



End Violence
Against Children



End Corporal
Punishment

Corporal punishment of children in Lebanon

LAST UPDATED April 2021

Also available online at

www.endcorporalpunishment.org

Child population 1,733,000 (UNICEF, 2015)

Summary of necessary legal reform to achieve full prohibition

Prohibition is still to be achieved in the home, alternative care settings, day care and schools; prohibition in penal institutions requires confirmation.

Article 186 of the Penal Code has long provided a defence for the use of corporal punishment in childrearing: the reform to this article in 2014 only led to the repeal of the use of discipline by teachers and did not explicitly prohibit corporal punishment in any setting. 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”. This provision should be repealed/amended and the law should prohibit all corporal punishment and other cruel or degrading forms of punishment, in the home, schools and all other settings where adults have authority over children.

Alternative care settings – Corporal punishment should be prohibited in all alternative care settings (foster care, institutions, places of safety, emergency care, etc).

Day care – Corporal punishment should be prohibited in all early childhood care (nurseries, crèches, preschools, family centres, etc) and all day care for older children (day centres, after-school childcare, childminding, etc).

Schools – The law should prohibit corporal punishment in all schools, public and private.

Penal institutions – Confirmation is required that corporal punishment is unlawful in all institutions accommodating children in conflict with the law.

Current legality of corporal punishment

Home

In 2014, article 186 of the Penal Code was amended¹ 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 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.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”.³ But this law does not clearly prohibit all corporal punishment in childrearing.

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 2015.⁴

Alternative care settings

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

Day care

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.

Schools

There is no explicit prohibition in law of corporal punishment in all schools. In 2014, article 186 of the Lebanese Penal Code of 1943 was amended to remove the provision allowing teachers to discipline children “in accordance with public custom”. However, the Penal Code does not explicitly prohibit corporal punishment in 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. The Child Protection Policy published in May 2018 by the Ministry of Education reportedly explicitly prohibits corporal punishment.⁵ We do not know whether it applies to all schools.

¹ By Law No. 286 of 30 April 2014

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

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

⁴ 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

⁵ 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

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.

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.

Penal institutions

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.

Sentence for crime

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.

Universal Periodic Review of Lebanon's human rights record

Lebanon was examined in the first cycle of the Universal Periodic Review in 2010 (session 9). No recommendations were made specifically concerning corporal punishment of children. However, the following recommendation was made and was accepted by the Government:⁶

“Bring domestic law into full compliance with the Convention on the Rights of the Child (Poland)”

Examination in the second cycle took place in 2015 (session 23). The following recommendations were made:⁷

“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 (Croatia)

“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 (Estonia)”

The Government accepted the first of these recommendations but only “noted” the second.⁸

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(22 June 2017, CRC/C/LBN/CO/4-5, Concluding observations on fourth/fifth report, paras. 5, 18 and 19)

“The Committee reminds the State party of the indivisibility and interdependence of all rights under the Convention and emphasizes the importance of all recommendations contained in the present concluding observations. The Committee would, however, like to draw the State party's attention to the following recommendations that require the adoption of urgent measures: corporal punishment (para. 19)...”

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

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

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

“The Committee remains concerned that corporal punishment as a means of discipline continues to be widespread and culturally acceptable and is not legally sanctioned in the State party.

“Taking into account its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee reiterates its previous recommendations (see CRC/C/LB N /CO/3, para. 42) and recommends that the State party:

(a) Amend its legislation, including article 186 of the Penal Code, to prohibit explicitly corporal punishment, however light, in all settings, including the family, day-care and after school care facilities, all schools, whether public or private, alternative care settings and residential care;

(b) Adopt and implement the protection policy on children in school;

(c) Conduct awareness-raising programmes to promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment, and expand parenting education programmes and training for principals, teachers and other professionals working with and for children.”

Committee on the Rights of the Child

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

“Despite the 2001 Memorandum of the Minister of Education, which prohibits educational staff from ‘inflicting corporal punishment, insulting, verbally humiliating, and attacking the honour of their students’, corporal punishment is still used in schools and other institutions. The Committee notes that corporal punishment is unlawful as a sentence for crime and prohibited as a disciplinary measure in penal institutions. However, it notes with concern that, according to article 186 of the Penal Code, corporal punishment is lawful in the home.

“The Committee urges the State party, while taking into account the Committee’s general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment:

a) To critically review its current legislation, in particular article 186 of the Penal Code, with a view to preventing and ending the use of corporal punishment of children as a method of discipline and to introducing new legislation prohibiting all forms of corporal punishment of children in the family and within all institutions, including public and private schools and the alternative care system; and

b) To introduce public education, awareness-raising and social mobilization campaigns on alternative non-violent forms of discipline with the involvement of children in order to change public attitudes to corporal punishment, and to strengthen its cooperation with non-governmental organizations, such as Save the Children, in this respect.”

Committee on the Rights of the Child

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

“The Committee is concerned that violence used as a means of discipline in the home and at school is culturally and legally acceptable in the State party, and regrets that no follow-up to the Committee’s previous recommendation has been initiated (ibid, para. 37). The Committee is furthermore concerned that there is insufficient information and awareness of domestic violence and its harmful impact on children. Finally, the Committee is concerned that despite its prohibition by ministerial decision, corporal punishment is still practised in schools.

“The Committee urges the State party urgently to take all legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family and the schools, and furthermore recommends that the State party:

a) conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;

b) carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment...”

