



Secretariat of the Committee against Torture
UNOG-OHCHR
CH-1211 Geneva 10
Switzerland
By Post and e-mail: cat@ohchr.org

07 April 2017

Re: Information on Lebanon for Consideration by the Committee against Torture at its 60th Session (18 April – 12 May 2017)

Dear Distinguished Committee Members,

We respectfully submit this letter to the Committee against Torture (“the Committee”) for its 60th session meeting, taking place 17 April 2017 – 12 May 2017, including on Lebanon’s initial periodic report for review. Equality Now, the Lebanese Council to Resist Violence against Women (LECORVAW), ABAAD-Resource Center for Gender Equality, and the Committee for the Follow-Up on Women’s Issues (CFUWI), are writing to express our concern about human rights violations faced by women and girls in Lebanon. This letter focuses on Lebanon’s obligation under Article 1 (non-discrimination) and Article 2 (obligation to prevent torture, including through legislative measures) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“the Convention”) to address discrimination in the law with regards to the exemption from punishment of offenders, including rapists, who marry their victims.

Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our membership network comprised of individuals and organizations in over 190 countries. The Lebanese Council to Resist Violence against Woman (LECORVAW) is a non-governmental organization working for the purpose of fighting and resisting all forms of violence against women and gender based violence in Lebanon. The Committee for the Follow-Up on Women’s Issues (CFUWI) is a Lebanese non-governmental organization working, since 1996, to develop the participation of women at all levels of social, economic, and political aspects of life, and also to revise the role of women and to eliminate all types of discrimination against women. ABAAD is a Lebanese non-profit, non-politically affiliated and non-confessional civil association that aims to achieve gender equality as an essential condition to sustainable social and economic development in the Middle East and North Africa region. ABAAD seeks to promote equality and active participation through policy development, legal reform, gender mainstreaming, eliminating discrimination, in addition to supporting the advancement of women and empowering them to participate effectively and fully in their communities. ABAAD is a pioneer organisation, in both Lebanon and the MENA region, whose work involves engaging men in masculinities, and ending violence against women as one of its main pillars.

Exemption of rapists from punishment upon marriage

Article 522 of the Lebanese Penal Code stops prosecution or execution of a penalty when the perpetrator of a rape, kidnapping, or statutory rape marries the person he has raped or kidnapped.¹ This article violates the principles of protection from torture and other cruel, inhuman or degrading treatment or punishment under Article 2 of the Convention.

The Committee's General Comment No. 2 paragraph 18 on the Implementation of article 2 by States parties explicitly confirms the principle of protection with regard to gender-based violence, including rape, in stating "Since the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with impunity, the State's indifference or inaction provides a form of encouragement and/or de facto permission. The Committee has applied this principle to States parties' failure to prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation, and trafficking."(CAT/C/GC/2, ¶18).

We also note that the Committee on the Rights of the Child's recent joint recommendation with the Committee on the Elimination of Discrimination against Women on harmful practices recognizes that this specific "legislation that enables a perpetrator of rape and/or other sexual crimes to avoid sanctions through marriage to the victim," is "contrary to the obligation of the States parties under both conventions" (CEDAW/C/GC/31- CRC/C/GC/18, ¶41). As Equality Now discusses in its recent report, *The World's Shame - The Global Rape Epidemic - How Laws Are Failing to Protect Women and Girls*,² these types of laws help fuel the global rape epidemic and, in addition to a being in violation of the Convention, are incompatible with the Sustainable Development Goals adopted by UN member states in September 2015.

Article 522 is clearly discriminatory in nature, and thus according to Section V. on Protection for individuals and groups made vulnerable by discrimination or marginalization (paras. 20-22) of General Comment No. 2, "States parties should, therefore, ensure the protection of members of groups especially at risk of being tortured, by fully prosecuting and punishing all acts of violence and abuse against these individuals and ensuring implementation of other positive measures of prevention and protection" (para 21). In addition, the Comment explains that, "Being female intersects with other identifying characteristics or status of the person such as race, nationality, religion, sexual orientation, age, immigrant status etc. to determine the ways that women and girls are subject to or at risk of torture or ill-treatment and the consequences thereof. The contexts in which females are at risk include deprivation of liberty, medical treatment, particularly involving reproductive decisions, and violence by private actors in communities and homes," (para 22), to which a girl child or woman being forced to marry her rapist would certainly apply.

LECORVAW and ABAAD counsel girls and women who are forced to marry their rapists including, for example, Amal (not her real name), a 12-year-old girl who was raped by a 24-year-old man after he promised to marry her. LECORVAW referred the case to the Juvenile Protection Department which contacted the local prosecutor who arrested the rapist. Amal's father agreed to drop the charges and the rapist is free at the moment. The rapist's family, however, is still trying to put social and financial pressure on Amal's family to accept the marriage so that their son would be exempt from punishment if the prosecutor decides to proceed with the case, under Article 522 of the Penal Code. As of this writing, Amal is still attending counseling at LECORVAW and she and her family continue to be pressured by the community and the rapist's family to accept the marriage.

The Lebanese parliamentary Administration and Justice Committee, on 7 December 2016, approved the repeal of Article 522 from the Penal Code. If Parliament votes yes, then perpetrators of rape, kidnapping or

¹ Text available at <http://www.equalitynow.org/content/penal-code>

² Available at <http://www.equalitynow.org/campaigns/rape-laws-report>

statutory rape would not be able to escape prosecution or other penalties by marrying their victims. On 15 February 2017, and following a nationwide campaign led by ABAAD-Resource Center For Gender Equality, the parliamentary Administration and Justice Committee broadened its efforts to provide justice to victims by considering more appropriate punishments for rape and other sexual violence crimes. This includes potential amendments to Articles 503 – 521 of the Penal code for perpetrators of kidnapping, deception of minors, sexual harassment, incest and rape. Amendments have been proposed to Article 505, which deals with the sexual relations among/with minors, to allow the legal marriage between the concerned parties if the girl is between 15-18 years old. In essence, Article 522 could remain in force for 15 – 18 years old, thereby negating some of the progress being made. Equality Now and LECORVAW has launched a campaign “Don’t let rapists go free! Repeal Article 522 of the Penal Code,” calling on the Government of Lebanon to revoke article 522 once and for all³, so girls can enjoy a life free from violence and abuse.

Suggested Questions for the State Party

We would respectfully urge the Committee to raise with the Lebanese government the following questions with regard to violations of the Convention addressed in this letter:

- What steps is the government taking to implement the parliamentary Administration and Justice Committee’s recommendation to fully repeal Article 522 of the Penal Code and to ensure that any proposed amendments to Article 505, or any other article, would not expose girls between 15-18 years old who engage in consensual sexual relations, or are raped, to child marriage?

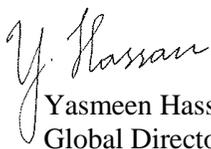
Suggested Recommendations for the State Party

We would respectfully urge the Committee to recommend to Lebanon with regard to violations of the Covenant addressed in this letter:

- Implement the parliamentary Administration and Justice Committee’s recommendation to repeal Article 522 of the Penal Code fully and without any exceptions.

Thank you very much for your kind attention, and please do not hesitate to contact us if we can provide further information.

Sincerely,


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Global Director
Equality Now



Dr. Fahima Charafeddine
President
Committee for the Follow up on Women's
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³ http://action.equalitynow.org/o/6208/p/dia/action3/common/public/?action_KEY=24209



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