



LEBANON

Submission to the UN Universal Periodic Review Thirty Seventh Session of the UPR
Working Group of the Human Right Council
2 - 13 November 2020

Submitted by: Equality Now, the Lebanese Council to Resist Violence against Woman (LECORVAW), the Committee for the Follow-Up on Women's Issues (CFUWI), and the Global Campaign for Equal Nationality Rights

9 July 2020

Introduction and Summary

1. 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 160 countries.
2. 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 (VAW) and Gender Based Violence in Lebanon.
3. 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 eliminate all types of discrimination against women.
4. 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 the Women's Refugee Commission.

5. In this submission, the above organizations provide information as stipulated in the Universal Periodic Review (Third Cycle): information and guidelines for relevant stakeholders' written submissions. The submission details our concerns regarding Lebanon's failure to uphold women's right to equality under the nationality law, to protect adolescent girls from sexual violence, and we highlight the need to amend discriminatory family law provisions. We make key recommendations for action to the government of Lebanon so as to better address these areas of concern.

Discrimination in Nationality Law

6. Legislative Decree No. 15/1925 of Lebanon discriminates against women, preventing them from passing their nationality to their children and spouses on an equal basis with men. This discriminatory law has caused Lebanese women and their families to suffer severe hardships.
7. Equality Nowⁱ highlighted the plight of Lebanese women married to non-nationals who suffer significant hardships and deprivation due to their inability to transfer their nationality to their children and spouses as a result of Decree No. 15 on Lebanese Nationality. This Decree discriminates against women by denying Lebanese women the right to pass their nationality to their foreign spouses and children on an equal basis with men. Discriminatory nationality law provisions include 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 non-citizen.
8. Gender discrimination in the nationality law results in wide-ranging human rights violations, including affected persons facing obstacles to accessing education, healthcare, social benefits, freedom of movement, the right to a nationality, property and inheritance rights. Women's inability to confer nationality to a non-citizen spouse inhibits women's right to freely choose a spouse on an equal basis with men, and also inhibits children's right to know and be cared for by their non-citizen father, who may face restrictions on his ability to work in the country.
9. The concluding observations on the combined fourth and fifth periodic report of Lebanon by the Committee on the Rights of the Childⁱⁱ recommended that Lebanon undertakes the following measures : *"Intensify 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.”

10. The Committee of the Arab Charter at the League of Arab States, mandated to discuss governments’ reports on the status of human rights in Member States, also urged Lebanon in 2015 to revise its nationality law (15) of 1925 in order to enable Lebanese women married to non-nationals to pass their nationality to their children on equal basis with Lebanese fathers married to noncitizens.ⁱⁱⁱ
11. 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.
12. Gender discrimination in Lebanon’s nationality law has exacerbated the hardships faced by the families of Lebanese women with non-citizen spouses and children during the COVID-19 pandemic. Due to the closing of borders during the pandemic, some Lebanese women were separated from their children who were outside of the country when travel bans went into effect. This included the children of Lebanese women who were studying abroad. Inside Lebanon, some Lebanese women with non-citizen children and spouses were denied pandemic-related family aid and social benefits – benefits given to the families of Lebanese men.

Exemption of sexual harassers from punishment upon marriage

13. While we welcome the repeal of Article 522 of the Lebanese Penal Code in August 2017, which 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, other provisions including Articles 505, 518 and 519 still maintain discrimination and abuse to minors.
14. Article 505 currently allows for the marriage of adults, and therefore sex with, minors who are between 15 years and 18 years old in “consensual” relationships under the supervision of a judge and a social worker. If amended, Article 505 would instead punish those who have sex with 15 -18 year olds, without any exceptions for subsequent marriage. If repealed, Article 518 would 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. If amended, Article 519 would no longer consider a minor’s “consent” in cases of sexual harassment of 15 year olds up to 18 year olds.

15. Additionally, as Equality Now raised in its report, [*The World's Shame - The Global Rape Epidemic - How Laws Are Failing to Protect Women and Girls*](#),^{iv} these types of laws help fuel the global rape epidemic and are incompatible with the Sustainable Development Goals,^v among other commitments made by the Lebanon under this and other treaties.^{vi}
16. On 2 November 2017, a proposal to amend provisions 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). However, the Speaker of the House has yet to submit the bill to the full Parliament for a vote. 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.
17. The UN Human Rights Committee^{vii} on May 2018, expressed concern that Articles 505 and 518 of the Criminal Code are still being used to exempt rapists of minors between 15 and 18 years of age from prosecution or punishment when the survivors have been promised for marriage to the rapists by their parents. The Committee urged Lebanon to *“amend articles 505 and 518 of the Criminal Code to ensure that perpetrators of rape incur criminal responsibility without exception and regardless of the age of the victim.”*

