



Committee on the Rights of the Child Secretariat
Office of the High Commissioner for Human Rights (OHCHR)
Palais Wilson - 52 rue des Pâquis
CH-1201 Geneva
Switzerland
By Post and e-mail: <http://www.childrightsconnect.org/upload-session-reports/>

07 April 2017

Re: Information on Lebanon for Consideration by the Committee on the Rights of the Child at its 75th Session (15 May – 02 June 2017)

Dear Distinguished Committee Members,

We respectfully submit this letter to the Committee on the Rights of the Child (“the Committee”) for its 75th session meeting, taking place 15 May 2017 – 02 June 2017, including on Lebanon’s fourth and fifth periodic report for review. Equality Now, the Lebanese Council to Resist Violence against Women (LECORVAW), ABAAD-Resource Center for Gender Equality, the Committee for the Follow-Up on Women’s Issues (CFUWI), and the Global Campaign for Equal Nationality Rights, are writing to express our concern about human rights violations faced by children in Lebanon. Having already submitted information on Lebanon for consideration by the Committee at its 75th pre-session working group (3 – 7 October 2016), this letter focuses on recent developments regarding Lebanon’s obligation to address under the Convention on the Rights of the Child (“the Convention”) discrimination in the law with regards to the exemption from punishment of offenders, including rapists, who marry their victims as well as its discriminatory nationality law.

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. The Global Campaign for Equal Nationality Rights mobilizes international action for the removal of gender discriminatory provisions from all nationality laws, through its coalition of national, regional and international organizations and activists, including Steering Committee Members Equality Now, Equal Rights Trust, the Institute on Statelessness and Inclusion, and Women's Refugee Commission.

Exemption of rapists from punishment upon marriage

As discussed in our previous submission, 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 sexual abuse under Article 19.1 and Article 34 of the Convention. We also note again that the Committee'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.

In our joint submission we noted that LECORVAW, as well as 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.

We appreciate that the Committee asked Lebanon in its November 2016 List of issues to "provide, if available, updated statistical data disaggregated by age, sex, geographic location and socioeconomic status, for the past three years, on the number of: ... (f) Investigations into cases of sexual violence and rape, and information on the outcomes of trials, including the penalties for perpetrators and redress and compensation offered to child victims;" (CRC/C/LBN/Q/4-5, ¶17(f)).

Since our joint submission, 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 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

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

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

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.

Nationality

As noted in our previous submission, under Articles 2, 7 and 8 of the Convention, Lebanon must grant equal nationality rights to women. In July 2010, Equality Now issued *Action 36.1 – Lebanon: Give women equal citizenship rights to men under the nationality law* (updated in Nov. 2011 and Feb. 2013)⁴, in which the story of Hiam Abd El Samad, her Egyptian husband Anwar Hasaneen, and their three daughters Nour, 17, ‘Amar, 12, and ‘Ayia, 9 years old who suffered significant hardships and deprivation as a result of the nationality law was highlighted. Equality Now’s report, *The State We’re In – Ending Sexism in Nationality Laws*⁵, notes that Decree No. 15 on Lebanese Nationality discriminates against women insofar as Lebanese women cannot pass their nationality to foreign spouses and children on an equal basis with men - including the inability of unmarried or married mothers to pass their nationality to a child born inside or outside the country on equal basis with married or unmarried fathers, and the inability of a married woman to pass her nationality to a foreign spouse on an equal basis with a Lebanese man married to a foreigner.

We respectfully urge the Committee to reiterate its concluding observation to Lebanon in 2006, to “critically review its legislation, particularly the Legislative Decision No. 15/1925, in order to ensure that also a Lebanese mother has the right to confer Lebanese citizenship to her children equally and without discrimination.” (CRC/C/LBN/CO/3, ¶40). The Committee of the Arab Charter at the league of Arab States, mandated to discuss governments’ reports on the status of human rights in their respective countries, also urged Lebanon in 2015 to revise its nationality law (15) for 1925 that would enable Lebanese women married to non-nationals to pass on their nationality to their children on equal basis with Lebanese fathers married to foreigners.⁶

Regrettably, as noted previously, the ministerial committee established to study Lebanon’s nationality law concluded in December 2012 that Lebanese women should not be granted the right to pass their nationality to their children and spouses. Instead, the ministerial committee recommended to the Prime Minister that restrictions on children of Lebanese women married to non-nationals relating to resident permits, education, work in the private sector and access to state medical care should be eased. More than four years later, however, these civil rights still need to be implemented - no further progress has been made since our last submission.

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?
- What are the government’s plans to comprehensively amend the nationality law to allow Lebanese women to transfer their nationality to their children and spouses on an equal basis with men? When will all the civil rights to children, and spouses, granted by the ministerial

³ http://action.equalitynow.org/o/6208/p/dia/action3/common/public/?action_KEY=24209

⁴ See http://www.equalitynow.org/take_action/discrimination_in_law_action361.

⁵ Available at www.equalitynow.org in English, French, Spanish and Arabic.

⁶ available at http://www.lasportal.org/ar/humanrights/Committee/Documents/الملاحظات_والتوصيات_الختامية_الصادرة_على_تقرير_الجمهورية_اللبنانية.pdf

committee be implemented in the meantime?

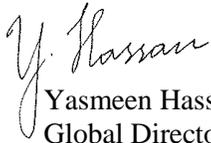
Suggested Recommendations for the State Party

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.
- Comprehensively amend the nationality law to allow Lebanese women to transfer their nationality to their children and spouses on an equal basis with men as soon as possible. In the meantime, implement all the civil rights to children, and spouses, granted by the ministerial committee.

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

Sincerely,


Yasmeen Hassan
Global Director
Equality Now


Catherine Harrington
Global Campaign Manager
Global Campaign for Equal Nationality Rights


ABAAD Resource Center for Gender Equality
مركز الموارد للمساواة بين الجنسين

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