

Corporal punishment of children in Lebanon: Briefing for the Universal Periodic Review, 37th session, November 2020



GLOBAL INITIATIVE TO
**End All Corporal
Punishment of Children**

From the Global Initiative to End All Corporal Punishment of Children, July 2020

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Lebanon, corporal punishment of children is still lawful despite repeated recommendations to prohibit it by the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights.

We hope the Working Group will note with concern the legality of corporal punishment of children in Lebanon. We hope states will raise the issue during the review in 2020 and make a specific recommendation that Lebanon draft and enact legislation as a matter of priority to explicitly prohibit corporal punishment of children in all settings, including the home, and repeal any legal defences for its use.

1 Review of Lebanon in the 2nd cycle UPR (2015) and progress since

- 1.1 Lebanon was reviewed in the second cycle of the Universal Periodic Review in 2015 (session 23). The issue of corporal punishment of children was raised in the compilation of UN information¹ and in the summary of stakeholders' information.² Recommendations were made to improve the harmonisation of domestic legislation with the UNCRC, including the legality of corporal punishment, and to prohibit all corporal punishment including in the home and repeal the defence in the Penal Code.³ The Government accepted the first of these recommendations but only "noted" the second.⁴
- 1.2 Since the review, there have been no changes on the legality of corporal punishment.
- 1.3 **We hope the Working Group will note with concern the continued legality of corporal punishment of children in Lebanon. We hope states will raise the issue during the review in 2020 and make a specific recommendation that Lebanon draft and enact legislation as a matter of priority to explicitly prohibit corporal punishment of children in all settings, including the home, and repeal any legal defences for its use.**

¹ 31 August 2015, A/HRC/WG.6/23/LBN/2, Compilation of UN information, para. 39

² 10 August 2015, A/HRC/WG.6/23/LBN/3, Summary of stakeholders' views, para. 40

³ 22 December 2015, A/HRC/31/5, Report of the working group, paras. 132(137) and 132(138)

⁴ 25 February 2016, A/HRC/31/5/Add.1, Report of the working group: Addendum

2 Legality of corporal punishment in Lebanon

Summary of current law and reforms needed to achieve prohibition

Corporal punishment in Lebanon is prohibited in penal institutions and as a sentence for a crime but it is still lawful in the home, in alternative care, in day care settings and in schools. Legislation should be enacted to explicitly prohibit all corporal punishment in all settings, including the home, and to repeal art 186(1) of the Penal Code and article 25(2) of Law 422 for the Protection of Juvenile Delinquents and Endangered Juveniles 2002.

- 2.1 Home (*lawful*):** In 2014, article 186 of the Penal Code was amended⁵ to state (unofficial translation): “The law permits: (1) types of non-violent discipline which are practiced by fathers and mothers on their children provided that it does not leave any effect on the child’s body or lead to harm to their physical or psychological health.” Previously, article 186 had stated that the law permits “the types of discipline inflicted on children by their parents and teachers as sanctioned by general custom”. We are seeking further details as to whether the reform was intended to prohibit all corporal punishment in childrearing and whether the reference in article 25(2) of Law 422 for the Protection of Juvenile Delinquents and Endangered Juveniles 2002 to “physical assault that surpasses the limits of what is deemed culturally accepted as harmless corporal punishment” was also amended. The Government reported to the Committee on the Rights of the Child in 2017 that a Bill amending Law 422 was in discussion.⁶
- 2.2 Law 293 on the Protection of Women and Other Family Members from Domestic Violence 2014** defines “domestic violence” as “any act, refrainment from acting, or threat committed by a family member against one or more family members ... that entails an offense stipulated in this law and results in homicide or physical, psychological, sexual or economic harm”.⁷ But this law does not clearly prohibit all corporal punishment in childrearing. The Penal Code has been under revision since 2003, and in 2014 the Government reported that the committee charged with proposing amendments had completed its task.⁸ The Government did not accept the recommendation to prohibit all corporal punishment of children and repeal the right to punish “as sanctioned by general custom” made during the Universal Periodic Review of Lebanon in 2015.⁹
- 2.3 Alternative care settings (*lawful*):** Corporal punishment has long been lawful in alternative care settings under the provision for “discipline” of children in article 186 of the Penal Code. We are seeking to establish the effect of the 2014 reform of this provision.
- 2.4 Day care (*lawful*):** Corporal punishment is lawful in early childhood care and in day care for older children under the provision for “discipline” of children in article 186 of the Penal Code. We are seeking to establish the effect of the 2014 reform of this provision.
- 2.5 Schools (*lawful*):** There is no explicit prohibition in law of corporal punishment in all schools. A 2001 memorandum from the Minister of Education prohibits educational staff from “inflicting

