بالاتصالات التربوية أو التفتيش غير المبرر الذي يجازر عشرة أيام تدريس فعلي لا تتم في، تستوفي الحالات الصحية المحددة وفقاً للأصول.

الرئيسية
5 - تُبلغ نسخة من هذا التعميم إلى المفتشية العامة للتعليم أخذ العلم والموافقة.

إن وزير التربية والتعليم العالي إذ يؤكد ضرورة التقيد إتمام بما ورد أعلاه لما في ذلك من ضمانة لاستقلال المدرسة الرسمية في بيروت وإداريا، يحتل مدير المدرسة مسؤولية فور اتساع أي تاميد خارج إطار الحالات المحددة أعلاه، مع ما يترتب على هذا الأمر من مسؤولية تأديبية.

بيروت في: 17-10-1977

الياس بو صعب

وزير التربية والتعليم العالي