

Ending family violence in Lebanon – confronting physical punishment of girls and boys



Information for the Committee on the Elimination of Discrimination Against Women from the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), September 2015

Introduction: family violence in Lebanon and CEDAW's examination of the fourth/fifth state party report

UNICEF's major analysis of data on child discipline found that in 2011, 82% of 2-14 year olds in Lebanon had been violently "disciplined" in the home in the month prior to the survey.¹ Violent punishment of children has a long and deep rooted history of social and legal acceptance. Even to this day, unless it is severe it is not readily perceived as "violence" per se or as an assault on a child's human dignity. Except in states where it has been explicitly challenged through law reform and public education and awareness raising, it remains taken for granted in childrearing. For all these reasons, unless the law sends a clear message that all physical punishment, however light, is prohibited, it will continue to be considered lawful. The law in Lebanon specifically allows children to be disciplined according to "general custom": recent reform has strengthened protection from "domestic violence" but it remains the case that adults must not assault one another but they can – and do – assault their children in the name of "discipline".

We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of violent punishment of girls and boys in its examination of Lebanon. In particular, we hope the Committee will:

- **in its concluding observations on the fourth/fifth state party report, recommend that Lebanon ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation is enacted to prohibit domestic violence against all family members, including clear prohibition of all physical punishment of children.**

The remainder of this briefing provides the following further details:

1. Information provided to CEDAW by Lebanon in respect of corporal punishment
2. The current law relating to family violence and corporal punishment of children in Lebanon and immediate opportunities for reform
3. Treaty body and UPR recommendations on the issue made to Lebanon to date.

1 Information provided by Lebanon to CEDAW in respect of corporal punishment

1.1 Lebanon's fourth/fifth state party report describes efforts by Government and civil society to combat violence against women² but makes no reference to corporal punishment of children – violence which may lawfully be inflicted on girls and boys. The report refers to a proposed new law to protect women and other family members from domestic violence³ but as noted below this law does

¹ UNICEF (2014), *Hidden in Plain Sight: A statistical analysis of violence against children*, NY: UNICEF

² 15 May 2014, CEDAW/C/LBN/4-5, Fourth/fifth state party report, paras. 66-79

³ 15 May 2014, CEDAW/C/LBN/4-5, Fourth/fifth state party report, para. 11

not prohibit all corporal punishment.

- 1.2 The report refers to Lebanon's acceptance of recommendations made during the UPR in relation to honour crimes.⁴ We would draw the Committee's attention to Lebanon's acceptance on the same occasion of a recommendation to harmonise its legislation with the Convention on the Rights of the Child (see below): such harmonization requires clear prohibition of all violent punishment.
- 1.3 The list of issues for Lebanon adopted by the Committee asks whether the bill to protect women from domestic violence "includes a definition of violence that covers all forms of violence against women".⁵ In its reply, the Government sets out the definition and some details of the new law. We note that there is no reference to physical punishment of girls and boys by parents and other carers and can confirm that the new law does not protect children from this form of domestic violence.

2 Laws on domestic violence and corporal punishment of children in Lebanon and immediate opportunities for prohibiting violent punishment of girls and boys

Summary

- 2.1 In Lebanon, legal reform in recent years has strengthened prevention of and protection from domestic violence, but it has so far failed to prohibit all violent punishment of children at the hands of their parents: the promotion of homes free from violence continues to be undermined by an inadequate legislative framework. The Penal Code is being revised but to date proposals do not include prohibition of corporal punishment.

Detail

- 2.2 Law 293 on the Protection of Women and Other Family Members from Domestic Violence 2014 defines "domestic violence" as "any act, refrainment from acting, or threat committed by a family member against one or more family members ... that entails an offense stipulated in this law and results in homicide or physical, psychological, sexual or economic harm".⁶ The law does not explicitly prohibit all corporal punishment in childrearing.
- 2.3 Article 186 of the Penal Code states: "The law permits the types of discipline inflicted on children by their parents and teachers as sanctioned by general custom." In defining a youth as "endangered", article 25(2) of Law 422 for the Protection of Juvenile Delinquents and Endangered Juveniles 2002 refers to "physical assault that surpasses the limits of what is deemed culturally accepted as harmless corporal punishment".
- 2.4 **Protecting children from violent punishment in the home in Lebanon requires clear prohibition of all corporal punishment and repeal of all legal defences for its use in childrearing. The revision of the Penal Code provides a key opportunity for explicitly prohibiting corporal punishment of children by parents and thereby sending a clear message that the family home is a place where no form of violence is tolerated.**

3 Recommendations by human right treaty monitoring bodies and during the Universal Periodic Review

- 3.1 Lebanon has received repeated recommendations concerning prohibition and elimination of corporal punishment of children from the Committee on the Rights of the Child (2006, 2002, 1996).⁷

⁴ 15 May 2014, CEDAW/C/LBN/4-5, Fourth/fifth state party report, para. 12

⁵ 16 March 2015, CEDAW/C/LBN/Q/4-5, List of issues, para. 9

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

⁷ 8 June 2006, CRC/C/LEB/CO/3, Concluding observations on third report, paras. 41 and 42; 21 March 2002, CRC/C/15/Add.169, Concluding observations on second report, paras 38 and 39; 7 June 1996, CRC/C/15/Add.54, Concluding observations on initial report, para. 37

3.2 During the Universal Periodic Review of Lebanon in 2010, the Government accepted a recommendation to “bring domestic law into full compliance with the Convention on the Rights of the Child”.⁸

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