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Re: Information on Lebanon for Consideration by the Human Rights Committee at its 122nd Session (12 Mar 2018 – 06 Apr 2018)

Dear Distinguished Committee Members,

We respectfully submit this letter to the Human Rights Committee (“the Committee”) for its 122nd session meeting, taking place 12 March 2018 – 06 April 2018, including on Lebanon’s third 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 women and girls in Lebanon. This letter focuses on Lebanon’s failure to fulfil its obligations under the International Covenant on Civil and Political Rights (ICCPR) as a result of provisions in its Penal Code still potentially allowing impunity for rapists and sexual harassers 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 organization, 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, Women’s Learning Partnership and Women’s Refugee Commission.

Exemption of rapists from punishment upon marriage

We commend Lebanon for the full repeal in August 2017 of Article 522 of the Lebanese Penal Code, which previously stopped prosecution or execution of a penalty when the perpetrator of a rape, kidnaping, or statutory rape marries the person he has raped or kidnapped. This reform that will work to prevent sexual violence and protect the re-victimization of survivors by not allowing their abusers to enjoy impunity through marriage.¹

However, loopholes remain in the law that allow impunity of perpetrators. Specifically, Article 505 of the Penal Code allows for the marriage of, and therefore sex with, minors who are 15 years old up to 18 years old in "consensual" relationships under the supervision of a judge and a social worker, while Article 518 allows prosecutions to be stopped or sentences to be suspended for men who go on to marry virgin girls they had initially “seduced” with promises of marriage; Article 519 allows a minor’s “consent” to be considered in cases of sexual harassment of 15 year olds up to 18 year olds.² These loopholes result in gaps in the prevention of sexual violence and the protection women and girls, in violation of their right under Article 3 of the Covenant. Additionally, 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*](#),³ these types of laws help fuel the global rape epidemic and are incompatible with the Sustainable Development Goals adopted by UN member states in September 2015,⁴ among other commitments made by the Lebanon under this treaty, particularly Article 3 (equality of rights between men and women), and other treaties.⁵

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

² Penal Code before the repeal of Art. 522 available at

https://www.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf

³ Available at <http://www.equalitynow.org/campaigns/rape-laws-report>

⁴ This includes under Goal 5 to “eliminate all forms of violence against all women and girls in the public and private spheres” (Target 5.2) and “adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels” (Target 5.c), and Target 10.3, which calls on all governments to “[e]nsure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws....”.

⁵ See General Comment No. 28, Article 3 (The equality of rights between men and women), CCPR/C/21/Rev.1/Add.10, ¶24 (“A woman’s free and full consent to marriage may also be undermined by laws which allow the rapist to have his criminal responsibility extinguished or mitigated if he marries the victim. States parties should indicate whether marrying the victim extinguishes or mitigates criminal responsibility and, in the case in which the victim is a minor, whether the rape reduces the marriageable age of the victim, particularly in societies where rape victims have to endure marginalization from society.”) See also the Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices against Women on harmful practices, CEDAW/C/GC/31- CRC/C/GC/18, ¶41 (“legislation that enables a perpetrator of rape and/or other

On 2 November 2017, a proposal to amend articles in the Penal Code addressing sex with and sexual harassment of minors was submitted to the Speaker of the House by three members of Parliament, in consultation with the National Commission for Lebanese Women (NCLW). Under the proposed amendments, Article 505 would punish those who have sex with 15 -17 year olds, without any exceptions for subsequent marriage and Article 519 would no longer consider a minor's "consent". Moreover, Article 518 would be repealed to no longer allow prosecutions to be stopped or sentences to be suspended for men who go on to marry virgin girls they had initially "seduced" with promises of marriage. However, the Speaker of the House has yet to submit the bill to the full Parliament for a vote. The next Parliamentary session could happen at any time.⁶ We respectfully urge the Committee to call on Lebanon to close remaining loopholes in the law that allow impunity of perpetrators and leave women and girls vulnerable to rape and sexual assault, so that women and girls in Lebanon can enjoy lives free from violence and abuse.

Nationality

As noted in Equality Now's report, *The State We're In – Ending Sexism in Nationality Laws*⁷, 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. 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)⁸, 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.

