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Committee on the Elimination of Discrimination against Women

Human Rights Treaties Division (HRTD)

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Information on Lebanon for consideration by the Committee on the Elimination of Discrimination against Women at the 81 Session (07 Feb 2022 - 04 Mar 2022)

Introduction:

1. We respectfully submit this report for consideration during Lebanon's sixth periodic review by the Committee on the Elimination of Discrimination against Women ('the Committee') during its 81 Session (07 Feb 2022 - 04 Mar 2022). Equality Now, The Lebanese Council to Resist Violence Against Women (LECORVAW), Women Alive and the Global Campaign for Equal Nationality Rights request that this letter be used to supplement Lebanon's sixth periodic State Party report to the Committee.
2. The legal provisions and practices detailed in our report highlight the failure of the State to comply with its duty to provide equal protection under the law. Discrimination in nationality laws is expressly prohibited by Article 9 of CEDAW, and also violates Articles 2, 3 and 15 (right to equality before the law). Exemption of offenders, including sexual offenders, who marry their victims promotes violence against women and girls and violates Article 2, particularly 2(g) which calls on States Parties to undertake "to repeal all national penal provisions which constitute discrimination against women," as well as Article 15. We welcome the 2017 repeal of the main "marry your rapist" article of the Penal Code, Article 522, but note there are loopholes remaining which still exempt some sexual offenders. We note that the Committee's joint recommendation with the Committee on the Rights of the Child on harmful practices recognizes that this type of law, "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".¹ Furthermore, we submit that the root causes of the

¹ CEDAW/C/GC/31- CRC/C/GC/18, para 41

failures of the State are its non-compliance with the obligation to transform gender hierarchies and stereotypical attitudes towards women, contrary to Articles 2(f) and 5(a) of the Convention and the obligation to combat violence against women and provide access to justice to survivors, as described in General Recommendations 19, 33 and 35 of the CEDAW Committee.

Information about the authors of the report

3. **Equality Now** is an international human rights NGO with ECOSOC status with the mission to achieve legal and systemic change that addresses violence and discrimination against all women and girls around the world. Founded in 1992, Equality Now is a global organisation with partners and supporters in every region. Ending sexual violence, ending sexual exploitation, ending harmful practices and achieving legal equality are the main areas of Equality Now's work.
4. **The Lebanese Council to Resist Violence against Women (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 (GBV) in Lebanon since 1997. LECORVAW contributed to multiple legal reforms of discriminatory laws against women and girls in Lebanon and launched and took part in many advocacy campaigns to support legal reforms and call for the repeal and/or amendment of oppressive laws against women.
5. **Women Alive**, an organization founded in 2021 and based in Lebanon, works on eliminating all forms of GBV, including EGBV (Economic gender based violence) and SGBV (Sexual gender based violence). Women Alive's mission is achieved mainly through advocacy campaigns, socio-legal studies of women's rights, as well as conducting trainings and awareness raising.
6. **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, Family Frontiers, the Institute on Statelessness and Inclusion, Nationality For All, Women's Learning Partnership, and the Women's Refugee Commission.
7. We reiterate and support the Concluding observations on the combined fourth and fifth periodic reports of Lebanon² and underscore, in particular, the recommendations urging the government:
 - a. To withdraw its reservation made upon accession to the Convention regarding article 9 (2), 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;³

² CEDAW Committee, Concluding observations on the combined fourth and fifth periodic reports of Lebanon, CEDAW/C/LBN/CO/4-5

³ Id. at 16(a)

- b. To amend Law No. 293 on the protection of women and other family members from domestic violence, in line with the Committee's general recommendation No. 19 (1992) on violence against women, to specifically criminalize gender-based violence against women, marital rape, crimes committed in the name of so-called honour and other harmful practices;⁴
 - c. To collect data, disaggregated by sex, age, nationality and relationship between the victim and the perpetrator, on the number of reported cases of violence against women and the number of prosecutions, convictions and sentences imposed on perpetrators;⁵ and
 - d. To ensure that all allegations of sexual harassment are recorded, that all allegations of assault and rape are duly investigated, prosecuted and sanctioned, that victims have access to appropriate redress, including compensation, and that all allegations of assault and rape by members of the security forces are investigated by an independent judicial authority.⁶
 - e. To set the legal minimum age for marriage at 18 years for girls and boys, in line with international standards, and take the measures necessary to effectively prevent child marriage among rural girls.⁷
8. With this report, we urge the Committee to reiterate Lebanon's obligations under CEDAW, in particular with respect to granting women equal rights with men with respect to the nationality of their children and ensuring access to justice for survivors of sexual violence and bringing perpetrators to justice.

