

Corporal punishment of children in Lebanon: Briefing for the Universal Periodic Review, 23rd session, 2015

*From Dr Sharon Owen, Research and Information Coordinator,
Global Initiative, sharon@endcorporalpunishment.org*



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 lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child.

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 2015 and make a specific recommendation that Lebanon clearly prohibit all corporal punishment of children in all settings including the home and repeal the right to discipline “according to general custom” in the Penal Code.

1 Review of Lebanon in the 1st cycle UPR (2010) and progress since then

1.1 Lebanon was reviewed in the first cycle of the Universal Periodic Review in 2010 (session 9). The issue of corporal punishment of children was raised in the compilation of UN information¹ and in the summary of stakeholders' information.² No recommendations were made specifically on corporal punishment but the Government accepted a recommendation to “bring domestic law into full compliance with the Convention on the Rights of the Child”.³

1.2 Prohibiting and eliminating all corporal punishment of children in all settings including the home – through law reform and other measures – is a key obligation under the Convention on the Rights of the Child and other human rights instruments, though it is one frequently evaded by Governments. Since the initial UPR on 2010, Lebanon has adopted the Law on the Protection of Women and Other Family Members from Domestic Violence 2014 – but it does not protect children from corporal punishment. The legality of corporal punishment of children in Lebanon is the same today as it was in 2010: it is unlawful in the penal system but it is not prohibited in the home and other settings.

2 Legality of corporal punishment in Lebanon

2.1 **Summary:** In Lebanon, corporal punishment of children is unlawful in the penal system but it is not fully prohibited in the home, alternative care settings, day care and schools.

¹ 2 September 2010, A/HRC/WG.6/9/LBN/2, Compilation of UN information, para. 28

² 28 October 2010, A/HRC/WG.6/9/LBN/3/Rev.1, Summary of stakeholders' information, para. 38

³ 12 January 2011, A/HRC/16/18, Report of the working group, para. 84(9)

2.2 Home (lawful): 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 25(2) 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”. The Law on the Protection of Women and Other Family Members from Domestic Violence 2014 does not protect children from all corporal punishment in childrearing. UNICEF statistics collected in 2011 found that 82% of 2-14 year olds in Lebanon had been subjected to violent “discipline” in the home in the month prior to the survey.⁴

2.3 Alternative care settings (lawful): Corporal punishment is lawful in alternative care settings under the provision for “discipline” of children in article 186 of the Penal Code.

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.

2.5 Schools (lawful): Corporal punishment is lawful in schools under the provision for “discipline” of children in article 186 of the Penal Code. A 2001 memorandum from the Minister of Education prohibits educational staff from “inflicting 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 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.

2.6 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. But the prohibition is contradicted by article 186 of the Penal Code which also applies to teachers in UNRWA schools.

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 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 monitoring bodies

3.1 CRC: The Committee on the Rights of the Child first raised the issue of corporal punishment of children in Lebanon in its concluding observations on the initial state party report in 1996.⁵ In 2002⁶ and again in 2006⁷ the Committee recommended to Lebanon that corporal punishment be prohibited in the home and other settings.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children

www.endcorporalpunishment.org; info@encorporalpunishment.org

March 2015

⁴ UNICEF (2014), *Hidden in Plain Sight: A statistical analysis of violence against children*, NY: UNICEF

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

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

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

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 in 2011 began briefing the Committee on the Rights of Persons with Disabilities.