



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

SYRIAN ARAB REPUBLIC
BRIEFING FOR THE HUMAN RIGHTS COUNCIL
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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

Summary

This briefing describes the legality of corporal punishment of children in the Syrian Arab Republic despite the repeated recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including in the home and schools, and urge the Government to enact legislation to achieve this as a matter of priority.

1 Legality of corporal punishment in the Syrian Arab Republic

1.1 Corporal punishment is lawful in the **home**. 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). In 2009, a draft Child Protection Code and Civil Code were under discussion but we have no further information. According to statistics from UNICEF on violence in the family, 87% of children aged 2-14 experienced physical punishment and/or psychological aggression in 2005-2006; 21% were hit on the face, head or ears, hit repeatedly or hit hard.¹

1.2 Corporal punishment is lawful in **schools** under the Penal Code (see above). 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.

1.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime – there is no provision for it in the Juveniles Act (1974) or the Penal Code – but it is not explicitly prohibited as a disciplinary measure in penal institutions.

1.4 There is no explicit prohibition of corporal punishment in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 The **Committee on the Rights of the Child** has twice recommended that the Government of Syria prohibit corporal punishment in all settings including the home and schools – in 2003 in its concluding observations on the second report (CRC/C/15/Add.212, paras. 36 and 37) and in 1997 on the initial report (CRC/C/15/Add.70, paras. 17 and 28).

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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¹ UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF