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**Victims of Forced Separation from the Biological Families
Through Illegal Adoption or Placement into Institutional Care
“The Right to a Family”**

I. Legislative and Institutional Context

A. Related International Conventions

1. Lebanon ratified the Convention on the Rights of the Child (CRC) in 1991 without reservations. Lebanon has also ratified the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (in 2004) and has signed (in 2002) but not ratified the Optional Protocol to the CRC on the involvement of children in armed conflict. Lebanon has not made any reservations to the optional protocols.
2. Lebanon didn't join the Hague Convention on Protection of Children and Co-operation in Respect of Inter-Country Adoption
3. In 2009, the Guidelines for the Alternative Care for children were submitted for adoption by the UN General Assembly on the twentieth anniversary of the Convention on the Rights of the Child, after studies had revealed widespread abuse affecting thousands of children in alternative care. The guidelines explicitly recommend scaling down institutional care with more emphasis on strengthening the families at risk.

B. Related National Lebanese laws and decrees.

1. The law (No. 550/1996) regulates the health register for newborns. It does not apply to non-Lebanese nationals or children of Lebanese women married to non-Lebanese men.
2. Articles 500-502 stipulate that parents who abandon their children or fail to provide the necessary care are subject to imprisonment.
3. Law 422/02 defines protection for children subject to maltreatment and/or sexual and other forms of abuse. The penalty for abducting a child for sexual abuse and/or related purposes is a jail term of one to three years.

C. Trafficking

4. In 2011, the Lebanese Parliament passed an anti-trafficking law (N0: 164) that would amend the Lebanese penal code and criminal procedures to specifically address the crime of trafficking in persons. The new law provides a clear definition of trafficking, defines victims of trafficking, and sets penalties for traffickers”. The law doesn’t include illegal adoption as a trafficking mechanism.

II. Status-Quo

5. In 2010, Lebanon took note of a recommendation on accelerating plans for the adoption and implementation of a national strategy for children. Nevertheless, irregularities in the systems of adoption are observed and the procedures for adoption in religious and civil courts are not in full conformity with the best interests of the child. Illegal adoptions both at inter-country and domestic level still prevail in Lebanon
6. The CRC committee, in its concluding observations on the second national report about the status of children in Lebanon, expressed its deep concerns on the large number of children placed in institutions without the use of any judicial procedures.
7. An estimated number of 10.000 persons were victims of illegal inter-country adoption and an estimated number of 28000 were placed into institutional care as of 1960’s. This number constitutes more than 2% of the total child population in Lebanon.
8. The war witnessed in Lebanon has certainly contributed to this situation in addition to the absence of any governmental tangible action to address this crisis despite the fact that
9. Institutional care in Lebanon is not limited to children deprived from the care of their parents because of death or separation because of protection measures, many children are placed into institutional care because of poverty.
10. Currently, there are 186 alternative care institutions that are contracted with the Ministry of Social Affairs and they are consuming more than 60% of the ministry budget.
11. Unfortunately, reform attempts failed to make tangible changes; in 2005, the Ministry of Social Affairs issued a decision to establish a department to support care of the child within the family. This decision was repealed by the Council of Ministers which surrendered to the pressure of the existing institutions (representing religious/political power) which are benefiting from the status-quo as they receive funding per head and, therefore, greater numbers of children are in their interest.
12. At the illegal adoption front, the problem is still not acknowledged as a public concern. It is totally left to religious court to process transactions.

