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# Human Rights Watch Submission to the Committee on the Elimination of Discrimination against Women on Lebanon 79th Pre-Session









We write in advance of the 79th pre-session of the Committee on the Elimination of Discrimination against Women and its review of the Lebanese Republic's compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Lebanon ratified the Convention in 1997 but has yet to withdraw its reservations to article 9, paragraph 2; article 16, paragraph 1 (c), (d), (f), and (g); and article 29, paragraph 1.

# Discrimination against women in Personal Status Laws (Articles 1, 2, 15 and 16)

Human Rights Watch found that Lebanon's multiple religion-based personal status laws and the religious courts that apply them discriminate against women across the religious spectrum.

[1] Lebanon has 15 separate personal status laws for its recognized religions but no civil code covering issues such as divorce, property rights or care of children.

Court procedures also discriminate against women. Women whom Human Rights Watch has interviewed said numerous procedural obstacles, including high fees, protracted lawsuits, and lack of legal and material assistance during legal proceedings kept them from accessing religious courts and enforcing even their limited rights.

Religious institutions also provide little sustainable and appropriate legal or social support for women involved in court proceedings on family matters. Additionally, women are often torn between numerous judicial authorities—criminal, civil, and religious— when attempting to resolve personal status-related disputes because they must often petition more than one of these courts to claim their rights.

Human Rights Watch recommends that the Committee ask the government of Lebanon:

 What efforts are being made to adopt an optional civil code that would ensure equal rights for all Lebanese who wish to marry under it and ensure that it complies with Lebanon's international human rights obligations?

- What efforts are being made to bring religious personal status laws in line with Lebanon's constitution and human rights obligations?
- What steps are being taken to ensure that personal status court proceedings and judgments are non-discriminatory and guarantee women and men equal rights?

## Violence Against Women and Girls (Articles 1, 2, 3, 12 and 16)

Sexual Violence and Torture in Detention Centers

Sexual violence and torture are common in detention centers, especially against vulnerable groups like LGBT people, sex workers, and drug users.[2] Trans women have reported being placed in men's cells and coerced to make confessions, in addition to being locked in a room for extended periods and denied food and water.

A woman was arrested on September 21, 2015 and subsequently investigated by the military prosecutor for "harming the military's reputation" after she publicly alleged being raped by two soldiers when she was in military custody in 2013.[3] She was sentenced to one month in prison by the Military Court for Beirut for "defamation and libel against the Lebanese army." She told Human Rights Watch that, following her arrest, military interrogators pressured her to withdraw the rape allegations, which she initially agreed to do on account of the trauma and fear she had experienced since the rape. However, the army used her retraction to publicly claim that she had admitted to making false allegations in order to gain fame and job opportunities. The woman said she had stayed silent about the case until 2015 because she had been refused medical attention from a doctor in 2013 after he learned about the alleged involvement of the military.

In 2016, parliament passed legislation creating a national preventative mechanism to monitor and investigate the use of torture.[4] The body's five members were named on March 7, 2019, but the government has still not allocated funding for the body.[5]

Systemic Discrimination and Violence against Transgender Women

In addition to facing discrimination in accessing basic services, including employment, healthcare, and housing, Human Rights Watch found that transgender women in Lebanon regularly face violence, including from security forces. [6] Trans women, including those who were refugees and asylum seekers, reported incidents of family violence, including physical and sexual assault, but said that felt they had no recourse to the law. [7] The barriers to name and gender marker change on official documents reinforce trans women's economic marginalization.

Trans people are often arrested on charges such as "violating public morality" and "incitement to debauchery." Lebanese law does not criminalize being transgender, but article 534 of the penal code criminalizes "any sexual intercourse contrary to the order of nature," and is regularly enforced against trans women. No law or policy ensures that all trans people can benefit from legal gender recognition.

A lack of coordination in the government's response to sex trafficking continues to put women and girls at risk. Survivors of trafficking may have to wait months or years to testify in court, and cases can take between one and three years to conclude. Staff of organizations working with trafficking victims told Human Rights Watch that the criminalization of sex work in Lebanon is a significant obstacle to reporting crimes. They said that authorities tend to perceive all women in "prostitution" – even if they are trafficked into forced prostitution – as criminals. This means that those forced into prostitution fear being arrested if they approach the authorities.

