



Global Initiative to
**End All Corporal Punishment
of Children**

LEBANON

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 9th session, 2010

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

Summary

This briefing describes the legality of corporal punishment of children in Lebanon despite the repeated concerns and recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibition of corporal punishment of children, including within the family home, and strongly recommend that the government enact and implement legislation to ensure complete prohibition.

1 Legality of corporal punishment in Lebanon

1.1 Corporal punishment is lawful in the **home**. Article 186 of the Penal Code states: “The law permits the types of discipline inflicted on children by their parents and teachers as sanctioned by general custom.” In defining a youth as “endangered”, article 1 of Law 422 for the Protection of Juvenile Delinquents and Endangered Juveniles (2002) refers to “physical assault that surpasses the limits of what is deemed culturally accepted as harmless corporal punishment”. A survey of more than 1,000 young people found that 54% had experienced physical violence in the home during a one year period, including being hit with the hand (43%) or with an implement (18%) and being pushed or kicked (32%); 65% experienced psychological violence.¹ In 2009, the Penal Code and Law 422 were under review and a Child Protection Bill was under discussion, but we have no further information.

1.2 Corporal punishment is lawful in **schools** under article 186 of the Penal Code (see above). A 2001 ministerial memorandum to public schools states that corporal punishment should not be used. Private schools are governed by their own internal regulations and some, but not all, have adopted anti-corporal punishment regulations. Corporal punishment was banned in UNRWA schools for Palestinian refugee students in 1993 under the Educational Technical Instructions, but the prohibition is contradicted by article 186 of the Penal Code. In 2006, the government stated its commitment to prohibiting corporal punishment in schools. As at May 2008, legislation was being drafted to achieve this, but we have no further information. It has been estimated that 40% of students in private, public and UNRWA schools experience corporal punishment by teachers.²

1.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime. It is reportedly prohibited as a disciplinary measure in penal institutions under Law 42, but we have yet to verify this. It is lawful in **alternative care settings** under article 186 of the Penal Code (see above).

2 Recommendations by human rights treaty monitoring bodies

2.1 The **Committee on the Rights of the Child** has three times expressed concern at corporal punishment of children in Lebanon and made recommendations for law reform – in 1996 following examination of the state party’s initial report (CRC/C/15/Add.54, para. 37), in 2002 on the second report (CRC/C/15/Add.169, paras. 38 and 39), and in 2006 on the third report (CRC/C/LEB/CO/3, paras. 41 and 42).

¹ Usta, J. A., Mahfoud, Z. R., Chahine, G. A. & Anani, G. A. (2008), *Child Sexual Abuse: The situation in Lebanon*, KAFA/The Higher Council for Children/The Ministry of Social Affairs/Save the Children/Sweden

² Save the Children Sweden (2008), *Child Rights Situation Analysis for Lebanon*, citing research by the University Center for Family and Community Health