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Lebanon: Law Reform Targets ‘Honor’ Crimes

Lebanon’s repeal of a criminal code provision that mitigates sentences for so-called honor crimes is an encouraging step to address gender-based violence. The Lebanese parliament should remove and amend other criminal provisions that discriminate on the basis of gender, and enact a law to protect women from domestic violence, Human Rights Watch said.

On August 4, 2011, parliament annulled article 562 of the criminal code, which mitigated the sentence of people who claim they killed or injured their wife, daughter, or other relative to protect the family “honor.” Honor crimes are reported to be relatively rare in [Lebanon](#). A study by the organization KAFA (Enough Violence and Exploitation) cited 66 reported honor crimes between 1999 and 2007. But Article 562 perpetuated the notion that the state condoned such acts of violence when a family’s honor was allegedly tarnished by a woman who is perceived as “misbehaving,” Human Rights Watch said.

“Other countries in the Arab world should follow Lebanon’s example and abolish laws that provide excuses for murder and violence,” said Nadya Khalife, Middle East women’s rights researcher at Human Rights Watch. “We are encouraged by this move and hope that Lebanon’s parliament will now amend other laws that discriminate on the basis of gender.”

Laws providing reduced sentences for honor crimes exist in other parts of the Middle East and North Africa, including Iraq, Kuwait, Syria, Yemen, and the Occupied Palestinian Territories. In Egypt, article 17 of the penal code allows for mitigated sentences in “certain circumstances,” a provision often applied by judges in honor crimes cases. In Jordan, the courts also allow mitigation to reduce sentences for these crimes.

In Lebanon, Article 562 had been subject to debate on several occasions over the past decades. It was amended in 1999, to narrow the lenient treatment of honor crimes by excluding premeditated acts. Article 562, as it stood before August 4, stipulated that any person who “surprised” his spouse or one of his descendants in the act of adultery, or in an “illegal” sexual relation, such as a same-sex relationship, and kills or injures either party without premeditation, is subject to a shorter prison sentence than he otherwise would receive.

“For years, attempts to eliminate honor as an excuse for violence have fallen on deaf ears,” Khalife said. “Finally, all murders will be treated alike, and so-called honor-related crimes will be seen as what they are: simply crimes.”

The Lebanese penal code continues to discriminate against women in other matters, such as, for example, imposing different penalties for adultery on women and men. A married woman who has an extramarital affair can be imprisoned from three months to two years, whereas the punishment for the same crime for a man is one month to one year. A married man can only be tried for adultery if he engages in extramarital sex in the conjugal home, or if he has a “stable” extramarital relationship (articles 487, 488, and 489). Other countries in the region also have similar laws criminalizing adultery, including Bahrain, Jordan, Kuwait, Saudi Arabia, Syria, the United Arab Emirates, and Yemen.

[Article 534 of the Penal Code](#) also criminalizes “unnatural sexual intercourse” with up to one

year in prison, a provision that has been used to charge adult gays and lesbians.

International human rights law requires decriminalization of consensual adult sexual relationships to protect the rights to physical autonomy, health, and privacy. Furthermore, international law forbids laws that discriminate based on gender, in this case providing more severe punishments for women for the same alleged offense.

“As a matter of human rights, consensual sexual relationships between adults should never be criminalized, including relationships outside marriage and those between same-sex partners,” Khalife said. “Lebanon’s penal code provisions on adultery not only discriminate against women, they violate the rights of men and women alike.”

Forced sex, on the other hand, is inadequately defined in Lebanese law. The definition of rape explicitly excludes forced sex in marriage, and the rape of a virgin by means of deception is potentially subject only to a fine (article 518). If a rapist marries his victim following the crime, the law exonerates him (article 522). Similar legal provisions pardoning an alleged rapist if he marries his victim exist in countries like Bahrain, Iraq, [Libya](#), Syria, and the Occupied Palestinian Territories. The majority of countries in the region also do not criminalize marital rape.

In Lebanon, domestic violence is not explicitly covered by the penal code. A draft law criminalizing domestic abuse was passed by the former cabinet in May 2010, and is currently under review by a special parliamentary committee. Provisions that criminalize consensual sex between adults and that fail to criminalize forced sex fall short of international standards, which require the elimination, prevention, and punishment of all gender-based violence, including marital rape and domestic violence. In 2008, the CEDAW Committee, the United Nations expert body that supervises implementation of the Convention on the Elimination of All Forms of Violence against Women, called upon Lebanon to enact legislation on violence against women, including domestic abuse and marital rape.

“Lebanon’s parliament should repeal all discriminatory provisions in the penal code and adopt strong laws against gender-based violence,” Khalife said. “In addition to stringent laws, Lebanon should begin collecting statistics on gender-based violence, and encourage men and women to report abuse.”

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