CORPORAL PUNISHMENT IN LEBANON

THE ROLE OF THE PUBLIC ADMINISTRATION IN IMPLEMENTING A BAN ON CORPOREAL PUNISHMENT IN SCHOOLS IN LEBANON

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ABSTRACT

The following paper points out the inner discrepancies of the Lebanese legal system in dealing with corporal punishment. It also assesses the role of public administration in implementing a ban on corporal punishment. The paper analyses the current legal and administrative situations and present challenges that will have to be met in order to achieve a complete and non-discriminatory ban on corporal punishment at schools in Lebanon. This will be necessary in order to comply with the UN Convention on the Rights of the Child, which Lebanon signed with no reservations.

INTRODUCTION

In February 2002, Sara’s teacher asked her to write the number “3” on the blackboard. The four-year-old Sara did not write it correctly. Her teacher pushed and kicked her until she bled. The parents of the child went to a Lebanese newspaper and reported the incident¹.

¹ Assafir, February 6, 2002
This incident, as this paper argues, is not an isolated event. Corporal punishment is still practiced against children in most schools in Lebanon in different degrees and conditions. Widespread corporal punishment is symbolic of the current state of the Lebanese educational system and the structure of public administration. It is also representative of the state of the current domestic legislation and the social contexts from which corporal punishment derives its legitimacy. The following paper has three goals:

a. The first aim of this paper is to provide a census of the laws sanctioning or preventing corporal punishment at schools. I will try to show throughout this paper the inner inconsistencies, contradictions and discrimination inherent in the legal context surrounding corporal punishment. In addition, I will explore the different legal bodies entrusted with the implementation of laws regarding corporal punishment followed by an assessment of their power and effectiveness.

b. As the legal context is inseparable from the administrative context, the paper will discuss the administrative implementation of laws banning corporal punishment. The paper will also explore Lebanese public administration in its different preventive, monitoring and disciplinary bodies, and their relationship with civil society in implementing the ban on corporal punishment.

c. Following an assessment of the legal and administrative context of corporal punishment in Lebanon, the ultimate goal of this paper is to present a list of long term and short term goals that should be reached in order ensure the protection of children from harm and danger in schools.

Section I of this paper presents a brief description of the educational sector in Lebanon and of the widespread corporal punishment in Lebanese public and private schools. A major interest of the paper is to include Palestinian refugee children in the assessment of the implementation of the ban on corporal punishment. Despite being outside the jurisdiction of the Lebanese administrative authority, Palestinian children are included in the UN Convention on the Rights of the Child (CRC) ratified by Lebanon and are subject to the Lebanese Code for Criminal Law. This renders Palestinian children equal stakeholders in the implementation of a ban on corporal punishment at schools in Lebanon.

Section II of the paper presents the legal context for the practice of corporal punishment in schools in Lebanon. The assessment will show how Lebanese domestic laws are at odds with the UN Convention on the Rights of the Child and how they suffer from inner consistencies and contradictions that create legal loopholes in which corporal punishment is practiced.

The administrative context surrounding corporal punishment will be discussed in section III. The role of public administration in implementing laws against corporal punishment will be assessed through the different administrative bodies and their authority in implementing the law. This section will also prove that serious discrepancies exist across
the public and the private educational sectors exposing serious social and legal implications.

Section IV of this paper summarises the main challenges that impede the implementation of corporal punishment on both the legal and the administrative levels. The section also proposes changes that may lead to a successful ban on corporal punishment at schools in Lebanon.

I. CORPORAL PUNISHMENT IN LEBANON: AN OVERVIEW

1. Education in Lebanese schools

The practice of corporal punishment in schools is best understood when placed in the wider Lebanese context. The following section retraces trends in the educational sector
that arguably contribute to the practice of corporal punishment at Lebanese schools and hinder the implementation of penal and administrative laws banning corporal punishment at Lebanese schools.

**Education in figures**

Public schools in Lebanon account for 50% of the existing schools. They include 38% of the total enrolled Lebanese pupils. The remaining 62% of Lebanese pupils are enrolled in private (secular and religious) schools. The number of teachers distributed in the two sectors is not proportionate to the number of enrolled students. Indeed, 46% of teachers teach in public schools while the remaining 54% teach in private schools where the average student/teacher ratio is 9 in public schools and 16 in private schools. Almost 57% of public school teachers and around 35% of private school teachers are over 40 years of age. Almost half of the Lebanese educational staff teaches with only a baccalaureate degree, its equivalent, or less where 6% of all Lebanese teachers teach with the Brevet (degree at the end of intermediary cycle).²

**Implications on education**

These figures provide a description of the current educational situation in Lebanon.

a. The first pattern noticed is that even though there is an equal number of private and public schools, private schools enrol almost 30% more students than public schools.

b. Although more popular, private schools are more crowded than public schools. It is important to note that the practice of corporal punishment is more common in schools where teachers need to have control over an oversized class.

c. Another characteristic of the educational body in Lebanese schools is the age group of the teacher. One third of Lebanese teachers are 40 years of age or older, having been enrolled either during, or before, the war and not having been trained in recent pedagogic skills and values. This affects the teachers’ perception of corporal punishment and their reaction to laws banning its practice.

d. The ageing educational body is also inadequately trained or skilled where almost 50% of Lebanese schoolteachers have not attained university education, hence, would be less exposed to pedagogic skills and formation.

2. **Corporal punishment in Lebanese schools**

² Centre pour le Development et les Recherches Pedagogique, Statistiques 1999-2000
It is argued, that overpopulated private schools that enrol the majority of Lebanese pupils and the educational and pedagogic skills of the ageing educational body maintain the practice of corporal punishment at schools. In addition, there appear to be regional variables that determine the frequency and the seriousness of corporal punishment. These variables are tightly linked to the socio-economic context of the pupil and the teacher (see annex).

**Private/public divide**

The position of private (secular and religious) schools regarding the practice of corporal punishment, and the consideration of the ministerial memorandum banning it, differs significantly from that of public schools.

The differences are based on the special status that private education occupies in the Lebanese educational sector. Indeed, private schools in Lebanese have preceded the creation of the Lebanese State and its public schools. Private schools were mostly religious schools established by French and Anglo-Saxon missionaries in Beirut and Mount Lebanon. In parallel, at the turn of the 19th century religious Muslim schools were created in Beirut and other Sunni coastal cities. Before independence in 1943, private schools were responsible for the education of community leaders and political elite of Lebanese society.

Following the creation of the Lebanese State in 1920 and the independence of Lebanon from the French mandate in 1943, public schools were established in all Lebanese regions while private schools remained more frequented by Lebanese children.

With the outbreak of the Lebanese civil war in 1975 and the breakdown of the Lebanese state, the public school system became even less competitive than the strong private school system that was benefitting from internal and external funding. Private schools were providing not only education when public schools were closed or destroyed, but also political mobilisation as the school’s identity (Christian or Muslim) or its geographical location (East or West Beirut) entailed an allegiance to one of the warring groups and therefore the guarantee of its safeguard from external attacks.

With the end of the war, private schools remained the favourite choice of most Lebanese pupils due to the decreasing faith in the public school system and the failure of public schools to offer enough seats for all students. The strong and prestigious private schools have kept their links with political leaders and preserved their traditional autonomy and mistrust of the Lebanese public sector.

The relationship of private schools with the Ministry of Education is manifestly unstable and depends on the will of each school to collaborate with the Ministry. Considering the historically acquired independence of the private educational sector, administrative measures that apply to public schools do not apply to private schools.

**Legal and administrative frameworks of corporal punishment at Lebanese schools**
Corporal punishment at Lebanese schools is sanctioned by article 186 of the Lebanese Code of Criminal Law that allows physical discipline inflicted by teachers on their students. While this article has not been amended, the Minister of Education, considering the seriousness of the practice of corporal punishment at schools, circulated a memorandum to all public schools informing principals and teachers about the Ministry’s rejection of such practice. Corporal punishment in Lebanese public schools in legally sanctioned yet administratively banned from practice, which places it in a legal impasse that will be assessed in the following sections. On another level, some private schools have adopted anti-corporal punishment regulations and have been serious in applying them. Other private schools, others have yet to introduce anti-corporal punishment regulations to their legislations and implement them.

Despite its being banned from practice, corporal punishment in Lebanese schools is still an inherent part of the pedagogic process. Whereas in some areas sticks and big rulers are displayed in classrooms, in others they are just “hidden behind the door”. Indeed, the practice, its roots, and its justification are still prevalent. (See Annex)

Corporal punishment and customary laws

The ministerial memorandum banning corporal punishment at public schools is resisted by Lebanese customary laws that still see in violence inflicted upon children a necessary pedagogic tool. Hence, only “serious” cases of corporal punishment are reported to either the police or the Ministry. When they are, serious cases are not followed up. Later sections of this paper will discuss in detail the conflict resolution strategies adopted by parents and teachers, with the mediation of the school principals, in order to resolve “mild” or more “serious” abuse cases.

Corporal punishment and educational staff

Despite modest attempts to provide preventive measures against corporal punishment, the main problem of the Lebanese educational body lies in its definition. This definition is neither clear nor shared by all teachers and administrators. Whereas some see offence in threatening a pupil verbally, others believe that a slap is necessary, while some would go as far as using tools (thick rulers, rods, sticks etc.) to intentionally inflict pain on pupils.

Who usually resorts to corporal punishment at Lebanese schools? It is noted that the most frequent cases of corporal punishment are inflicted on pupils by their teachers without cases being reported to principals. Less frequent are the cases where the teacher resorts to corporal punishment in the knowledge of the principal. Very rare are the cases where the principal resorts to corporal punishment personally. This is because principals are usually in the spotlight and cannot afford to put the school’s reputation at stake and therefore relay the responsibility to the school supervisors.

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3 Interview with Mona Zoghbi, Coordinator, Libanbel, Jan. 2004
Corporal punishment and children

Children’s perception of corporal punishment may sustain the practice of corporal punishment, as the child may not think that his/her rights have been infringed on and therefore does not feel the importance to report the incidence.

