



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

LIBYAN ARAB JAMAHIRIYA
BRIEFING FOR THE HUMAN RIGHTS COUNCIL
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From Peter Newell, Coordinator, Global Initiative

info@endcorporalpunishment.org

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 Libyan Arab Jamahiriya despite the repeated concerns and recommendations of the Committee on the Rights of the Child and other human rights treaty monitoring bodies. We hope the Review will highlight the importance of prohibition of corporal punishment of children, including within the family home and as a judicial sentence, and strongly recommend that the government enact and implement legislation to ensure complete prohibition.

1 Legality of corporal punishment in Libyan Arab Jamahiriya

1.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in Act No. 17 (1992), the Penal Code (1953), the Child Protection Act (1997), the Great Green Document on Human Rights (1988), the Constitutional Proclamation and the Promotion of Freedom Act No. 20 (1991) are not interpreted as prohibiting corporal punishment in childrearing. As at November 2007, a new penal code had been drafted but we have no information on progress since then.

1.2 Corporal punishment is prohibited in **schools**.

1.3 In the **penal system**, corporal punishment is lawful as a sentence for crime. In the 1970s amendments to the Penal Code introduced *hadd* punishments into state legislation. For example, Law No. 70 Regarding the Establishment of the Hadd Penalty for Zina and Modifying Some of the Provisions of the Penal Law (1973, amended 1993) punishes adultery with 100 lashes (article 2); Law No. 13 (amended 1995) punishes stealing and armed robbery with amputation. The Great Green Document on Human Rights (1988) “prohibits the infliction of physical or mental harm on the person of a prisoner” (Principle 2), but there is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions.

1.4 We have no information on the legality of corporal punishment in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 The **Committee on the Rights of the Child** has twice made recommendations to abolish corporal punishment of children by law. In 1998, following examination of the state party’s initial report, the Committee recommended explicit prohibition of corporal punishment in the home (CRC/C/15/Add.84, para. 29). In its concluding observations on the second report in 2003, the Committee also recommended the abolition of flogging as a punishment (CRC/C/15/Add.209, paras. 34 and 46).

2.2 The **Human Rights Committee** has repeatedly recommended that the state party abolish judicial flogging and amputation – in 1994 following examination of the second periodic report (CCPR/C/79/Add.45, para. 9), in 1998 on the third report (CCPR/C/79/Add.101, para. 11), and in 2007 on the fourth report (CCPR/C/LBY/CO/4, para. 16).

2.3 In 1999, the **Committee Against Torture** recommended the abolition of judicial corporal punishment (A/54/44, Concluding observations on third report, para. 189).