Lebanon must grant equal nationality rights to women under Articles 3 (equal rights of men and women), 23(4) (equality of rights and responsibilities of spouses), Article 24 (right of every child to acquire a nationality), 26 (equality before the law) of the Covenant. We also note the Committee's General Comment No. 19 on Article 23, which states that, "[w]ith regard to equality as to marriage, the Committee wishes to note in particular that no sex-based discrimination should occur in respect of the acquisition or loss of nationality by reason of marriage" and General Comment No. 18 which notes the "positive duty of States parties to make certain that spouses have equal rights as required by the Covenant".⁹

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.¹⁰ Recently, a

sexual crimes to avoid sanctions through marriage to the victim," is "contrary to the obligation of the States parties under both conventions").

⁶ Equality Now and LECORVAW currently have a campaign "Lebanon: Don't let rapists & sexual harassers go free!" calling on the Speaker to advance this bill and, more generally, for Lebanon to amend Articles 505 and 519 and repeal Article 518 of the Penal Code: <https://www.equalitynow.org/action-alerts/lebanon-dont-let-rapists-go-free-repeal-article-522-penal-code>

⁷ Available at www.equalitynow.org in English, French and Arabic.

⁸ See http://www.equalitynow.org/take_action/discrimination_in_law_action361

⁹ General Comment No. 19: Article 23 (The family), Thirty-ninth session (1990), ¶ 7; General comment No. 18: Non discrimination, ¶ 5.

¹⁰ Available at [http://www.lasportal.org/ar/humanrights/Committee/Documents/الملاحظات والتوصيات الختامية الصادرة على تقرير الجمهورية اللبنانية.pdf](http://www.lasportal.org/ar/humanrights/Committee/Documents/الملاحظات%20والتوصيات%20الختامية%20الصادرة%20على%20تقرير%20الجمهورية%20اللبنانية.pdf). Other UN Human Rights bodies have consistently called upon Lebanon to remove sex-based discrimination from its nationality laws. See, e.g., Committee on the Rights of the Child, *Concluding observations on the*

Declaration from participants, at the “The First Arab Conference on Good Practices & Regional Opportunities to Strengthen Women’s Nationality Rights,” held at the League of Arab States, 1-2 October 2017, requested all Member States, including Lebanon to “reform and implement legislation relating to nationality in conformity with international standards.”¹¹

We respectfully urge the Committee to reiterate its request that Lebanon “report on the progress made in amending Decree No. 15 of 19 January 1925 (the Nationality Act) and on any other measures taken to ensure that all Lebanese women, regardless of the nationality of their husband, can pass on their citizenship to their children and spouses,” and reiterate the concern articulated in its previous concluding observations, as referenced in the present List of Issues, when noting the “legal and de facto discrimination”, including nationality laws, and recommending that Lebanon “review its laws, especially those governing the status of women...make appropriate amendments to them and take appropriate action to ensure the full legal and de facto equality for women in all aspects of society.”¹²

Regrettably, 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 five years later, however, these civil rights still need to be implemented.

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 Covenant addressed in this letter:

- What steps is the government taking to amend or repeal those articles in the Lebanese Penal Code addressing sex with and sexual harassment of minors that allow impunity of perpetrators, including Articles 505, 518 and 519?
- 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 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:

combined fourth and fifth periodic report of Lebanon, 22 June 2017, CRC/C/LBN/CO/4-5, ¶ 17(a) (recommending that Lebanon “[i]ntensify discussions with the relevant religious authorities and other relevant stakeholders with a view to amending Decree No. 15 on Lebanese Nationality of 1925 to grant Lebanese women equal rights with Lebanese men with regard to transmission of their nationality to their children and to provide adequate safeguards to ensure the conferral of citizenship to children who would otherwise be stateless”); Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined fourth and fifth periodic reports of Lebanon*, 24 November 2015, CEDAW/C/LBN/CO/4-5, ¶ 16(a) (calling upon state party to, inter alia, “repeal Decree No. 15 of 1925 on Lebanese Nationality and adopt legislation to ensure women equal rights with men to pass on their nationality to their foreign spouses and children”).

¹¹ Available in Arabic [here](#) and in English [here](#)

¹² Human Rights Committee, *Consideration of reports submission by states Parties under article 40 of the Covenant*, 5 May 1997, CCPR/C/79/Add.78.

- Pass the bill proposed on November 2, 2017 to amend those articles in the Penal Code addressing sex with and sexual harassment of minors (in particular, Articles 505 and 519) and repeal Article 518.
- 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,



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Yasmeen Hassan
Global Director

Equality Now

Catherine Harrington

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Global Campaign Manager
Global Campaign for Equal Nationality Rights

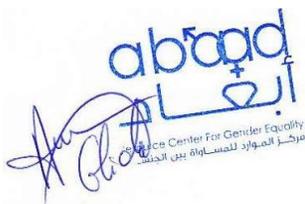
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