The majority of children interviewed (annex-questionnaire) do not perceive mild corporal punishment as violence. Violence for most pupils starts with “serious pain” but even this form of violence is justified because children “must have done something wrong to deserve it” and therefore “should apologize”. For some pupils, banning corporal punishment at schools “is bad” because this way their “teachers will be kicked out”. For many children, corporal punishment at school is a good disciplinary method being the only method they know. Parents also contribute to the violence cycle at schools when they choose not to report signs of abuse for fear of retaliation or for preserving social relations with the teacher.

A minority of students, in renowned and prestigious private schools believe that violence starts with a scream and that anything going beyond that is serious physical abuse. These children have high limits in defining the childhood age and know the CRC’s articles well.

Corporal punishment and civil society

Activities of the Lebanese civil society, NGOs, and international organisations working on corporal punishment at schools have yet to be developed. Indeed, working towards the implementation of the ban on corporal punishment at schools has just started being a priority for the major NGOs, professionals, and international organisations working in the field of children’s rights.

The Lebanese Council of Ministers created in 1994 the Higher Council for Childhood (HCC) constitutes a national framework for cooperation between governmental bodies, NGOs and international agencies in order to implement the CRC in Lebanon. Besides establishing and maintaining links with NGOs and international organisations working in Lebanon, one of the major goals of the HCC is to draft and implement the National Strategies for Childhood. The Council has recently started joining efforts with active NGOs in order to design a national strategy to fight violence against children.

Established to constitute a vital link between the civil society and governmental sectors, the Higher Council for Childhood symbolises the current situation of civil society regarding corporal punishment. The lack of reliable monitoring and reporting systems in the Council is due to the absence of a clear strategy to deal with the corporal punishment at schools. Indeed, the Council has just started, in collaboration with several NGOs and governmental bodies, to develop a strategy to face corporal punishment of children. A major challenge that the Council has yet to face is to improve the quality of cooperation

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4 For the purpose of this research, the author interviewed more than 250 students, in private and public schools in three Lebanese Muhafazat.
with NGOs and the civil society that can benefit from increased material and strategic planning resources from the Council and its governmental partners.

3. Palestinian Refugee Children

Education and the social Palestinian context

With the creation of the state of Israel in 1947, Palestinians that were evicted from their homeland, and have taken refuge in Lebanon, were granted refugee status. For more than fifty years, the United Nations issued a body of resolutions to meet the collective humanitarian needs of Palestinians within Palestinian territories and in host countries that received them, one of which is Lebanon.

The education context that affects Palestinian refugee students differs from that which affects Lebanese students. This is because the education of Palestinian children is under the exclusive responsibility of the United Nations Relief and Works Agency – UNRWA - created following the United Nations General Assembly resolution 302 in 1949\(^5\).

As of 30 June 2003, there was a total of 391, 679 Palestinians registered with UNRWA in the Lebanon field. They constitute 10% of the total number of registered refugees with UNRWA and around 12% of the estimated population of Lebanon. More than 57% of the registered Palestinian population currently lives in 12 camps administered by UNRWA. These camps are overpopulated and there is a lack of basic services such as water, electricity and sanitation. It is estimated that 80% of Palestinians live under the poverty level\(^6\). The camps are subject to strict construction restrictions, which are implemented by army roadblocks, positioned at the entrances of the camps. The importance of UNRWA’s position towards corporal punishment is linked to the fact that UNRWA’s 74 schools provide free education for 78% of all enrolled Palestinian students while 3% are in Lebanese public schools and the remaining 9% in private schools.

Corporal punishment in UNRWA schools

Being affected by a growing financial crisis and the restrictions on construction imposed by the Lebanese authorities, the construction of new UNRWA schools is almost impossible even when funds are available. This directly affects the quality of education and the student/teacher relations when class overcrowding is very severe. Indeed, the student/staff (teacher and administrator) ratio in UNRWA schools is around 23 students for every educational staff where the Lebanese national ratio is around 11 students for every educational staff.

\(^5\) Chaaban, H. *Jidar al UNRWA yastaassi aala al talamith wal tullab al filastiniyyun* (UNRWA Wall Is Inaccessible to Palestinians Students), Assafir, Oct 10, 1997

\(^6\) *Second Supplementary Report on the Rights of the Palestinian Child in Lebanon* The Coordination Forum of NGOs working in the Palestinian Community May 2001
In a recent study sponsored by UNICEF and quoted in the Second Supplementary Report on the Rights of the Palestinian Child in Lebanon, it was revealed that the majority of children who drop out of school leave because of school connected reasons. Failure in school, de-motivation and harsh treatment are quoted by 67.5% of boys and 57.6% of girls, with economic reasons affecting another 19.6% of boys and 16.6% of girls.

In addition, verbal abuse and harsh treatment by teaching staff are reported frequently and appear to be practiced on a wide scale, although parents and children are reluctant to take action.
II. LEGAL FRAMEWORK OF CORPORAL PUNISHMENT AT SCHOOLS

Unlike the administrative framework relating to corporal punishment at schools that will be detailed later, Lebanese legislation discriminates neither between private and public schools nor between Lebanese and UNRWA schools. In other words, all children who enrol in schools in Lebanon are subject to the laws pertaining to corporal punishment.

The following section explores the legal framework of corporal punishment at schools on both the legislative and the implementation levels, as there appear to be differences worthy of analysis.

1. Equivocal Lebanese implementation of the CRC

Between support and ambiguity

With no reservation, Lebanon ratified the UN Convention on the Rights of the Child in October 30, 1990. The following section will show how Lebanon’s position regarding the Convention remains ambiguous and how the process of the Convention’s full implementation remains incomplete regarding corporal punishment in general and punishment practiced at schools in particular. This section will also point out the points of contention between the Convention and domestic laws.

Article 2 of the Convention calls on State Parties to

\[\text{[...]} \text{take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status [...]}\]

Article 3 of the Convention stipulates that

\[\text{[...]} \text{the best interest of the child shall be a primary consideration in all actions concerning children, whether undertaken by public or private social institutions, administrative or legal authorities}\]

In addition, Article 4 calls for

\[\text{[...]} \text{States Parties to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention.}\]

Furthermore, article 18 requires that
States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

Also, article 19 invites State Parties to:

take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence

The Convention therefore, requires from the signatories (1) to consider the best interest of the child, (2) to amend national legislation in compliance with the Convention, (3) to protect the child from all forms of physical and mental violence and (4) to ensure that school discipline is administered in a manner consistent with the child’s human dignity.

The ambiguity of Lebanon’s position towards the Convention lies in its unconditional adoption of the Convention, countered by its inability to amend national legislation to meet the Convention’s principles. Indeed, although having adopted the Convention, the Lebanese parliament has not, to this day, proposed amendments to laws that have discriminatory effects on children nor has it drafted new laws to meet the principles of the Convention regarding corporal punishment at schools.

The ratification of the convention is in direct contention with article 186 of the Code of Criminal Law that allows

disciplinary blows inflicted on children by their parents and school teachers in the traditionally practiced manner

The existence of this law thirteen years after the official adoption of the Convention is in direct contradiction with the consideration of the child’s best interests, the child’s protection from physical and mental violence and the guarantee that school discipline is in compliance with the child’s human dignity. Although a textual analysis of the article will take place in the following section, it is worth noting at this stage that the article remains contradictory with the spirit and the requirements of the Convention in the absence of any parliamentary attempt to amend article 186 or to annul its effects. The religious character of this article may be the reason for it remaining operational. Islamic Shari’a does allow corporal punishment at a disciplinary tool, a point mentioned in several hadith.

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7 The English translation of this article is from The rights of children… our responsibility. Save the Children Alliance and UNICEF, Beirut, 2000.
8 Indeed, in a hadith recorded by Muáaz bin Jabal, the prophet said ‘let your rod be hanging on them (children), as a warning and to chastise against neglect of their duties towards God. (Ahmad; Tabraani-Kabeer). Furthermore, the Prophet has often been reported to have said, ‘Enjoin prayer on your child when he is seven years old and beat him if he neglects it after he reaches ten years of age’. The Prophet, however, advised, ‘When one of you beats anyone, he should avoid striking the face’. (Abu Dawood)
Implications of the contradiction

The aforementioned legislative contradiction has implications on both the legal and the cultural levels. Firstly, in the absence of legislative amendments regarding the protection of children from violence at schools, judges may unfortunately not be aware of the UN Convention on the Rights of the Child stipulating the protection of the child and therefore would be dependent on a notice presented by the plaintiff, on the condition that the plaintiff is familiar with the Convention. On another level, the existence of national legislation sanctioning corporal punishment may foster cultural attitudes favoring corporal punishment where international conventions have much less impact on traditions and customary laws from which criminal law was derived. Conversely, it is on relying on the criminal code that some customary laws derive their legal legitimacy.

International conventions however, even those adopted by the United Nations -- as is the case with the CRC -- are not effective nor binding unless they are ratified by national legislative bodies that introduce them to national legislation. Once signed, the Convention becomes effective in a position transcending domestic laws and having higher priority on its legal implementation.

Regarding domestic laws (e.g.: article 186 of the Code of Criminal Law) and adopted conventions (e.g.: CRC), article 2 of Lebanese Code of Civil Procedures provides that courts “shall abide by the principle of the hierarchy of rules” where in the event of contradiction international conventions with domestic laws, “the former has priority on the latter”.

However, article 2 of the Code of Civil Procedures is not always applied in cases of contradiction, as the practice of resorting to international conventions is not widespread among Lebanese courts. Furthermore, the legal applicability of article 18 of the CRC is subject to debate between jurists, where some see in it general directives on avoiding violence against children, while others believe that it entails clear legal implications.

While article 2 of the Code of Civil Procedures provides a legal solution to possible contradiction between national legislation and international conventions, it does not exempt Lebanon from amending its domestic laws in order to meet the requirements of the Convention, a commitment explicitly stated in article 4 of the convention.