⁵ By Law No. 286 of 30 April 2014

⁶ 30 March 2017, CRC/C/LBN/Q/4-5/Add.1, Reply to list of issues, para. 1

⁷ 30 June 2015, CEDAW/C/LBN/Q/4-5/Add.1, Reply to list of issues, para. 9

⁸ 15 May 2014, CEDAW/C/LBN/4-5, Fourth/fifth state party report, para. 10

⁹ 22 December 2015, A/HRC/31/5, Report of the working group, paras. 132(137) and 132(138); 25 February 2016, A/HRC/31/5/Add.1, Report of the working group: Addendum

corporal punishment, insulting, verbally humiliating, and attacking the honour of their students”, and establishes administrative disciplinary measures for those who breach this prohibition. This memorandum is, however, not law, and it applies only to public schools. Private schools are governed by their own internal regulations, and some, but not all, have adopted anti-corporal punishment regulations. The Child Protection Policy published in May 2018 by the Ministry of Education reportedly explicitly prohibits corporal punishment.¹⁰ We do not know whether it applies to all schools. The education of Palestinian refugee students is the responsibility of the UN Relief and Works Agency (UNRWA). Corporal punishment was banned in UNRWA schools in 1993. The Educational Technical Instructions circulated to UNRWA schools define corporal punishment and unacceptable disciplinary measures.

2.6 In 2006, the Government stated its commitment to securing legal prohibition of corporal punishment in schools. In 2008, legislation was being drafted to prohibit all corporal punishment but we have no further information.

2.7 **Penal institutions (unlawful):** Corporal punishment is considered unlawful as a disciplinary measure in penal institutions under Law 422 for the Protection of Juvenile Delinquents and Endangered Juveniles 2002, but it is not explicitly prohibited.

2.8 **Sentence for crime (unlawful):** Corporal punishment is unlawful as a sentence for crime. It is not a permitted measure for offenders under the age of 18 years under Law 422 for the Protection of Juvenile Delinquents and Endangered Juveniles 2002.

3 Recommendations by human rights treaty bodies

3.1 **CRC:** The Committee on the Rights of the Child has three times expressed concern at corporal punishment of children and recommended it be prohibited in Lebanon – in the concluding observations on the initial report in 1996,¹¹ the second report in 2002¹² and the third report in 2006.¹³

3.2 **CESCR:** The Committee on Economic, Social and Cultural Rights recommended in 2016 that Lebanon revised the Penal Code to prohibit corporal punishment of children in all settings and to raise awareness of its harmful effects.¹⁴

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, 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, and since 2011 the Committee on the Rights of Persons with Disabilities.

¹⁰ See for example <https://www.hrw.org/report/2019/05/13/i-dont-want-my-child-be-beaten/corporal-punishment-lebanons-schools>, last accessed 17 March 2020

¹¹ 7 June 1996, CRC/C/15/Add.54, Concluding observations on initial report, para. 37

¹² 21 March 2002, CRC/C/15/Add.169, Concluding observations on second report, paras 38 and 39

¹³ 8 June 2006, CRC/C/LEB/CO/3, Concluding observations on third report, paras. 41 and 42

¹⁴ 24 October 2016, E/C.12/LBN/CO/2, Concluding observations on second report, paras. 47 and 48