Syrian women appear to be at particular risk of trafficking into forced prostitution and sexual exploitation in Lebanon. [8] Many Syrian women in Lebanon have no legal residency status in the country, which increases risks of sexual and other exploitation and also leaves them afraid to file criminal complaints against abusers.

In a March 2016 raid, security officers freed as many as 75 Syrian women from 2 brothels, Chez Maurice and Silver-B. Authorities arrested and indicted over 12 people on sex trafficking charges in that case. Two women told Human Rights Watch that traffickers lured them into Lebanon from Syria with promises of marriage or jobs, but instead forced them into prostitution in Chez Maurice, in Lebanon's Ma'ameltein red-light district. The women said that the alleged traffickers never paid them, regularly beat them, would not let them leave, and confiscated their identification papers and mobile phones.

Inadequate protection from domestic violence, sexual assault, and harassment

In August 2017, Lebanon repealed article 522 of the penal code, which allowed rapists to escape punishment by marrying their victims.[9] However, the repeal left a loophole with regard to offenses relating to sex with children aged 15-17 and sex with virgin girls with promises of marriage.[10]

A landmark 2014 domestic violence law established important protection measures and related policing and court reforms. But the law defines domestic violence narrowly, and fails to specifically criminalize marital rape, which is not a crime under other Lebanese laws.[11] It also does not require religious courts to adhere to civil court rulings relating to domestic violence, leaving women trapped in abusive marriages.[12]

Parliamentarians have introduced multiple draft laws since 2017 on sexual harassment, but parliament has yet to take action on this issue.

Human Rights Watch recommends that the Committee ask the government of Lebanon:

What is the government doing to strengthen its anti-trafficking framework and combat this
practice including examining laws and structures that leave women vulnerable to trafficking?

- What efforts are being made to amend the 2014 domestic violence law, including by expanding the definition of domestic violence to meet UN guidelines?
- What efforts are being made to pass comprehensive anti-discrimination legislation that includes the grounds of sex, gender, gender identity and sexual orientation and gives victims of discrimination access to an effective remedy?
- What steps are being taken to repeal article 534 of the penal code, which criminalizes "sexual intercourse contrary to the order of nature"?
- What efforts are being made to introduce legislation that allows for name and gender marker change through a simple administrative procedure based on self-declaration?
- What efforts are being made to ensure credible allegations of torture, in detention or otherwise, are investigated promptly, independently, transparently, and impartially?
- What efforts are being made to amend the 2017 anti-torture law to comply with Lebanon's obligations under international law, including by criminalizing cruel, inhumane, and degrading treatment or punishment and removing the statute of limitations?
- What specific protections are there for women and LGBT people held in detention centers, and are these included in the trainings, rules, policies, and manuals for detention center staff?
- What steps are being taken to criminalize sexual harassment?

## Nationality (Articles 1, 2, 9 and 15)

Lebanon's outdated nationality law discriminates against women married to foreigners by denying citizenship to their children and spouses, but not to the foreign spouses and children of Lebanese men.[13] The law affects almost every aspect of the children's and spouses' lives, including their legal residency and access to work, education, social services, and health care. While individual ministries have made incremental decisions to ease access to some basic rights, like education and work, these are piecemeal and subject to change. A lack of information about the current procedures and rules compounds barriers to accessing basic rights.

The law leaves some children at risk of statelessness. There is no publicly available data on the number of Lebanese women who have married foreigners or the number of children affected, but one 2009 UN Development Program-backed study found that there were 18,000 marriages between Lebanese women and foreigners in Lebanon between 1995 and 2008.[14] Frontiers Ruwad Association found in a 2012-2013 study that 73 percent of stateless people in Lebanon, who are not of Palestinian origin, were born to a Lebanese mother.[15]

Noncitizen children and spouses of Lebanese women must reapply for legal residency in Lebanon every one to three years. The process has been described to Human Rights Watch as disorganized, unclear, extremely time-consuming, and a source of suffering.[16]

Lebanese women's noncitizen children and spouses also need a permit to work in Lebanon, are barred from or face barriers to many professions, and report discrimination in the job market. They are denied access to national health insurance and government-subsidized medical care, even though they must pay into the system if they work.[17]

Noncitizen children of Lebanese women are not automatically eligible to attend Lebanese public schools. Because these children are deemed foreign nationals, they must be explicitly included in the Education Ministry's annual enrollment decrees in order to be able to enroll.