2. Lebanese domestic laws regarding corporal punishment

Lebanese legislation regarding corporal punishment suffers not only from its equivocal position towards the CRC but also from three main characteristics in which analysis of the existing legislation is based on.
Discriminatory

The first characteristic is the discriminatory aspect of Lebanese legislation regarding corporal punishment against children. Article 554 of the Lebanese Code of Criminal Code law provides that

*A person who intentionally attacks or hurts another, leading to an impairment of less than ten days, following the victim’s complaint, is subject to a maximum sentence of six months or and/or a fine. In the event that the plaintiff gives up his/her right, the prosecution is dropped.*

This article condemns those who intentionally hurt, beat, or harm others. The extent of punishment is proportional to the degree of harm inflicted on the victim. If beating leads to damages exceeding twenty days, the attacker is subject to from three months to three years of jail, besides the fine. If the attack results in the infliction of permanent damage or disfiguration or “any other mutilation or in the form of mutilation”, the attacker is subject to ten years of hard labour (article 557).

In addition, article 559 increases these penalties in cases where the damage is inflicted on a juvenile under fifteen years of age. If the acts lead to death unintentionally, the offender’s punishment entails a minimum of five years (550 of the Code). In this sense, all acts that undermine the sanctity of the body are considered an attack on its safety and are therefore subject to legal pursuit and legal punishment.

Discrimination against children appears however in the infamous article 186 of the same Code of Criminal Law where

*is not considered a crime which is sanctioned by the law […] the law allows disciplinary blows inflicted on children by their parents and teachers in the traditionally practiced manner*

Discrimination lays therefore in the exclusion of children as beneficiaries of the law when it comes to disciplinary acts. The text of this article is controversial on two levels.

The first is in the meaning of “disciplinary blows” or the Arabic text “*douroub al ta’dib*”. The etymology of the word “douroub” is at the source of the legal confusion as it has two meanings. *Douroub* means “kinds” or “genres” and when “kinds” is associated with “*taadib*” or discipline, the law becomes restrictive to different kind of disciplinary acts at best.
The second meaning of the word is more serious as it is the plural of the word “darb” or hitting. In that sense, “douroub al ta’dib” means disciplinary hits (ranging between slapping, smacking, spanking, kicking and beating or worse).

In their comments on the etymology of the word, some judges chose to adopt the first meaning or to restrict the concept to non-physical disciplinary acts only, with a rejection of the violent connotation of the concept. Whereas this interpretation is possible, it is nevertheless inconsistent with the spirit of the Code of Criminal Law. Indeed, why would the legislator create a special article to sanction harmless disciplinary measures? Therefore, the second meaning of the word is more valid.

This introduces the second problem with this law, that of limiting the practice of punishment to the “traditionally practiced manner”. In other words, corporal punishment against children is allowed as long as it does not exceed the accepted norms. According to what criteria, however, can the judge define these norms? The elasticity of this concept creates a legal loophole in which corporal punishment against children is practiced. This is based on the etymological confusion of the word ‘douroub’ and on the elasticity of the concept of “traditionally sanctioned manners”. In this sense, the best interest of the child, consecrated in article 3 of the Convention is still not applied where discrimination, clearly opposed in article 2 of the convention, is not being removed.

Contradictory

Besides being discriminatory against children, Lebanese legislation suffers from inner contradictions that create additional legal loopholes in which corporal punishment is practiced.

In September of 2001, the Lebanese Minister of Education issued a ministerial memorandum addressed to all public schools in Lebanon. The memorandum clearly prohibits educational staff from

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\text{inflicting corporal punishment, insulting, verbally humiliating, and attacking the honour of their students}
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The memorandum constitutes a breakthrough regarding the institutionalisation of children rights at school. It also demonstrates the realisation of government officials of the widespread and the seriousness of corporal punishment at schools.

What is positive about this memorandum is that it establishes administrative disciplinary measures for teachers and educational staff who infringe on it. The monitoring of the memorandum is assigned to the Central Inspection Department whose prerogatives will be discussed in a different section. An additional advantage is that the memorandum reminds the pedagogic staff that such practices are not

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9 Interview with Ghassan Rabah, President of the Juveniles Courts, Ministry of Justice, February 20, 2004
tolerated by the Ministry of Education and therefore, the memorandum can contribute slightly to changes within the cultural and social perceptions of corporal punishment. What is of high importance to this section, however, is that this memorandum has only administrative and not penal implications.

Despite its achievements, the memorandum of 2001 is incapacitated by its mere administrative authority and for being effective in public schools only. The memorandum is equally limited by its nature. On the hierarchical level, ministerial memoranda, lie in the lower stratum of legal impact and power. Indeed, a ministerial memorandum – signed by a Minister -- is inferior to a governmental decree – signed by the President--, which itself is overridden by a law of parliament. In effect, laws of parliament (e.g.: the Code of Criminal Code and its article 186) override all other decrees and ministerial memoranda.

In that sense, the ministerial memorandum of 2001 is in direct contradiction with article 186 of the Code of Criminal Law that sanctions corporal punishment by teachers. Facing this contradiction, the authority of the Code of Criminal Law is higher than that of the ministerial memorandum as the former was put forward by the legislator representing the people whereas the latter was put forward by the Minister representing his own convictions even if his convictions were based on the best interest of the child. Consequently, article 186 of the Code of Criminal Law has higher authority than the ministerial memorandum and therefore annuls its effects in cases where the defendant resorts to the article 186 sanctioning his/her acts of corporal punishment.

In sum, besides being restricted to the administrative level, the ministerial memorandum is contradictory with a more authoritative Code of Criminal Law that sanctions corporal punishment at schools.

Incoherent

In addition to its discriminatory and contradictory characteristics, Lebanese legislation tackling corporal punishment is also seen as incoherent. Law 422 for the Protection of Juvenile Delinquents and Endangered Juveniles, adopted in June 2002, is seen as a serious improvement in the application of children’s rights. The law is seen to be in harmony with the UN Convention on the Rights of the Child, mainly article 19, providing the protection of children from sources of violence and mistreatment.

Law 422, defines mistreatment as

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\text{the act of mistreating a child by a person or a group of people, to whom the care of the child is given, whether they are adults or children intentionally, ignorantly or carelessly where these acts affect negatively and seriously the physical, mental, emotional, social health of the child affecting its development (article 25)}
\]
Endangered is a youth who is

below 18 and found in an environment threatening his/her health and morals and the conditions of his/her upbringing and if the child is subject to sexual assault or physical assault that surpasses the limits of what is deemed culturally accepted as harmless corporal punishment (article 1)

Based on a simple notice presented to the prosecutor by the juvenile, his/her guardians, or a social worker, the Juvenile Court can promptly remove juveniles from their abusive contexts.\(^{10}\)

The advantages of this law are several. According special status of the juvenile, the Juveniles Court is increasing the child’s rights to protection where the court’s action can be triggered by a simple notification presented by anyone with knowledge of the abuse. The aforementioned law attributes power to social workers in monitoring its application and intervening directly with the Juvenile Court in order to report cases under its authority.

Despite its innovative qualities, the law is incoherent with article 186 of the Code of Criminal Law and suffers from several limitations that render it insufficient regarding international conventions on which it was based. The law is also inefficient regarding the national criminal legislation (article 186). Indeed, law 422 has merely remedial and not preventive effects where justice can intervene to save endangered juveniles after the damage had been done. The absence of preventive measures regarding this issue in the Code of Criminal Law renders any post-effect intervention remedial and insufficient to deal with the seriousness of the problems.

Furthermore, law 422 has remedial and not punitive authority. In other words, Juvenile Courts are entitled to intervene in order to save the child in cases of endangerment but cannot hold the offenders responsible, as they do not have penal prerogatives.

The third shortcoming of this law is that it does not present a clear definition of what is considered ‘harmful’ to the child, leaving the question of interpretation to the Juveniles Judge’s discretion.

3. Legal implementation procedures

The previous section discussed and assessed domestic laws and international conventions adopted by the Lebanese parliament that tackle corporal punishment. The present section discusses in detail the legal implementation of bodies of the laws for the Protection of Endangered Juveniles (422) and article 554 related to intentional harm of others and the

\(^{10}\) For a thorough analysis of this law, refer to Ghassan Rabah’s comparative study on the “Rights of the Endangered Juveniles and Juveniles in Breach of the Law”, 2003: Beirut.
implications of article 19 of the CRC on Lebanese legislation and justice. The ministerial memorandum of 2001 will be discussed in the administrative implementation section as it entails only administrative and not criminal measures.

**Protection of endangered juveniles (422)**

a. Law 422 calling for the Protection of Endangered Juveniles was innovative in including parties that had been excluded in previous laws. These parties are the endangered juveniles themselves, social workers, and professionals who were given increased rights to present a complaint. These rights had been granted only to the prosecution and the parents of the assaulted child in previous laws. This move is especially important for social workers and professionals (doctors, teachers, etc.) who, aware of cases of abuse, are no longer affected by article 579 of the Lebanese Code of Criminal Law that penalizes the breach of professional secrecy. In urgent and serious cases, the Juvenile Court Judge can intervene spontaneously before the investigation results and take immediate remedial measures favouring the best interest of the child (article 26).

b. The Juvenile Protection Department was created as part of the Ministry of Justice in order to work on all issues related to juveniles subject to this law, to design and implement adequate preventive measures and to coordinate with concerned ministries and non-governmental organisations about this issue. The department is also required to establish a database about investigation related to each case and to conduct yearly statistical research about trends in children’s abuse.