Discrimination in Family Status Laws

18. Lebanon does not have a civil code regulating personal status matters. Instead, there are 15 separate personal status laws for 18 sects, governing the lives of women and girls in terms of marriage, custody, alimony, divorce and inheritance discriminate against women and girls in both Christian and Muslims families.
19. Religious courts and institutions control personal status laws, which are built on the notion that men are the head of the family, hence preserving the inferiority of women under the law. It also implies that discrimination is legalized and protected by law.
20. Among many discriminatory Articles in the Personal Status Law of the Catholic Sects for 1949, are Articles 123, 124 and 125, which have been highlighted by Equality Now in its Beijing +25 report.^{viii} These Articles state that the right and duties of parental authority are confined to the father, and that the mother loses custody of her child upon re-marriage while the same restriction does not apply to the father.
21. Article 123: ***Breastfeeding concerns the mother. The other rights and duties of the parental authority are, in principle, confined to the***

father. *These rights and duties are passed to the mother if the father is deprived from these responsibilities provided that the mother is proved to be eligible by the court and the court provides the mother a notice about the transfer of these responsibilities to her.*

Article 124: The duration of breastfeeding is two years.

Article 125: **A mother** loses custody of her child for the following: (E): if **she remarries** after the dissolution of the marriage, or the death of her husband.

22. Lebanon ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1996, placing reservation on Article 16 of the Convention which states that “*States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage;*”
23. The Lebanese government should lift reservation on Article 16 of the Convention which uphold inherent discrimination against women in all areas related to family life (marriage, divorce, custody of children, alimony and inheritance).
24. In May 2018, in its concluding observations on the third periodic report of Lebanon, the Committee of the International Covenant on Civil and Political Rights (CCPR) remained concerned that religion-based personal status laws discriminate against women in such matters as marriage, pecuniary rights, divorce, child custody and inheritance. It also recommended that the “*State party should repeal all discriminatory provisions against women in its legislation and consider adopting a unified personal status act that would apply to all persons, regardless of religious affiliation, and guarantee equality between men and women and respect for freedom of thought, conscience and religion. It should also provide for the option of civil marriage and for the legal recognition of such marriages...*”^{ix}

Suggested Questions for the State Party

We would respectfully urge the Committee to raise with the Lebanese government the following questions with regard to the violations of international human rights standards addressed in this submission:

- 1- What plans does the government have in place to amend the nationality law to ensure women enjoy equal rights with Lebanese men?
- 2- What steps is the government taking towards amending Articles 505 and 519, and repealing Article 518 to incur criminal responsibly without exception and regardless of the age of the victim?

- 3- What steps is the government taking towards adopting a unified personal status law that would guarantee equality between men and women including revoking Articles 123, 124 and 125 in the Personal Status Law of the Catholic Sects for 1949?

Suggested Recommendations for the State Party

We would respectfully urge the Committee to recommend that Lebanon:

- 1- Comprehensively amends the nationality law to allow Lebanese women to transfer their nationality to their children and spouses on an equal basis with men without delay. As a temporary measure pending the enactment of reforms, implement all the civil, economic, and social rights to Lebanese women's children and spouses, granted by the ministerial committee.
- 2- Passes 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.
- 3- Comprehensively amends or enacts a unified personal status law that would guarantee equality between men and women.
- 4- Lifts the reservation on Article 16 of the Convention on the Elimination of All Forms Against Women (CEDAW).

Contact:

Equality Now
Qubic Square Business Center
Sin el Fil, Daoud Ammoun Street Office 5 E
Beirut, Lebanon
Phone: +961-81-405 346
Menainfo@equalitynow.org

ⁱ Equality Now's report, *The State We're In: Ending Sexism in Nationality Laws*:
https://www.equalitynow.org/the_state_we_re_in_ending_sexism_in_nationality_laws

ⁱⁱ Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic report of Lebanon, 22 June 2017:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLBN%2fCO%2f4-5&Lang=en

ⁱⁱⁱ Available at:
<http://www.lasportal.org/ar/humanrights/Committee/Documents/الملاحظات%20والتوصيات%20الختامية%20الصادرة%20على%20تقرير%20الجمهورية%20اللبنانية.pdf>

^{iv} Available at <http://www.equalitynow.org/campaigns/rape-laws-report>

^v 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....”.

^{vi} 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 sexual crimes to avoid sanctions through marriage to the victim,” is “contrary to the obligation of the States parties under both conventions”).

^{vii} Human Rights Committee, Concluding observations on the third periodic report of Lebanon, 9 May 2018:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/LBN/CO/3&Lang=En

^{viii} <https://www.equalitynow.org/lebanon-personal-status-law-of-the-catholic-sects-1949>

^{ix} Human Rights Committee, Concluding observations on the third periodic report of Lebanon, 9 May 2018:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLBN%2fCO%2f3&Lang=en