Discrimination in Nationality Law

9. Legislative Decree No. 15/1925, as amended⁸, 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.
10. Discriminatory nationality law provisions contained in Decree No. 15, include the inability of unmarried or married mothers to pass their nationality to a child born inside or outside the country on an equal basis with married or unmarried fathers, as well as 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.
11. Gender based discrimination in 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

⁴ Id. at 28(a)

⁵ Id. at 28(c)

⁶ Id. at 28(e)

⁷ Id. at 46(c)

⁸ Decree No. 15 on Lebanese Nationality (19 January 1925), as amended by Regulation No. 160 dated 16 July 1934; Regulation No. 122 L.R. dated 19 June 1939; Law of 11 January 1960 - <http://www.refworld.org/docid/44a24c6c4.html>

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 be forced to search for work abroad to help contribute financially to the family as his status may result in restrictions on his ability to work in the country.

12. Numerous committees have recommended Lebanon revise its nationality law. The CEDAW committee, as mentioned above, recommended that Lebanon "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."⁹ The concluding observations on the combined fourth and fifth periodic report of Lebanon by the Committee on the Rights of the Child¹⁰ recommended that Lebanon "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." Finally, 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 Decree No. 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.¹¹
13. Regrettably, a 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. This recommendation, however, did not resolve the gender based discrimination within the law nor did it address the wide-ranging human rights violations faced by Lebanese women.
14. According to Lebanon's State Party Report, a number of bills and draft laws have been put before Parliament between 2018-2020. One proposed amendment is for Lebanon to withdraw its reservation to article 9 (2) of the Convention; another proposed amendment would result in the nationality of the mother being passed on automatically to her underage children whereas her adult children would be given a "green card" that would entitle them to apply for citizenship once they satisfied certain conditions; finally, a third proposed amendment would allow Lebanese mothers to pass on their citizenship to their children and would enable a broader range of individuals who were not born to either a

⁹ Id. at 16(a)

¹⁰ 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

¹¹ Available at:

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

Lebanese mother or father to acquire or reclaim Lebanese citizenship.¹² None of these proposed bills comprehensively address the sex discrimination in the nationality law nor have they been adopted.

15. Gender based 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. When the borders closed during the pandemic, children of Lebanese mothers and non-citizen fathers trapped outside of the country were not recognized as Lebanese children and therefore could not re-enter Lebanon to join their families, a privilege reserved for Lebanese children. 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 only.

Exemption of rapists from punishment upon marriage

16. While we welcome the repeal of Article 522 of the Lebanese Penal Code in August 2017, which stopped prosecution or execution of a penalty when the perpetrator of a rape, kidnapping, or statutory rape married the person he had raped or kidnapped, other provisions including Articles 505, 518 and 519 still maintain discrimination against and abuse of minors.
17. Article 505 provides for discriminatory penalties based on the minor victim's age: imprisonment with hard labor for a period not less than 7 years if the victim is under 12; imprisonment for 5 years if the victim is between 12 and 15 of age; and imprisonment for two months to two years if the victim is between 15 and 18. As written, this article allows adults who rape adolescents to avoid the full consequence of their crime. Furthermore, this law ignores the unequal power dynamics between adolescents and adults and renders adolescents potentially vulnerable to exploitation. Article 505 should be amended to ensure there are no protection gaps in the law and that those who commit rape of adolescents are always held accountable and their punishment is aligned with the gravity of the crime.
18. Article 518 permits 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. This article should be repealed.
19. Article 519 considers a minor's "consent" in cases of sexual touching by an adult of 15 to 18 year olds. Similar to article 505, this law ignores the unequal power dynamics and potential coercive circumstances between adolescents and adults and renders adolescents potentially vulnerable to exploitation. We are concerned that this article allows, in practice, older men to exploit minor girls and, on that basis, this provision should be amended to ensure that any such exploitation will be punished.