The creation of that department has important effects on the administrative and the legal processes that surround the investigation of child abuse cases. The department remains however ineffective in its designed prerogatives as case proceedings are cumbersome and bureaucratic. Additionally, the reports about the cases are hand-written and circulated within the Ministry of Justice where cases of child abuse and juvenile delinquency are filed together which prevents serious attempts for documentation or statistical research that are important for reporting back to the political bodies. The coordination of the department with the Ministry of Social Affairs is said to be efficient and active, but only on cases relating to juvenile delinquency.

c. The Juvenile Protection Department’s coordination with NGOs and civil society is said to be limited to the Higher Council for Childhood. This point will be confirmed later when several NGOs working on child abuse issues prefer not to resort to prosecution in order not to create conflict with the offenders (with the exception of one NGO active in advocacy).

d. As previously mentioned, the law has merely remedial and not preventive effects, an important point to show the inner tensions between this law and article 186 of the Code of Criminal Law. Although having serious positive effects on the

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11 Interview with Hala Abou Samra, Director of Juvenile Department, Ministry of Justice, Jan. 2004
protection of children from abuse in general, the law is subject to serious implementation deficiencies.

On a first level, the law leaves unanswered questions relating to the extent of damage required until the case is moved. It further corroborates the text of article 186 of the Code of Criminal Law that allows corporal punishment “to the limits of the traditionally practiced manner”, leaving the interpretation to the discretion of the judge.

Secondly, little material and logistic support is attributed to the Juveniles’ Protection Department to conduct statistical research or at least to establish an efficient archival system in order to assess the impact of intervention and trends in child abuse cases, where abuse at school does not seem to be central to the Department’s priorities.

Furthermore, this point introduces the third problem relating to the impact of the Juveniles Protection Department in implementing laws banning corporal punishment at schools. While corporal punishment is at the centre of the Department’s programme for the current year, it still has not been addressed adequately. This may be the translation of the theoretical legal tension existing with article 186 on one hand, law 422, and article 554 on the other.

**Crimes of intentional harm (article 554)**

The parties concerned with the implementation of this law are the abused juvenile, the juvenile’s guardians, the prosecution, and the Juvenile Court judges.

a. The coordination between the aforementioned parties and other governmental bodies seems scarce if not absent. Several judges have declared their unawareness of the Ministry of Education memorandum protecting children from abuse. This is due to the hierarchy of the implementation that the parliament laws have over ministerial memoranda, especially because memoranda are not published in the official gazette.

b. The role that NGOs may play in implementing the provisions of article 554 of the Code of Criminal Law is important. Although to this day, Lebanese NGOs do not have the right to sue, they do have the possibility to send notifications to the prosecution or to Judges of the Juvenile Court and to raise their attention about a case of abuse. Those NGOs working on children’s rights advocacy believe that cooperation with judges and prosecutors is frequent and very successful in some cases.

c. As discussed earlier, the provisions of the Criminal Law against Crimes of Intentional Harm exclude children as beneficiaries of the article’s effects due to article 186 of the same Code of Criminal Law. This tension, as argued earlier,
creates serious tensions with CRC regarding the preservation of the child’s best interest and the protection of the child from harm and abuse.

In practice, the situation is different, where several factors work to the benefit of the theoretically disadvantaged child. Indeed, although article 186 is discriminatory, judges who are bound to apply it, are either unaware of its existence, have extremely limited interpretation to the kinds of beating allowed\(^\text{12}\), or believe that social customs should no longer sanction such practices\(^\text{13}\).

The judges’ ‘enlightened’ positions regarding corporal punishment constitute a glimmer of hope for children abused at schools. Hence, judges are inclined to resort to the provisions of article 554 to deal with corporal punishment issues. The downside of this choice is that, in his or her defence, the offender (teacher, principle, etc…) may resort to article 186 and win the appeal.

Other problems relating to the implementation of this law lay on several interconnected levels. One of the major problems that prosecutors are faced with is the problem of reporting and dropping charges. When cases end up being reported to the prosecutors (three cases in three years noted in Tripoli\(^\text{14}\) and none reported in Beirut\(^\text{15}\)), they are never followed up legally. This is because the plaintiff’s guardians and the offenders resort to customary conflict resolution strategies by settling the issue outside the court in order to save on time and resources (no cases followed up in Tripoli since 2000\(^\text{16}\)). This constitutes serious limitations to the authority of the prosecutors that are bound to drop the charges if the damage inflicted on the child is reported to be less than ten days of impairment.

The second problem relating to the implementation of the law is the lack of material and logistic support to the Juveniles Courts in order to archive and keep track of the frequency of abuse cases. The few corporal punishment cases that are reported to the prosecution are neither filed nor forwarded to NGOs nor interested groups for follow-up procedures.

\(^{12}\) Ghassan Rabah
\(^{13}\) Interview with Ralph Riachi, President of Cassation Court, Ministry of Justice, Jan. 2004
\(^{14}\) Interview President of Prosecution, North Lebanon, Raymond Oueidat, Ministry of Justice, Feb. 10, 2004
\(^{15}\) Ralph Riachi
\(^{16}\) Raymond Oueidat
Following the discussion about the legislative conflict and the implementation difficulties inherent in Lebanese legislation tackling corporal punishment, this section sheds light on the administrative framework of corporal punishment at schools. The first section assesses the practice of corporal punishment at public schools, while the second discusses the practice of corporal punishment at private schools. The third section shows the particularity of UNRWA schools regarding this issue. Finally, there will be an analysis of the implications of differences between public, private, and UNRWA schools.

1. Public Schools

Despite contradictions existing between the impact of laws and memoranda, the administrative framework of corporal punishment at schools depends exclusively on the implementation of the ministerial memorandum of 2001 banning all sorts of physical, mental, and psychological abuse to the person of the pupil at public schools.

The administrative body, responsible for the implementation of the memorandum in public schools, is the Ministry of Education including its different regional, central, private, and public departments. The following section will show that although the memorandum is clear in prohibiting corporal punishment at schools, differences in positions regarding the memorandum and its implementation exist across Lebanon.

The following section explores the different bodies entrusted with the prevention of corporal punishment at public schools in Lebanon, the implementation of the memorandum and the disciplinary measures taken by the Ministry. The administrative bodies responsible for implementing the memorandum banning corporal punishment at schools have preventive, monitoring, and disciplinary prerogatives. For each body, there will an analysis of (a) its goals and action, (b) of the nature of its coordination with other governmental bodies and civil society groups and (c) of its efficiency through an analysis of its strength and weaknesses (Table 2).

Preventive role: Department for Counselling and Guidance

a. The Department for Counselling and Guidance was created in 1997 by the Ministry of Education to constitute a link between children, their teachers, and their parents. The department adopts preventive measures in training teachers in pedagogic, human rights, and conflict resolution skills. In 1998, it began
training educational staff on teaching the new curriculum and was successful in reforming 100 teachers in 100 public schools.

The trained teacher or social worker practices personal and group guidance for students, administrative counselling, classroom monitoring, and maintains links with parents. The department claims several successes in improving disciplinary measures taken by teachers in reducing the level and the frequency of abuse against children at schools\textsuperscript{17}. The director of the Department mentioned a case where in a girl’s public school, the trained social worker intervened with the teachers of a girl who had been frequently smacked by her teachers for having long hair. After several sessions of explaining the harmful effects of their actions, the teachers improved their disciplinary measures.

b. Regarding coordination with NGOs and civil society, the Department relies on the Higher Council for Childhood in identifying NGOs working on children’s rights issues, establishing contact with them and relaying special cases to them. The department is also active in collaborating with UN agencies working on children’s rights and education like UNICEF and UNESCO that funds most of their training workshops working closely on introducing new pedagogic skills to the educational sector in Lebanon.

c. The advantage of the Department of Counselling and Guidance is that it works closely on preventive measures, where the identification of existent problems is systematic and ideas for improvement are clear. The educational body is trained international standards of child counselling and conflict resolution.

Despite it numerous achievements since its early creation, the Department of Counselling and Guidance has trained 100 teacher in 100 public schools which constitutes less than 0.3% of the total administrative staff in the academic year of 1999-2000 which accounts for 36,192\textsuperscript{18} teachers and administrators. This number is obviously too low to assess the impact of the Department’s preventive measures. It is important to note however that issuing a memorandum without having developed the educational staff’s skills does not produce radical changes as it had been expected.

The department remains in need of much support on both the material and political levels. The Director of the department indicated to the low material and administrative support granted by the Ministry of Education to the activities of the Department in the absence of a clear ministerial preventive strategy to fight corporal punishment at schools.

\textsuperscript{17} Interview with Juliana Traboulsi, Director of Guidance and Counselling Department, Ministry of Education, January 26, 2004
\textsuperscript{18} Centre pour le Development et les Recherches Pedagogique, Statistiques, 1999-2000
Furthermore, the Department lacks coordination with other monitoring bodies like the Department for Education Inspection and does not report about schools in breach of the ministerial memorandum.

Lastly, the absence of archiving systems of abuse cases impedes the evaluation of the success of the Department for Guidance and Counselling already hampered by its limited staff and its reliance on volunteering since trained professors and social workers are not remunerated for working over-time with the Department.

Monitoring and disciplinary roles: Department of Education Inspection

a. The Department of Education Inspection was established to inspect all public educational institutions with their different degrees, stages, kinds, and branches. Inspectors verify the ongoing work within the institutions, the competence, and the performance of the institutions’ educational staff. Inspectors equally verify the correct instruction of the educational systems and the correct administration of official examinations. There are 81 inspectors with 6000 inspections or around 1 inspection every 2 months per school. The Department assumes the responsibility to ensure that the memoranda issued by the Ministry of Education are being adequately implemented within public schools.

The Ministry of Education memorandum of 2001 banning physical assault against pupils in public schools falls therefore under the direct responsibility of the inspectors to verify its implementation in schools. If the inspector is informed about breaches of the memorandum, he is bound to report to the General Inspector by means of the Director of the Education Inspection, who instantly sends the case to the Inspection Committee.

The case is investigated thoroughly requiring medical reports, the intervention of witnesses to prove the occurrence of the offence. The report is then sent to the Director of the Education Inspection that sends an official letter to the teachers or principals explaining their breaches. The teachers and principals have the right to respond in their defence. Their response is sent to the Director of the Education Inspection. Additional investigations take place in order to verify the claims of the child or the child’s parents.