Under law 296 of 2001, Palestinians in Lebanon cannot acquire or transfer property, further discriminating against the noncitizen children of Lebanese women married to Palestinians.

In 2015, parliament passed a law to grant citizenship to persons in the Lebanese diaspora living abroad, and again excluded the descendants of Lebanese women. A 2016 decision by Lebanon's Constitutional Council upheld the law.[18]

Human Rights Watch recommends that the Committee ask the government of Lebanon:

- What steps is the government taking to end discrimination in nationality and ensure that Lebanese women can pass citizenship to their children and spouses, on equal basis to men?
- How many children are currently stateless in Lebanon?
- What is the number of Lebanese women who are married to foreigners, and what are the nationalities of the spouses?

#### Migrant Domestic Workers (Articles 2, 3, 6, 11, and 15)

An estimated 250,000 migrant domestic workers, the majority of them women from African and South East Asian countries, work in Lebanon.

On October 14, 2020, Lebanon's State Shura Council, the country's top administrative court, delivered a sharp blow to migrant domestic workers' rights when it struck down a new standard unified contract adopted by the Labor Ministry that would have introduced necessary safeguards against forced labor.[19] The contract would have allowed workers to terminate their contract without the consent of their employer and provided key labor guarantees afforded to other workers, such as a 48-hour work week, a weekly rest day, overtime pay, sick pay, annual leave, and the national minimum wage, with some permissible deductions for housing and food. Most important, the new contract would have allowed workers to terminate their contract without the consent of their employer, dismantling a key abusive aspect of the *kafala* (visa sponsorship) system. It is not clear what defense the Labor Ministry presented or whether it plans to appeal, and a Labor Ministry official declined to comment when asked by Human Rights Watch.

Migrant domestic workers are still excluded from Lebanon's labor law protections that other workers enjoy. Moreover, migrant workers' legal status is tied to their employer under the *kafala* system – a restrictive immigration regime of laws, regulations, and customary practices. The level of employers' control over workers' lives has led to an array of abuses including non-payment of wages, forced confinement, excessive working hours with no rest days or breaks, and verbal, physical, and sexual abuse.[20] Lebanese laws and regulations also do not grant migrant domestic workers the right to join and form unions.

The economic crisis, compounded by the Covid-19 pandemic and the port explosion in Beirut on August 4, has made life for migrant domestic workers even worse.[21] Many reported that incidents of abuse increased during the lockdown while others said that their employers slashed their salaries – if they paid them at all.[22] Workers lost passports, money, and belongings in the blast, which destroyed some workers' shared accommodations and temporary shelters, rendering dozens homeless.[23] Many reported facing discrimination in receiving aid, including access to adequate shelter.[24] Employers have abandoned hundreds of workers outside their consulates or embassies, without return tickets or pay for workers who are unable to afford expensive repatriation flights to their home countries.[25] Local media reports indicate that since March 2020, at least seven migrant domestic workers have taken their own lives.[26]

Human Rights Watch recommends that the Committee ask the government of Lebanon:

- What efforts are being made to amend the labor code to extend legal protection to domestic workers equal to that afforded to other workers and in line with the International Labour Organization's Domestic Workers Convention?
- What efforts are being made to reform the visa sponsorship system so that workers' visas are no longer tied to individual sponsors and they can terminate employment without sponsor consent?
- What efforts are being made to raise awareness about and enforce the new standard unified contract?
- Is the government considering ratifying the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention); the ILO Domestic Workers Convention; and the 2019 ILO Violence and Harassment Convention?

# Access to Education during the Covid-19 Pandemic (Article 10)

In April and June 2020, Human Rights Watch conducted remote interviews with students, parents, and teachers in multiple locations in Lebanon, to learn about the effects on children's education of school closures in response to the Covid-19 pandemic.