¹² CEDAW/C/LBN/6, pg 40

20. Articles 505, 518 and 519 result in gaps in the prevention of sexual violence and the protection of women and girls, in violation of their right under Article 3 of the Covenant. 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 2015,¹³ as well as commitments made by Lebanon under this treaty, and other treaties.¹⁴
21. In May 2018, the UN Human Rights Committee¹⁵ 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.” Furthermore, the CEDAW Committee recommended in its concluding observations on the combined fourth and fifth periodic that Lebanon “set the legal minimum age for marriage at 18 years for girls and boys, in line with international standards, and take the measures necessary to effectively prevent child marriage among rural girls.”¹⁶
22. 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. In 2018, LECORVAW, in partnership with Equality Now, also adopted the same proposal and added some recommendations in terms of repeal of article 518 and amendment of articles 505 and 519, and insisted on submitting the draft to the parliament and supporting their cause through advocacy. This resulted later in 2020 in the preparation of a draft of law to protect minor girls against child marriage that was submitted to the parliament and which is still under discussion by the competent parliamentary committees.

¹³ 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....”.

¹⁴ 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. See also the 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.”)

¹⁵ 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

¹⁶ CEDAW/C/LBN/CO/4-5, 46(c)

23. 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.
24. Finally, we recall and emphasize the Committee on the Rights of the Child's joint recommendation with the Committee on the Elimination of Discrimination against Women on harmful practices that 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."¹⁷

Discrimination in Family or Personal Status Laws

25. 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 discrimination against women and girls in both Christian and Muslims families.
26. Regarding the minimum age of marriage, Lebanon noted in its 2020 State Party Report that two laws, one "regulating the marriage of minors"¹⁸ and one on the protection of children from early marriage, had been proposed in 2017 and were being considered by the relevant parliamentary committees. It further noted that "the national machinery, the relevant ministries and civil society continue to call for the age of 18 to be adopted as the minimum legal age for marriage."¹⁹ More recently, in its reply to the List of Issues and questions in relation to the sixth periodic report, Lebanon announced "the Committee on Women and Children and several of its members, many members of Parliament and the Office of the Prime Minister" have submitted several bills concerning the marriage of minors and that several sessions were held in the Parliament to discuss a bill that would set a minimum age for marriage.²⁰ As previously mentioned above, LECORVAW, in partnership with Equality Now, recently submitted a draft law to better protect minor girls against child marriage and amend articles 505/519 and repeal 518 of the Lebanese Penal code. This draft law emphasizes the need to end child marriage and stop sexual abuse and rape against girls.
27. Religious courts and institutions determine their own 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. This effectively enables discrimination to be legalized and protected by law.

¹⁷ CEDAW/C/GC/31- CRC/C/GC/18, para 41

¹⁸ In 2018, the Committee stated that it was "concerned about a bill intended to regulate marriage of minors instead of prohibiting child marriage" (CEDAW/C/LBN/CO/4-5 , para 45) and the authors of this report share this concern.

¹⁹ CEDAW/C/LBN/6, para 126

²⁰ CEDAW/C/LBN/RQ/6, pg 9 and 22

28. Among many discriminatory Articles in the Personal Status Law of the Catholic Sects for 1949 are Articles 123, 124 and 125,²¹ which have been highlighted by Equality Now in its Beijing +25 report.²² 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.
29. 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;...”* The Lebanese government should lift its reservation on Article 16 of the Convention which sanctions inherent discrimination against women in all areas related to family life (marriage, divorce, custody of children, alimony and inheritance).
30. Additionally, 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 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...”*²³

Suggested Recommendations for the State Party

We 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,

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 – Personal Status Law Of The Catholic Sects, 1949 https://www.equalitynow.org/lebanon_-_personal_status_law_of_the_catholic_sects_1949

²³ 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

and social rights to Lebanese women's children and spouses, granted by the ministerial committee.

- 2- Promptly amends the articles in the Penal Code addressing sexual violence of minors (in particular, amends articles 505 and 519 and repeals Article 518) and protects minor girls against child marriage.
- 3- Comprehensively enacts a unified personal status law that would guarantee equality between all men and women.
- 4- Sets the minimum legal age of marriage to 18 years of age without exception, in line with international standards.
- 5- Lifts the reservations on Articles 9 and 16 of the Convention on the Elimination of All Forms against Women (CEDAW).
- 6- Fulfills its obligations under the Lebanon Constitution, namely its commitment to the principles of equality and non discrimination (preamble) and the principle of equality before the law enshrined in Article 7.