If a case of assault is proven, a warning letter is sent by the Director of the education inspection to which the teachers or principals have the right to respond. The director of inspection has the right to send the report to the Higher Council for Correction. If it appears that the teacher or the school principal has committed a criminal offence (i.e. an act causing serious damage of more than 10 days of impairment), the inspector has the right to inform the prosecution without waiting for the results of the investigation.
If proven guilty of a non-criminal offence (where damage is less than 10 days of impairment), the teacher or principal is subject to disciplinary measures starting with a verbal warning and ending with the isolation of the offender leading to his/her termination of services with no due benefits and rights. The process of investigating, appealing and designating the adequate disciplinary measures takes months to be accomplished and never reaches higher levels of the inspection bureaucracy.

b. The coordination of the Department of Education Inspection with the different administrative bodies like the Ministries of Social Affairs and Education is not very active. The role of the Inspection Office is to verify the correct implementation of ministerial Memoranda and Lebanese laws only, without having to coordinate with the Ministry of Education or to establish adequate monitoring policies. In effect, the Department of Education Inspection has higher authority than the Ministry of Education itself, as the Ministry’s personnel is also subject to the authority of Central Inspection about the correct implementation of the Ministry’s directives. On another level, the department’s relationship with the police and prosecution is hierarchical where the Inspection Department relays to the police cases with serious offence of the Criminal Code without yielding their administrative disciplinary measures. In other words, police only intervene when offences are serious and require more than administrative disciplinary measures.

The cooperation of the Inspection Department with NGOs and Civil Society appears to be weak. Educational inspectors work independently as it is not a priority of the Inspection Direction to coordinate with civil society.

c. The strength of the Education Inspection Department lies on several levels. Legally, the inspectors have the responsibility to ensure the correct implementation of the memorandum banning corporal punishment at schools. Inspectors also have the prerogatives to report breach and to inflict on the offenders disciplinary measures in proportion to the seriousness of the offence.

The cases reported to the Education Inspection, however, are disproportionate to the frequency and quality of child abuse cases perceived across the country’s schools. Only ten cases were reported in the last five years¹⁹, none of them was followed up by the Inspection Department for the following reasons:

1. LIMITED AUTHORITY: The Education Inspectors have no practical authority over private schools, which are legally bound to the Education Inspection Department but are in practice outside its

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¹⁹ Interview with Fadi Haidamous, Education Inspection Department, Central Inspection Bureau, January 2004
authority for several historical and political reasons relating to the status that private schools occupy within the Lebanese educational sector. While this point will be developed further in the section tackling corporal punishment in private schools, it is important to state at this point that the effectiveness of the Education Inspectors remains incomplete with their practical incapacity to deal with breaches occurring in private schools.

2. LACK OF REPORTING: The implementation of the memorandum is affected by another problem relating to the lack of reporting due to the cultural acceptance of violence inflicted on children at schools. In that sense, children do not report to the parents, and if they do, parents do not report to the inspectors. Besides the cultural acceptance of violence against children, parents, who are also citizens, have developed mistrust towards public administration and therefore do not believe in its capacity to implement laws and ministerial regulations.

3. BUREAUCRACY: In cases where abuse is reported, victims tend to drop their claims as they are overwhelmed by the bureaucratic and time-consuming investigation procedures. In addition, the timely investigations require medical reports, which are difficult to acquire in cases of “mild assault” (slap, smack, etc.). Although deemed medically harmless, “mild assault” may lead to deep psychological problems.

4. CORRUPTION CHARGES: Another factor that may explain the scarcity of abuse reports is the rumour of bribery that inspectors are subject to in order to disregard an offence perceived in one of their visits. While this point cannot be confirmed, it is important to mention that it remains a major concern for parents, groups, and organisations working towards the protection of children from abuse.

5. ARCHIVING: Finally, a problem that is shared by Lebanese public administration in general is the total absence of an archiving system that is able to retrace developments or achievements in the prevention of corporal punishment at schools.

Disciplinary role: Ministry of Education

a. The other body responsible for the implementation of the ministerial memorandum banning corporal punishment at schools is the Ministry of Education including its regional and educational departments. In that sense, the complaint of abuse against a child can be sent either to the Education Inspection Department or to the Ministry of Education for them to take the adequate disciplinary measures.
- The guardians of an assaulted child should first report to the school principal who has to investigate the offence case where guardians have to provide adequate medical proof that their child was assaulted. If the case is proven, the principal gives a verbal warning to the offender. If the offender repeats the assault, he/she is given a written warning.
- If the offender repeats the abuse against the child, or if the child’s guardians believe the principal is involved in the assault, they can directly address their complaint to the Ministry of Education represented by the Ministry of Education Regional Department of the school’s muhafaza (Beirut, Beqaa, Mount Lebanon, Nabatiye, North Lebanon, South Lebanon). The Chief of the Regional Department has the authority to take disciplinary measures against the offenders after investigating the case and the consultation of all medical reports and requirements.
- If the Chief of the Regional Department considers the offence serious, he can refer it to the Chief of the appropriate Education Departments of the Ministry of Education (Primary or Secondary Education) who is entitled to take the adequate disciplinary measures.
- If the case is deemed extremely serious, it can be sent to the General Director of the Ministry of Education who has the authority to take required disciplinary measures and to refer the case to the Minister of Education, the highest authority in the bureaucracy of the Ministry of Education.

b. Regarding coordination with other governmental bodies, the different departments of the Ministry of Education have declared the absence of coordination with the Department of Education Inspection in the implementation of the ministerial memorandum. Indeed, the Ministry of Education has a conflict of authority with the Department of Education Inspection as both bodies share the same implementation authority\textsuperscript{20}. Furthermore, the Chiefs of the Regional Departments interviewed for the purpose of this study have stated the lack of collaboration between their departments and the public sector including civil society, national and international NGOs in monitoring and implementing the ministerial memorandum.

c. The authority attributed to the different bureaus of the Ministry of Education to implement the ministerial memorandum banning corporal punishment at schools is hampered by several factors that affect the reporting of a case of abuse, and impede its processing.

1. CULTURAL OBSTACLE: The first problem relating to the implementation of the law banning corporal punishment at schools is the formation of the educational personnel and its perspective about corporal punishment. Where some regional officers believe that 80\% of the

\textsuperscript{20} Haidamous, Qastoun, Khreiss
education staff has been in service prior to the start of the Civil War\textsuperscript{21}, the teachers’ acceptance of new pedagogic skills remains difficult. Indeed, more than 60\% of teachers are used to teaching in times, where besides their pedagogic concerns, they had security concerns that affected their methods and their relation with pupils and the practice of corporal punishment.

In addition, the educational personnel at schools and the administrative staff at the Ministry of Education do not necessarily share the principles behind the creation of the ministerial memorandum banning corporal punishment nor the definition of what corporal punishment is. Many interviewed teachers and administrators have clearly stated the difference between “slapping” and “beating” saying that “We don’t beat, we slap”. The line between the two acts is drawn in cases of inflicted permanent or semi-permanent damage. The practice of slapping and smacking is justified as “harmless disciplinary measures (e.g.: detention) are useless”\textsuperscript{22} and that “children need some sort of pinching and slapping in our days”\textsuperscript{23} or else, “they will never learn”\textsuperscript{24}.

The perception of the educational and administrative staff regarding corporal punishment is also linked to their perception of the educational mission where education transcends the contractual act between the student and the teacher and lies on a more familial and paternalistic levels where the teacher or the principal assume the role of the parent who “is only cruel be kind”. Indeed, “students” the Chief of a Regional Education Department states, “are like the teacher’s children, she looses her temper sometimes (euphemism for beating them) but ultimately, she’s educating and teaching them”. “She is nice through her cruelty”, he adds.

Educational staff practicing corporal punishment at schools and administrators at the Ministry of Education tolerate corporal punishment until it reaches “unacceptable limits” delineated by the bleeding of the pupil. Another reason for justifying this belief is the resorting of a classical way in victim containment is to blame the deserving victim’s behaviour or even familial background. Indeed, the pupil who was physically abused by the teacher “must have been provocative”, or “exaggerating”. The officer confirmed this point by remembering a female student who “chapped her face with a razor and wrongfully accused the teacher who had been beating her”. In addition to the deserving and exaggerating student, another type of student is typically subject to corporal punishment: one coming from an already

\textsuperscript{21} Qastoun. The CDRP presented a different number of 60\%
\textsuperscript{22} Khreiss
\textsuperscript{23} Qastoun
\textsuperscript{24} Teacher, and inspector in a public school in tripoli
underprivileged background where “the mother is loose” and “the father is abusive”.

In a public school in one of the underdeveloped regions of Lebanon, a seventeen-year-old student intentionally placed glue on his teacher’s chair. The teacher’s trousers were glued to the chair causing his outrage and humiliation. The school principal called the student to his office and beat him. This incident was told by the principal himself, in the office of the Regional Chief of Education of the Muhafaza and in the presence of a highly ranked administrator within the Ministry of Education. Perhaps this illustrates best the seriousness of the practice of corporal punishment at schools on one hand, and the tolerance of regional and central administrators in charge of implementing the ministerial memorandum on the other.

2. REPORTING PROBLEM: The cultural issue related to the definition of corporal punishment and the tolerance of the educational staff and bureaucracy of its practice, contribute to the other problem of lack of reporting of cases of abuse. The reasons why there is only “one serious case per year” reported to the administration can be traced to the pupils and their families’ own perception of corporal punishment.

Indeed, corporal punishment is still seen across different Lebanese regions — although more so in the secluded and closed areas — as a normal and accepted form of discipline and education. Students therefore do not feel that they have been offended especially if they are subject to the same disciplinary measure at home. In that sense, students do not report to their parents about their mistreatment. In cases where they do, the students are convinced that they provoked the teacher and that they should not repeat what they had been doing.

The fear of retaliation by the teacher and the school is another reason behind the lack of reporting where pupils fear that teachers will increase their hostility towards them or their siblings.

