



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

BRIEFING ON SYRIAN ARAB REPUBLIC FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, PRESESSIONAL WORKING GROUP – Oct 2013

*From Peter Newell, Coordinator, Global Initiative
info@endcorporalpunishment.org*

The human rights obligation to prohibit corporal punishment – a key strategy in eliminating all forms of violence

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence. As the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006), addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”.

The near universal acceptance of a degree of violent punishment in childhood and deeply held views that parents and other adults have a “right” to physically punish children can challenge efforts to achieve prohibition. This situation also means that corporal punishment – at least to some degree – is typically not readily perceived as a violent act in the same way as, for example, sexual and other socially unacceptable forms of violence. Physical violence against girls and boys in their own home is typically assumed not to be domestic violence because it is inflicted under the guise of “discipline” or “correction” – a rationale totally unacceptable when the victim is an adult woman. **It is for these reasons that we respectfully urge the Committee on the Elimination of Discrimination Against Women to specifically recommend that corporal punishment be prohibited in the home and all settings.**

This briefing describes the legality of corporal punishment of children in Syrian Arab Republic. In light of General Recommendation No. 19 on Violence against women (1992), the links between corporal punishment of children and all other forms of violence including gender-based violence, and the recommendations of treaty monitoring bodies, we hope the Committee on the Elimination of Discrimination Against Women will:

- **raise the issue of corporal punishment of girls in its List of Issues for Syria, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and**
- **recommend to Syria, in the concluding observations on the second state party report, that corporal punishment is explicitly prohibited in all settings, including the home, as a matter of priority.**

1 The state party's report to CEDAW

- 1.1 The second state report of the Syrian Arab Republic to CEDAW (CEDAW/C/SYR/2) makes no reference to corporal punishment – violence inflicted on girls and boys in the guise of discipline in childrearing and education.

2 The legality and practice of corporal punishment of children in Syria

- 2.1 *Summary*: In Syria, corporal punishment of children is unlawful as a sentence for crime but it is lawful in all other settings – the home, alternative care settings, day care, schools and penal institutions.
- 2.2 *Home (lawful)*: The Penal Code 1949, which is based on the Lebanese Penal Code, permits parents and teachers to discipline children “as sanctioned by general custom”. Paternal guardianship is governed by the Personal Status Act 1953 and includes the exercise of disciplinary authority (article 170). UNICEF’s major 2010 analysis of child discipline in 2005-2006 found that in Syria 89% of 2-14 year olds had experienced violent “discipline” (physical punishment and/or psychological aggression) in the month prior to the survey; nearly a quarter had experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement)¹
- 2.3 In 2012, a comprehensive Child Rights Bill was under discussion which would reportedly integrate all the provisions of the Convention on the Rights of the Child and had been pending for adoption since 2006.² We do not know if the Bill would prohibit corporal punishment.
- 2.4 *Alternative care settings (lawful)*: There is no explicit prohibition of corporal punishment in alternative care settings. It is lawful as for parents under the Penal Code 1949 and the Personal Status Act 1953 (see para. 2.2).
- 2.5 *Day care (lawful)*: There is no explicit prohibition of corporal punishment in early childhood care and in day care for older children. It is lawful under the Penal Code 1949 and the Personal Status Act 1953 (see para. 2.2).
- 2.6 *Schools (lawful)*: Corporal punishment is lawful in schools under the Penal Code 1949 (see para. 2.2). The Ministry of Education has issued decisions and orders stating that children should not be subjected to physical punishment, and encouraging teachers to use dialogue and other methods of discipline, but there is no explicit prohibition of corporal punishment in law.
- 2.7 *Penal institutions (lawful)*: There is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions.
- 2.8 *Sentence for crime (unlawful)*: There is no provision for judicial corporal punishment in the Juveniles Act 1974 or the Penal Code 1949.

3 Recommendations by human right treaty monitoring bodies

- 3.1 *CRC*: The Committee on the Rights of the Child first expressed concern at corporal punishment of children in Syria in its concluding observations on the state party’s initial report in 1997.³ In 2003 and again in 2012 the Committee recommended that corporal punishment be prohibited in the home and in all other settings.⁴

¹ UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

² 8 February 2012, CRC/C/SYR/CO/3-4, Concluding observations on third/fourth report, para. 12

³ 24 January 1997, CRC/C/15/Add.70, Concluding observations on initial report, paras. 17 and 28

⁴ 10 July 2003, CRC/C/15/Add.212, Concluding observations on second report, paras. 36 and 37; 8 February 2012, CRC/C/SYR/CO/3-4, Concluding observations on third/fourth report, paras. 53, 54, 71 and 72

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
September 2013