Committee on the Rights of the Child

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

“The Committee welcomes the policy of not allowing corporal punishment in schools or other official institutions and recommends a thorough review of the problem of domestic violence, including the possibility of stricter legislation against all forms of abuse against children in the spirit of article 19 of the Convention, as well as supportive social measures to assist families in crisis.”

Committee on Economic, Social and Cultural Rights

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

“The Committee is concerned at statistics showing that most children experience violent “discipline” at home and in school (art. 10).

“The Committee recommends that the State party take all the measures necessary to encourage parents and teachers to abandon the practice of corporal punishment, including by raising awareness of its harmful effects and revising the 2014 amendment to the Penal Code to prohibit corporal punishment in all settings.”

Prevalence/attitudinal research in the last ten years

According to UNICEF statistics collected in 2011, 82% of children aged 2-14 experienced violent “discipline” (physical punishment and/or psychological aggression) in the home in the month prior to the survey. More than half (56%) experienced physical punishment and 80% experienced psychological aggression (being shouted at, yelled at, screamed at or insulted). A smaller percentage (24%) of mothers and caregivers thought that physical punishment was necessary in childrearing.

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

A needs assessment carried out in Palestinian camps and gatherings (unofficial settlements) around Tyre, South Lebanon, between November 2008 and March 2009 found that physical violence by teachers was commonly cited as a reason why students drop out of school. Children also highlighted parental violence against them in the home as a problem. The assessments involved 36 interviews and meetings with community leaders, staff from international and local NGOs and UN representatives and seven focus group discussions with parents and children in the camps. The three camps and 11 gatherings involved in the assessment have a total population of around 70,405, 34% of whom are estimated to be children.

(Terre des hommes Foundation (2009), *A Child Protection Assessment in Palestinian Camps and Gatherings, Tyre, South Lebanon*, Lausanne: Terre des homes)

A 2009 report on the situation of Palestinian refugees living in refugee camps and informal gatherings in Southern Lebanon revealed widespread use of corporal punishment at home and in schools. 764 people (children aged 7 years and older and adults of all ages) took part in the research through group discussion. Many 7-13 year olds who took part spoke of school as an unsafe place and said they didn’t like to go because of violence and unkind treatment by teachers. Children stated that a recent policy change forbidding school corporal punishment was not applied properly. Many children were opposed to physical and verbal violence in schools. In all areas, violence in the home was seen primarily as a means of releasing stress and frustration caused by difficult living conditions. Those who admitted using violence in the home also acknowledged this was not a good way of dealing with problems. Violence against children, perpetuated mostly by parents, ranged from slaps in the face to violent use of implements.

(Abu Sharar, S. (2009), Community Perspectives on Protection: A Knowledge, Attitudes and Practices Analysis of Palestinian Communities in Southern Lebanon, Danish Refugee Council and European Commission Humanitarian Aid Department, lebanon-support.org/Uploads/2009-10/News1852.pdf)

A child rights situation analysis by Save the Children noted the use of corporal punishment in private, public and UN Relief Works Agency (UNRWA) schools, and cited research estimating that 40% of school students experience physical violence at the hands of educators.

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

A survey of over 1,000 youth on sexual and physical violence found that over a one year period, 54.1% of children experienced at least one of the following forms of physical violence: being pushed or kicked (31.5%), hit by the hand (43.0%), hit by an instrument (18.1%), attempted strangulation (3.1%), burned (2.9%), imprisoned or tied up (6.4%), bitten (25.3%), and threatened with a weapon (1.9%). The father was the most frequent perpetrator, except for biting (mother) and hitting (sibling). Psychological violence was reported by 64.9%, most frequently by the father.

(Usta, J. A. et al (2008), Child Sexual Abuse: The situation in Lebanon, KAFA/The Higher Council for Children/The Ministry of Social Affairs/Save the Children Sweden)

In an UNRWA school in Ein el-Hillweh refugee camp, 91.8% of 126 children surveyed said they had been exposed to violence in school, with interviewees claiming that corporal punishment was used in UNRWA schools despite UNRWA stating that it should not be used.

(Naba'a (2007), Violence against Palestinian Children in Lebanon – Ein Elhelweh Camp, cited in Manara Network for Child Rights (2011), Violence Against Children in Schools: A Regional Analysis of Lebanon, Morocco and Yemen, Beirut: Save the Children Sweden)

In a study involving 1,177 10-18 year olds, only 23.7% had never experienced being slapped in the face or head, having their ears twisted, having their hair pulled, being hit with a rule, being kicked, being forced to stand or kneel in a painful position, being forced to stay outside in the cold or heat or being tied up with a rope or belt as punishment at school. More than one in twenty (6.9%) experienced this "often". Only 18.6% had never been insulted, embarrassed, humiliated, called names, made to feel stupid or threatened with bad marks they did not deserve at school; 19.9% experienced this often.

(Adib, S. M. [n.d.] Experience of Violence Among Schoolchildren in Lebanon, Department of Public Health, Faculty of Medicine, Saint-Joseph University, www.docstoc.com/docs/49898197/EXPERIENCE-OF-VIOLENCE-AMONG-SCHOOLCHILDREN-IN-LEBANON)

End Corporal Punishment is a critical initiative of the [Global Partnership to End Violence Against Children](#). Previously known as The Global Initiative to End All Corporal Punishment of Children, we act as a catalyst for progress towards universal prohibition and elimination of corporal punishment of children. We track global progress, support and hold governments to account, partner with organisations at all levels, and engage with human rights treaty body systems.