Impact of the School Closures on Children with Disabilities

Human Rights Watch found that school closures had disproportionately negative consequences for children with disabilities. Children with intellectual or developmental disabilities were at an increased risk of missing out on education with the transition to remote learning.

Human Rights Watch spoke to a mother of a 15-year-old girl who has learning difficulties. She said her daughter was "regressing academically" after her school closed, and missed interacting "with other students, with the teachers."[27] Her daughter had been receiving speech and psychomotor therapy at school which was tailored to her daughter's educational curriculum but stopped when the school closed. A month later, she received a letter from the therapist listing activities she should do with her daughter. When she requested a virtual session between the therapist and her daughter, her request was denied.[28]

Remote learning also placed increased burdens on parents of children with disabilities, particularly on mothers. A mother of a 12-year-old who is enrolled with an individual education plan in a private school said her son used to receive weekly psychomotor and speech therapy, as well as learning support in Arabic and English classes. When the school closed, the mother found it impossible to complete the regular school assignments, as well as the specialized support lessons, despite weekly Zoom calls, worksheets, and online classes that the school provided.

## Unreliable Electricity and Internet

In Lebanon, electricity is rationed. A fourteen-year-old girl in Saida said some of her classes were cancelled or ended early due to her teachers' lack of electricity and consistent internet connection.

[29] One mother of three, who also works as a high school teacher, said that she requested a virtual session between another teacher and her child, but was denied because of the teacher's strained capacity and "internet problems." The government had not given her any guidance regarding her own students' lack of internet access, including students who needed help studying before official examinations, she said. [30]

Human Rights Watch recommends that the Committee ask the government of Lebanon:

- How does the government plan to remedy learning time lost by children in Lebanon due to Covid-19-related school closures, in particular for girls with disabilities, girls living in rural areas, and female refugees living in Lebanon?
- How is the government ensuring that all girls return to school as soon as Covid-19 is under control locally, or can access education remotely during the Covid-19 lockdown?
- What is the government doing to make available internet-accessible devices for girls who need them as part of realizing their right to education?
- How is the government performing due diligence to ensure that any technology they have recommend for online learning protects children's privacy rights? Did the government include

data privacy clauses in any contracts they signed with technology or "Ed Tech" providers, in order to protect the data collected on children during this time from misuse?

• What laws protect children's education data and other private information collected online in connection with online learning?

#### Protection of Education from Attack (Article 10)

As recognized by this Committee in its *General Recommendation No.* 30, attacks on students and schools, and the use of schools for military purposes, disproportionately affect girls, who are sometimes the focus of targeted attacks and are more likely to be kept out of school due to security concerns.[31] The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict;[32] the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.[33] Lebanon endorsed the Safe Schools Declaration in June 2015.

In 2017, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in Lebanon obtained written assurances from Palestinian armed groups in the Ain al-Helweh refugee camp that there would be no repetition of violations of neutrality of UNRWA's facilities in the camp. The assurances were requested by UNRWA in order to resume its operations in the camp, following days of fighting between rival Palestinian factions. During the clashes, a number of UNRWA schools were occupied, including one located on high ground which sustained considerable damage. [34]

In 2019, the Palestinian National Security Forces adopted a code of conduct, committing to improve respect for international humanitarian norms in the Palestinian camps in Lebanon. In the code, the leadership of the Palestinian National Security Forces committed to "protecting ... schools and universities during armed violence and clashes." They also agreed that "the civilian character of ... educational facilities should be preserved at all times." Moreover, they pledged that, "No attack on such facilities should be tolerated and concrete measures should be taken to avoid the military use of such institutions." Regarding United Nations premises, including United Nations-run schools, the security forces stated they "should be respected and not entered or used during armed clashes or violence," noting "such premises enjoy inviolability under international law," and "this inviolability applies at all times and is not subject to exceptions for military expediency."[35]

Human Rights Watch recommends that the Committee ask the government of Lebanon:

• Are protections for schools and universities from military use included in any policies, rules, or trainings for Lebanon's armed forces?

- How many schools were either partially or wholly used for military purposes during the reporting period, and for what time?
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