If cases of abuse have been deemed serious, the parents do not resort to the administrative channels of the ministry of education or of the education inspection. Instead, parents typically resort to customary conflict resolution strategies involving the principal, requiring the teacher to apologise and the child “to forget about it”. In an example illustrating the extent of the practice of conflict resolution strategies that schools resort to, is an incident of a teacher “seriously” beating an eight-year-old student leaving fingerprints on the child’s face. The outraged mother complains to the school principal who summons the teacher. The regretful
teacher cries in remorse and the child’s mother cries with her out of compassion. The case was closed²⁶.

3. BUREAUCRATIC OBSTACLE: In addition to the problems that allow the practice and the lack of reporting of corporal punishment cases, there is the procedural obstacle that renders the process of reporting time consuming and highly bureaucratic. This reinforces the choice of conflict resolution techniques that both parents and offenders seek. Indeed, besides the administrative tolerance of corporal punishment, parents are often unable to medically prove that their child had been abused when spanking, slapping and slapping is practiced in a ‘studied’ fashion²⁷ in order not to leave incriminating marks. Hence, reporting of cases is already hampered by the requirement of the investigation that ends up filtering ‘mild cases’ that are more frequent.

4. LIMITED AUTHORITY: The different regional departments have authority limited to public schools only. Private schools, in which most of Lebanese students are enrolled, are in practice not under the Ministry’s bureaucratic authority and therefore cases of abuse in private schools remain in impunity, a point that will be developed further in the following section.

5. ARCHIVING: Lastly, the Ministry of Education and its bureaus do not have specialised and not even a general archiving system of complaints relating to corporal punishment. Indeed, cases of corporal punishment are restricted to the verbal realm and to the personal memory of public administrators. This is a recurring problem across Lebanese public administration, where archiving is not given importance, a point that directly affects the design of policies that tackle the issue of corporal punishment.

2. Private Schools

The position of private (secular and religious) schools regarding the practice of corporal punishment, and the consideration of the ministerial memorandum banning it, differs significantly from that of public schools. The differences lie on all of the preventive, monitoring, and disciplinary levels. The relationship of the private education sector with the Ministry of Education, is restricted to the Private Education Department at the Ministry that assumes the monitoring and disciplinary roles in private schools.

Policies towards corporal punishment vary according to each private school’s orientation and its teaching quality, which makes it difficult to establish a pattern for

²⁶ Director of a public school in the South
²⁷ Many interviewed teachers who practice corporal punishment have clearly declared that they beat children in the same “studied” and “considered” fashioned.
private schools like the one that was done for public schools. Nevertheless, it is possible to enumerate several points that unite trends in private education in Lebanon and the practice of corporal punishment (Table 3).

Preventive role: Private school’s administration

a. The preventive measures taken against the practice of corporal punishment in private schools are neither unified nor similar.
   - Some private schools do not have an explicit policy against corporal punishment and use it as a pedagogic disciplinary tool.
   - Other private schools have explicitly banned corporal punishment from their internal laws but they still practice it.
   - A third group of schools has explicitly banned corporal punishment and is consistent in implementing the banning policy.

Unlike public schools, private schools depend on their own regulations to prevent the practice of corporal punishment in schools and not out of compliance to national legislation and administrative authority. In other words, if the internal laws of a private school allow for corporal punishment, there is nothing the Ministry can do about it. Inversely, if a private school has banned corporal punishment from its policies, it was not due to the influence of the Ministry, but out of the school’s own conviction of the harmful effects of corporal punishment.

b. While private schools are more prepared to cooperate with international organisations and local NGOs about issues relating to corporal punishment, the conditions and limits of their cooperation depend solely on the policies of the current administration with no particular pattern to note. The cooperation of private schools with the Ministry of Education regarding the prevention of corporal punishment is said to be “non-existent”. This was confirmed by both the Ministry’s Department for Private Education and several private schools’ principals who had never heard of the ministerial memorandum banning corporal punishment.

c. Regarding the prevention of corporal punishment, the independence of private schools from the Ministry of Education meant that schools had the autonomy to establish anti-corporal punishment regulations way before the Ministry issued the memorandum. Positive moves like these are not characteristic to all private schools however. The same autonomy can be used in order to dismiss completely the memorandum of the Ministry and to preserve the school’s corporal punishment policies. On the preventive level, the autonomy of private schools either has helped it establish serious preventive measures or has left it excluded from the Ministry’s policies regarding corporal punishment. In sum, prevention depends exclusively on the school’s own convictions and orientations.
Monitoring role: Private schools and Department for Private Education

a. The monitoring of the application of anti-corporal punishment policies also varies between types of private schools and their orientation. Indeed, while some still tolerate slaps and smacks as mild and accepted disciplinary measures, others may expel a teacher for even threatening to slap a pupil. In other words, the effectiveness of monitoring depends on the school’s own definition of the accepted limits of corporal punishment. Monitoring the application of anti-corporal punishment policies depends on the school’s administration solely.

b. The cooperation of private schools with the Ministry of Education’s Private Education Department is said to be non-existent.

c. In theory, the Department of Private Education is entitled to access private schools in order to monitor the implementation of sanitary regulations in the schools and to note irregularities in the school’s disciplinary measures. The reality is different due to several interconnected factors that limit the action and the effectiveness of the Department for Private Education at the Ministry. In the Department there is a serious lack of political support for its monitoring prerogatives from the higher echelon of the Ministry of Education. The department is limited to eight personnel working in the whole country and on all private schools. When inspectors attempt to enter a private school, the principal typically uses networking to prevent the work of the inspectors or accuses the inspector of demanding a bribe. The political, material, and operational limits that affect the work of the Department for Private Education render it incapable of monitoring adequately the implementation of anti-corporal punishment laws in Lebanese private schools.

Disciplinary role: The school and the Department for Private Education

a. The two bodies responsible for implementing disciplinary measures against educational staff that breach the school’s regulations are the school administration and the Department of Private Education. The private school administration takes whatever measures it chooses. Whereas some schools choose to “overlook” mild cases of abuse, others are very keen on protecting their pupils from such practices.

b. The Department for Private Education has theoretically the power to cooperate with private schools towards the implementation of adequate corrective measures against educational staff. The Department may order the expulsion of a violent teacher or go as far as closing down the school.

Despite these theoretical prerogatives, the reality is different where the full authority lies exclusively in the hands of the private school administration. This was confirmed by both private school principals and the Department for Private Education that had given explicit examples of its limits of interventions in the
private school internal affairs. In effect, the Department for Private Education can only “pressure” the school to take adequate disciplinary measures. This point is best illustrated by the following incident told by a high administrator within the Department for Private Education:

My four-year-old daughter who is in a private school was slapped by her kindergarten teacher. I could not use my power in the Department for Private Education and confront the principal. I had to resort to other ways to prevent this incident from happening again.

c. Disciplinary measures taken against private schools’ educational staff in breach of internal policies banning corporal punishment is in practice executed by the private school’s administration only. While this may have positive effects when the private school is very serious about implementing its policies, this can also have extremely disadvantaging effects on the pupils in case the private school fails to apply it. This becomes a more serious issue made worse by the inability of the Department for Private Education to have a say in the implementation process.

Just like the situation in public schools, the reporting of corporal punishment cases is very scarce and does rarely reach the Ministry of Education for reasons relating to the same exercise of customary conflict resolution found in public schools. Indeed, networking and the fear of breaking social ties are at the root of the lack of reporting. The following incident occurring in a private school in Beirut was told by a principal of a public school in one of Beirut’s suburbs:

A five-year-old boy gained access to the teachers’ room and rang the school bell, which caused chaos in the school. The principal beat him and broke his arm. The child’s father, who is friends with the principal, not knowing what else to do, decided to take the child to the hospital and to forget about the incident.

Adding to the scarcity of reporting, there is an absence of documentation and archiving of the few reported cases. Indeed, the reported cases are circulated within the Ministry’s bureaucracy and are “ultimately lost.”

3. Corporal punishment in UNRWA schools

The following section introduces the situation of Palestinian refugee children regarding corporal punishment. This section explores the role of UNRWA in banning corporal punishment at schools. Baring in mind that corporal punishment taking place in Palestinian schools is subject to the same criminal code that other Lebanese schools are.

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28 Interview with Souad Haraki, Director of Chiah Public School, Ministry of Education, February 2004
29 Interview with Imad Ashqar, Director of Department for Private Education, Ministry of Education, January 2004
subject to, the particularity of the Palestinian situation regarding corporal punishment lies in the nature of the authority of UNRWA over the educational sector of Palestinian refugees (Table 3).

**Preventive role**

The creation of the law forbidding corporal punishment at UNRWA schools is said to have followed the witnessing of an incident of corporal punishment in Shatila camp by a group of donor agency representatives\(^{30}\). Following that incident, UNRWA Education Department was pressured to take action against such disciplinary practices. The law was issued in October 1993.

The Educational Technical Instructions\(^{31}\) circulated in UNRWA’s schools provides a clear definition of corporal punishment detailing the limits of unacceptable disciplinary measures. The Instructions equally detail the preventive, monitoring and disciplinary roles of the Chief of Field Education, school principals and teachers.

Regarding prevention, UNRWA has resorted to parallel its policies against corporal punishment with the introduction of human rights and children rights in its curriculum in thirteen schools so far (or the 1/6 of the total UNRWA schools). This point is very important in introducing children to their rights and therefore changing their perception of corporal punishment. The introduction of human rights topics however, does not necessarily entail changes in the teachers’ perceptions. Indeed, prevention whether in UNRWA or Lebanese public and private schools remains incomplete without the reform of the teachers’ pedagogic skills.

**Monitoring role**

The collaboration of UNRWA Education Department with other governmental, non-governmental and international organizations in monitoring the strict law banning corporal punishment at schools seems inadequate on several levels.

Since UNRWA schools fall under the exclusive jurisdiction of UNRWA Education Office, the Lebanese Ministry of Education’s Private Education Department, like all Lebanese administrative bureaus, has neither preventive nor intervention authority in the camps and their schools\(^{32}\). NGOs working on a Lebanese national scale or those working with Palestinian refugees are also excluded by the implementation of the law banning corporal punishment where coordination is said to take place on developmental issues and not particularly on corporal punishment\(^{33}\). UNRWA considers the prevention of corporal punishment a strictly internal affair where even collaboration with other UN agencies like UNICEF is perceived as a breach of UNRWA’s autonomy and authority\(^{34}\).

