

**BRIEFING ON LEBANON FOR THE HUMAN RIGHTS COMMITTEE, COUNTRY REPORT TASK FORCE, 120th session (July 2017)**

*From the Global Initiative to End All Corporal Punishment of Children, April 2017*

**This briefing describes the legality of corporal punishment of children in Lebanon. In light of the obligation under international human rights treaties to prohibit all corporal punishment of children, the global commitment to ending violence against children – including corporal punishment – in the context of the 2030 Agenda for Sustainable Development, the recommendations of the UN Secretary General’s Study on Violence against Children, the recommendations made to Lebanon by the Committee on the Rights of the Child (in 1996, 2002 and 2006), the Committee on Economic, Social and Cultural Rights in 2016, and during the UPR in 2015, we hope the Human Rights Committee will:**

* **raise the issue of corporal punishment of children in its List of Issues for Lebanon, in particular asking what effect the 2014 amendments to the Penal Code had on the legality of corporal punishment of children, and**
* **in its concluding observations on Lebanon’s third periodic report, recommend that legislation prohibiting all corporal punishment of children, however light, is drafted and enacted as a matter of priority.**

**1 The report of Lebanon to the Human Rights Committee**

1.1 Lebanon’s third state party report to the Human Rights Committee (CCPR/C/LBN/3) mentions the rights of the child but does not address the issue of corporal punishment.

**1.2 In light of the state’s obligation to prohibit corporal punishment in all settings, we hope the Committee will raise the issue of corporal punishment of children in its review of Lebanon and recommend that the state prohibit all corporal punishment of children as a matter of priority.**

**2 The legality of corporal punishment of children in Lebanon**

2.1 ***Summary:*** In Lebanon, corporal punishment is unlawful as a sentence for a crime but it is not fully prohibited in the home, in all forms of alternative care and day care settings, and in schools. Prohibition requires confirmation in penal institutions.

2.2 ***Home (lawful):***In 2014, article 186 of the Penal Code was amended[[1]](#footnote-1) 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.

2.3 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”.[[2]](#footnote-2) But this law does not clearly prohibit all corporal punishment in childrearing.

2.4 ***Alternative care and day care settings (lawful):***Corporal punishment has long been lawful in alternative care and day care settings under the provision for “discipline” of children in article 186 of the Penal Code.

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 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.

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.

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 and during the UPR**

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,[[3]](#footnote-3) the second report in 2002[[4]](#footnote-4) and the third report in 2006.[[5]](#footnote-5)

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.[[6]](#footnote-6)

3.3 ***UPR:*** During the Universal Periodic Review of Lebanon in 2015, recommendations were made to “Improve the harmonization of national legislation with that of the CRC, in particular the legal status of corporal punishment of children and provisions on the minimum age of criminal responsibility” and to “Prohibit all corporal punishment of children, including in the home and all other settings, and explicitly repeal the right to discipline children according to ‘general custom’ in the Penal Law”.[[7]](#footnote-7) The Government accepted the first of these recommendations but only “noted” the second.[[8]](#footnote-8)

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

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1. By Law No. 286 of 30 April 2014 [↑](#footnote-ref-1)
2. 30 June 2015, CEDAW/C/LBN/Q/4-5/Add.1, Reply to list of issues, para. 9 [↑](#footnote-ref-2)
3. 7 June 1996, CRC/C/15/Add.54, Concluding observations on initial report, para. 37 [↑](#footnote-ref-3)
4. 21 March 2002, CRC/C/15/Add.169, Concluding observations on second report, paras 38 and 39 [↑](#footnote-ref-4)
5. 8 June 2006, CRC/C/LEB/CO/3, Concluding observations on third report, paras. 41 and 42 [↑](#footnote-ref-5)
6. 24 October 2016, E/C.12/LBN/CO/2, Concluding observations on second report, paras. 47 and 48 [↑](#footnote-ref-6)
7. 22 December 2015, A/HRC/31/5, Report of the working group, paras. 132(137) and 132(138) [↑](#footnote-ref-7)
8. 25 February 2016, A/HRC/31/5/Add.1, Report of the working group: Addendum [↑](#footnote-ref-8)