III. Forms of Illegal Adoption

13. **Adoption through missionary orphanages, especially in collaboration with affiliated religious courts;** “Abandoned” children are placed in such institutions based on a written consent of the biological mother who renounces her right of motherhood, and pledges not to ask about the fate of the child. Most often, this document is drawn up at the office of a notary public, and the biological mother might receive a small amount of money to

provide for herself for a short while. There are various reasons why pregnant women might not wish to keep their children, not least of which is the prospect of being single mothers in an oppressive patriarchal society. Some institutions offer them shelter during the last month of pregnancy and until delivery, after which the infant is put up for adoption. Despite the fact that receiving money for adoption directly relates to child trafficking, there is much evidence including bills and receipts, documenting the amounts paid by families seeking to adopt and by parties facilitating adoption. The latter justify such financial transactions with covering the costs of adoption and issuing identification documents –which might be understandable, had the cost of adopting some children not reached US\$75,000. Most often, this form of adoption does not require families seeking to adopt to come to Lebanon. Their application is processed by institutions in their home country affiliated with those in Lebanon. Once official procedures are completed, the children are sent abroad and picked up directly in the home countries of their adoptive families.

14. **Direct adoption in some hospitals;** Despite the scarcity of documentation, there are known cases of children adopted directly at the hospital of birth. In such cases, the family seeking to adopt come to the hospital during delivery and directly register the birth certificate in the name of the adoptive mother. Some women, who were seeking to adopt, registered at hospitals as pregnant women undergoing delivery. Meanwhile, those actually pregnant would give birth without their names being mentioned in hospital records. The biological mother would thus have her delivery costs covered and receive a small amount of money to provide for herself. Additional amounts would also be paid to ensure the secrecy of the procedure and the cooperation of the staff concerned, as well as to quickly obtain identification documents. This continues to happen today, and one such case concerning a child adopted inside Lebanon, recently became the topic of a television show. The latter documented the conclusion of an agreement for an adoption that took place at a Lebanese hospital in the summer of 2014, and in exchange for US\$10,000.
15. **Adoption through organized crime;** During the Lebanese Civil War, occurrence of cases of child abduction for the purpose of adoption were reported including cases of infants kidnapped from the hospital at birth. One young Swedish man, for instance, turned out to have been kidnapped at birth in Lebanon when his biological family was unable to pay the hospital bills. The mother was told that her child had died, and her bills were paid. The young Swedish man returned to Lebanon to meet his biological family and find out the truth.

IV- Rights Violations

16. Within the absence of any civil regulatory entity that governs the separation process; many children are losing contact with their origins through adoption or placement into institutional care where they are subject to many children's rights violations reaching sexual harassment.
17. The role of the Ministry of Social Affairs is restricted to the provision of financial support and qualitative guidelines and monitoring systems are almost none existing.

18. Children separation is leading to major identity crisis and violations in terms of inability to know as an outcome of falsification of papers and in best scenarios poor documentation, disconnection with origins, inability to adapt, and being trapped in an unhealthy relationship with adoptive parents who were in a way or another engaged into child trafficking.
19. Adopted persons are denied their right to know which is at the heart of the all the treaties and the Hague convention that was not ratified by Lebanon.
20. They are denied their right to birth certificate and hence they don't have the right to the Lebanese nationality.
21. Children placed into institutional care are separated mainly due to poverty and not for the need of alternative care. Lately, cases of sexual harassment within care were reported. No legal actions were undertaken while the government is not assuming its responsibility in ensuring proper care as per the international guidelines on children without parental care.
22. As part of transitional justice, the government of Lebanon does owe those victims, an acknowledgment of their cause, proper reparation, and most of all judicial and institutional reform in order to prevent on-going repercussions.
23. Failing to act at this level will engender a critical rise in child trafficking especially with the crisis of the Syrian refugees in Lebanon.
24. Youth leaving institutional care are left out with no life skills which make them more vulnerable to engage in military acts.

IV- Recommendation:

25. Ratify the Hague Convention on Protection of Children and co-operation in respect of inter-country adoption
26. Establish a research center to document inter-country adoption cases and call for reparation including the right to know, the right to nationality, the right to proper prosecution of perpetrators.
27. Adopt a civil legal framework to govern separation from the biological families as a last resort while implementing programmes to strengthen families at risk especially as related to single mothers.
28. Implement the UN Guidelines on Alternative Care and putting in action a plan to scale down institutional care while designing alternative forms of family care including fostering programmes.

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