\(^{30}\) Palestinian Program Section, UNRWA, February 2004  
\(^{31}\) Education Technical Instructions, UNRWA  
\(^{32}\) Imad Ashqar  
\(^{33}\) Afaf Younis, Chief, Field Education Program, UNRWA, February 2004  
\(^{34}\) Nahi Abdennour, Programme Officer, Palestinian Program Section UNICEF
Implementation role

If cases of physical abuse — “however slight” — are reported, the educational staff is given first and second written warnings. In the event of a third offence, the staff is given a third warning announcing the instant termination of his/her service following the subsequent offence.

In serious physical punishment cases resulting in external harm, the staff receives a first and second warning after which his/her service is suspended following a medical report confirming the seriousness of the inflicted injuries.

In severe cases of corporal punishment resulting in the hospitalization of the pupil, the education staff’s services is suspended until further notice following the establishment of an investigation committee that is expected to present a detailed report on the event, along with relevant medical evidence, and its recommendations. The recommendations will be then forwarded to the Field Officer and to the Direction of Administration and Human Resources Department, who will convene with the Disciplinary council in order to determine the adequate disciplinary measures.

The strength of the guidelines banning corporal punishment at UNRWA schools lies in its being the first to be issued on Lebanese territories tackling corporal punishment in detail being issued eight years before the Lebanese ministerial memorandum of 2001. Indeed, in detailing the disciplinary measures taken against teachers in breach of the law, UNRWA has set high standards of respect of children’s rights. The law contributes to the implementation of the UN Convention on the Rights of the Child stipulating the protection of children from violence and harsh disciplinary measures at school. The implementation of the guidelines however, remains problematic. This is due to several problems that impede cases from being reported to the Field Officer.

1. CULTURAL ACCEPTANCE OF CORPORAL PUNISHMENT: The first is related to the cultural internalization of violence as an adequate disciplinary strategy.

The perception that children have of their rights is at the source of the demotivation to try to change the current order and to help implement the law. Indeed, most of the children interviewed in one of UNRWA’s schools, did not think that slapping and spanking are violent practices. For the majority, violence starts with kicking and beating but remains an acceptable disciplinary measure that the child “must have done something wrong” to deserve. Few are those who believe that violence is counterproductive. Even those who do, when asked about how they would react to a case of abuse, they advise the abused pupil to “apologize to the teacher” and “to never do it again”.

Furthermore, this attitude is paralleled by that of the teaching staff whose definition of corporal punishment differs highly from that presented by the law banning corporal punishment at UNRWA schools. Indeed, some principals and
teachers believe that spanking and slapping are still a good disciplinary strategies without which, “children will never learn”. When asked about the impact of the law banning corporal punishment, some teachers say that the law is inadequate and contributes to “raising a generation of spoiled men”. One teacher admitted that he has only stopped inflicting corporal punishment on his students, as often as he used to, not because he believes it is harmful, but because it has become illegal. Students, he adds, “can now complain” resulting in his suspension.

The impact of the law, as it appears, lies in limiting the frequency of the occurrence of corporal punishment without having changed the mentality of the educational staff whose initial formation and psychological health is admittedly questionable. In the words of a nine year old pupil,

sticks are not displayed in the principal’s office anymore, they are just hidden behind his door.

2. LACK OF REPORTING: The cultural internalization of violence as an adequate disciplinary means partly justifies the scarcity of cases reported to the Field Education Chief who admitted the reporting of “three serious cases in the last six years” only. An additional reason behind the lack of reporting is the practice of customary conflict resolution to resolve cases of corporal punishment against children. In the context of closed or small communities, families tend to resort to paralegal channels to resolve conflict in order to avoid familial and community clashes. Offense cases are closed following the apology of the offender to the guardian of the students through the mediation of the principals.

In some cases, the trauma of the child is increased when the offender is also a friend of the child’s parents who either do not mind the teacher’s disciplinary manners or are not aware of them, as the child is afraid of reporting. In the words of an eight-year-old pupil at one UNRWA school:

This teacher is very aggressive with my friends and me. He would beat me at schools and later in the evening come to visit my father, drink coffee, and play backgammon. When I hear his voice, I ran to my room and hide between the beds.

3. BUREAUCRATIC OBSTACLES: Another obstacle to the adequate implementation of the law banning corporal punishment at UNRWA school is the bureaucratic nature of the complaint procedure. ‘Mild cases’ of corporal punishment have to be initiated by a written note by the pupil’s guardians and investigated afterwards. Serious cases also have to be initiated by a written form adding to the medical proof of assault. The requirement of a written form by the parents may be seen as a first administrative obstacle. Many parents may be intimidated by this condition, bearing in mind that many of the pupils’ parents are

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35 Afaf Younis
semi-literate if not illiterate. Furthermore, the condition of providing a medical
report to support cases of serious assault does not always work for the best
interest of the child, unless the assaulted pupil gets a medical report in the first
hours of the assault.

3. ARCHIVING: Finally, the conditions of the Educational Technical Instructions
entail that cases be reported and archived. The absence of archiving systems for
even the few reported cases \(^{37}\) seriously affect the assessment of improvements in
the implementation policy of UNRWA’s Field Education Department.

4. Discrepancies in implementation and their implications

The previous sections showed how public, private and UNRWA schools have different
positions regarding corporal punishment. As discussed earlier, discrepancies between and
within each school system regarding preventive, monitoring and disciplinary measures
exist on a wide scale (Table 4).

Regarding the establishment of preventive measures, public schools and UNRWA
schools have shyly introduced preventive measures against the practice of corporal
punishment in their schools. Preventive measures remain incomplete however in the
absence of qualified and trained educational staff to implement them. Private schools’
position towards preventive measures remains inconsistent as it depends on the
educational quality of the school itself. Some schools had adopted anti-corporal
punishment regulations way before the Ministry of Education did, while other have yet to
be convinced of the harm of corporal punishment and to establish adequate preventive
regulations.

Public, Private and UNRWA schools are subject to similar problems regarding the
monitoring of the implementation of anti-corporal punishment law. The main problem is
the lack of reporting attributed to cultural and social reasons and the absence of archiving
tools. What sets public schools aside however is the presence of several monitoring
bodies like the Ministry’s different regional and internal bureaus and Educational
Inspection Department that work on implementing the ministerial memorandum. These
bodies have neither the legal, nor the practical authority over private and UNRWA
schools. This entails that private and UNRWA schools are themselves responsible for the
monitoring and their own internal regulations. In other words, the Ministry cannot know
the extent or the success of the implementation of anti-corporal punishment policies in
these schools. Even if it did, it cannot intervene.

On a disciplinary level, public and UNRWA schools have a common trait of being
bureaucratic in implementing disciplinary measures against education staff in breach of
corporal punishment regulations. Private schools, for their part have the full authority and
responsibility of implementing their regulations although this authority depends solely on
the seriousness of the private school in implementing its own laws.

\(^{37}\) Afaf Younis
What are the implications of these discrepancies however on both the practice of corporal punishment and on the spirit of the UN Convention on the Rights of the Child?

One of the implications is that private schools that are serious about implementing anti-corporal punishment policies have the full material and administrative power to do so. This puts them on a higher level than public schools whose actions are shackled by the problems enumerated earlier.

Private schools, which are not willing to adopt anti-corporal punishment regulations, are the most dangerous. Their independence from external administrative regulations renders them free from any accountability. Since private schools enroll 64% of Lebanese pupils, monitoring the situation of private schools should be a priority in any struggle to stop corporal punishment in Lebanese schools.

The different administrative measures, which apply to different schools under different circumstances, raise a serious question of discrimination. Children in Lebanon who suffer from corporal punishment at schools are treated differently if they are Lebanese or Palestinians, if they go to a public school or to a private school or if they go to a higher level private school or to a lower level private school. This raises additional questions about the seriousness of Lebanon’s commitment to article 2 of the UN Convention for Children’s Rights providing that

(State Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

IV. TOWARDS CORPORAL PUNISHMENT-FREE SCHOOLS: GOALS AND CHALLENGES

The previous sections have retraced the question of corporal punishment through a description of the national educational situation and through the exploration of public and private Lebanese and UNRWA school systems. The treatment of corporal punishment, as it was argued, is both the responsibility of the Lebanese penal code that affects all public, private, and UNRWA schools. Tensions within the legal system exist where children do not benefit from laws protecting adult citizens from harm.

In parallel, the ban of corporal punishment is also the responsibility of the bureaus of the Ministry of Education whose legal and practical authorities cover Lebanese public schools alone. Private schools, which are not willing to adopt anti-corporal punishment regulations, are the most dangerous. Their independence from external administrative regulations renders them free from any accountability. This leaves the majority of Lebanese pupil outside the jurisdiction of the Ministry as the majority of pupils are either in private Lebanese or in UNRWA schools. Since private schools enroll 64% of
Lebanese pupils, monitoring the situation in private schools should be a priority in any struggle to stop corporal punishment in Lebanese schools.

Hence, in their internal and external conflicts, the Lebanese legal and administrative systems have created different standards to be applied in different contexts benefiting different kinds of students. This is in breach of the spirit and the articles the CRC that aim at protecting children from all forms of discrimination calling for State Parties to unify their legislative and administrative bodies in order to ensure the best interest of the child.

The last section of this study presents the main goals to be achieved in order to end the practice of corporal punishment in Lebanon. The first part discusses the long-term desired goals to ban corporal punishment in legislation and to ensure the implementation of anti-corporal punishment laws. The second part will discuss in detail short-term goals to be achieved towards the implementation of such goals.

1. Long term goals

The protection of children from corporal punishment at schools in Lebanon can be achieved by working on three major interdependent and necessary long-term achievements:

   a. Unified and non discriminatory domestic laws
   b. Ensure better implementation strategies
   c. Changes in cultural perceptions of corporal punishment

2. Short term goals

Short terms goals that will help achieve the complete ban of corporal punishment in schools in Lebanon affect three major contexts on several interconnected levels.

In legislation

Throughout this paper, I have tried to show how legislation tackling the issue of corporal punishment is:

- Internationally opposed to the UN Convention on the Rights of the Child
- Internally divided between laws that sanction corporal punishment and the ministerial memorandum that bans it completely.
- Internal inconsistencies between laws that sanction corporal punishment and others that protect endangered juveniles
- Besides being disjointed, Lebanese legislation is also discriminatory against children by being excluded from criminal law regarding their protection from harm and by being subject to
article 186 that sanctions their being subject to corporal punishment by their teachers.

a. **Unifying national legislation** in spirit and the requirement of the CRC in order to design not only remedial laws that ban corporal punishment at schools but also preventive ones by eliminating article 186 from the Code of Criminal Justice and introducing laws that explicitly ban corporal punishment in all schools in Lebanon.

b. **Removing discrimination from Lebanon’s domestic laws.** It is the responsibility of the Lebanese parliament and in accordance with the requirements of the CRC to eliminate article 186 from the Code of Criminal Law.

c. **Institutionalising the application of Article 18 of the CRC** that calls for State parties to ensure that school discipline is administered in a manner consistent with the child's human dignity.

**In legal implementation**

The implementation of legislation banning corporal punishment at schools will be possible through the consideration of the following points:

a. **The increase of Juvenile Protection department’s authority** and its material and political empowerment are crucial to the achievement of the Department’s set goals.

b. **Establish and maintain links with juvenile judges** to remind them of the importance of applying CRC articles regarding the protection of children in criminal cases

c. **Acquire special legal status:** is vital for NGOs working in children rights to acquire special legal status that will give them increasing powers in raising suits and representing the assaulted child

**Public administration**

This paper has shown how public administration entrusted with the implementation of anti-corporal punishment laws suffers from material, legal, and operational constraints that limit its effectiveness in monitoring anti-corporal punishment laws. Having authority over public schools only, the public administration is unable to exercise its authority over private and UNRWA schools, which contributes to the creation of multiple standards towards child protection.

a. On the preventive level:
Empower the role of the Department of Guidance and Counselling within the Ministry of Education

- According to the Department increased political and material support
- Encouraging its strategic cooperation with the Higher Council for Childhood
- Enforcing practical collaboration with the Department for Education Inspection
- Increasing its authority in order to reach private schools in Lebanon

b. On the monitoring level:

Empower the Department for Education Inspection

- Reforming its bureaucracy in order to encourage the implementation of the best interest of the child and reduce the timely and bureaucratic investigation process
- Increasing its cooperation with different governmental bodies and departments
- Enforcing its authority over private schools

c. On the disciplinary level:

The Ministry of Education should

- Ensure that the newly recruited educational staff is acquainted with modern pedagogic skills and connect their employment to a psychological assessment
- Improve the pedagogic skills of the existing educational staff
- Monitor the adequate implementation of the ministerial memorandum in the Lebanese regions
- Render the investigation process of abuse cases less bureaucratic and less time-consuming in the spirit of preserving the best interest of the child
- Empower the Department for Private Education and therefore achieving full and unconditional authority over all private schools in Lebanon.

Stakeholders in the implementation process

Children, parents, educational personnel, NGOs, international organisations, and the media, are all stakeholders in the implementation process.

Whereas this paper was concerned with legal and administrative implementation of laws against corporal punishment, it nevertheless proposes several levels of action in which stakeholders in the implementation process may take part.
a. Establish corporal punishment as a priority for action

b. Establish and sustain links with civil society members working on corporal punishment against children

c. Work on the redefinition of corporal punishment in order to exclude even “mild” forms of corporal punishment from accepted pedagogic tools

d. Organise awareness-raising campaigns in order to challenge the cultural acceptance of corporal punishment

e. Work towards the creation of a national database that gathers research and activities regarding corporal punishment at schools

CONCLUSIONS

Throughout this paper, I have tried to analyze the legal and administrative contexts surrounding the practice of corporal punishment in schools in Lebanon. I have pointed out frictions within each framework that impede the implementation of policies against the practice of corporal punishment in schools.

This paper shows how Lebanese legislation is at odds with the UN Convention on the Rights of the Child on several points. Indeed, the best interest of the child, the amendment of domestic legislation in compliance with the Convention, the protection of the child from all forms of physical and mental violence and the guarantee that school discipline is administered in a manner consistent with the child’s human dignity are all not considered in the current administrative and legal contexts.
Furthermore, this paper has tried to show how the current legal and administrative contexts infringe on another major article in the Convention that demands the protection of children from discrimination. Indeed, children in Lebanon are subject to different regulations regarding corporal punishment whether they are in Lebanese private or public schools, whether they are in a higher or lower-level private school or whether they are in UNRWA schools. The current situation has created different standards of monitoring and implementing anti-corporal punishment laws and thus has contributed to the sustenance of differences and the promotion of discrimination.

Facing these legal and administrative challenges, I aimed at presenting recommendations for the design of a plan of action that will face the legal and the administrative inconsistencies, working towards the complete and adequate implementation of the UN Convention on the Rights of the Child, of which Lebanon was one of the first signatories.

REFERENCES

- The Coordination Forum of NGOs working in the Palestinian Community (May 2001) Second Supplementary Report on the Rights of the Palestinian Child in Lebanon
CORPORAL PUNISHMENT AT A LEBANESE PUBLIC SCHOOL: AN EXPERIENCE

The school is located in one of the poorest suburbs of a Lebanese coastal city. The school itself is in a 1930s colonial building. The conditions of the building are deplorable; the stairs that lead to the apartment-school are broken and fenceless. The school is a big apartment. There is one section for each class and classes are crowded and small. Teachers are sitting around a gas heater having coffee. The principal is not there. Apparently he is rarely there, one of the teachers did not know his surname.

The hall between the classes is poorly furnished and poorly decorated for a school. There is a big aquarium with several fish and there is something similar to a theatre stage made up of a curtain placed in front of the stairs leading to the second floor, which is another school. The humidity is very high and there is barely enough light in the rooms.
The teacher was happy to leave the class when I asked her to be alone with the children. Then the supervisor showed up and ordered them to answer my questions correctly or else they would be punished. Later I learned what his speciality is. Introducing myself, I told them that I was doing research on children’s rights in Lebanese schools and that I needed their help. First I asked them to define the age bracket of a child, or “who the child is?”. Starting from zero, the answers varied between 4 and 9 as the maximum age for children. When I told them that they should guess again and that a child is defined as above 9, they all corrected themselves saying 11 or 12. None said beyond 12. When I said that a child is considered a child until the age of 18, they all looked at me in disbelief.

Their knowledge of their rights is minimal. They could only mention the right to education. The rest came with difficulty. When asked about the rights of children in times of war, they said that the right of the children is to hold guns and shoot people. When asked what they would do if they saw someone who looks completely different from them (introducing the right to protection from discrimination), some said they would beat or kill him. Only one child mentioned the right to be protected from violence.

When asked what they thought about corporal punishment they all (with no exception) said that they think it is a good way for education because without corporal punishment, children would never learn. When I announced that it was illegal, and asked whether they would change their minds after knowing that, they did not. They thought it was normal and without it children will never learn and that children should be beaten if they can’t do their homework or if they don’t obey the teacher. The only problem about it, they said, is that teachers might be expelled if the general inspector sees them beating children.

After explaining to them the reason for the children’s rights competition, they all became very excited to submit an essay. They all wanted to know what there was to win. They were so happy with the UNICEF posters, which were the only colourful things in their schools. They kept looking at them happily. But they all pointed out at a 10 year old boy who cannot contribute to the competition because he “cannot write or read”. Then they told me that they are beaten at school very frequently. Looking around, I saw on the teacher’s table two long (75 cm) sticks. One is very thick with splinters and the other is thinner. They are not rulers for math classes because they are not numbered nor are they thin to be used on a blackboard, they are torture tools.
When asked what the sticks were for, the teacher (early 30s) said that she uses them to keep the children silent or else they will not listen to her because they all come from extremely poor and troubled backgrounds. She said she could not teach without the sticks.

The school supervisor (in his 60s) said that he is there to correct the children showing me the sticks that he would take to the school playground. He is very certain that this is the only way for the children to learn. When asked when he would hit the children, he said that when they beat each other in the playground, when they are rude to the teachers or when they do not do their homework. He knows it is illegal but he said he has to do it. When asked what the limits of beating are, he said that they would beat only with two sticks. He showed me the stick he was going to use in the playground.

[2] Questions asked to 250 pupils in schools in Beirut, Tripoli and Tyre

1. What is the age limit of childhood?
2. What are the rights of the child?
3. Do you think you should add anything to the rights?
4. How do you define violence at school?
5. Is slapping an expression of violence at school?
6. Is beating an expression of violence?
7. Is beating with a stick an expression of violence at school?
8. Do you think it is a useful pedagogic tool?
9. If you knew that corporal punishment is illegal at school, would you change your mind?
10. If a friend of yours gets hit at school, what would you advise your friend to do?
TABLE 1: WHAT CAN BE DONE IN LEBANESE PUBLIC SCHOOLS?

→ Possible choice
…… Weak/no coordination

CORPORAL PUNISHMENT CASE

POLICE ———— MINISTRY OF EDUCATION ———— EDUCATION INSPECTION DEPARTMENT

TABLE 2: WHAT CAN BE DONE IN LEBANESE PRIVATE SCHOOLS?

→ Possible choice
…… Weak/no coordination

CORPORAL PUNISHMENT CASE

POLICE ———— MINISTRY OF EDUCATION
Table 3: What can be done in UNRWA schools?

→ Possible choice
…… No coordination

Corporal punishment case

Police  ———————————————————— Field Education Department

Table 4: Types of schools in Lebanon, their inclusion in the CRC, their compliance with the criminal code and the authority of the ministry of education over them

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<th>Ministry of Education</th>
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