

اللجنة الأهلية لمتابعة قضايا المرأة
Committee for the Follow-Up on Women's Issues

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Re: Information on Lebanon for Consideration by the Committee on the Elimination of Discrimination against Women at its 62nd Pre-Sessional Working Group (9-13 March 2015)

Dear Distinguished Committee Members,

We respectfully submit this letter to supplement the fourth and fifth periodic report submitted by Lebanon, scheduled for review by the Committee on the Elimination of Discrimination against Women (the Committee) during its 62nd pre-sessional working group taking place 9-13 March 2015. Equality Now and our partner, Committee for the Follow-Up on Women's Issues (CFUWI) in Lebanon, are writing to express our concern about human rights violations faced by women and girls in Lebanon. This letter focuses on Lebanon's obligation to address under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) discrimination in the law with regard to nationality and the exemption from punishment of offenders, including rapists, who marry their victims.

The Committee for the Follow-Up on Women's Issues (CFUWI) is a Lebanese nongovernmental organization working, since 1996, to develop the participation of women at all levels of social, economic and political aspects of life, also to revise the role of women and to eliminate all types of discriminations against women. 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.

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 note that the Committee’s recent 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”. (CEDAW/C/GC/31- CRC/C/GC/18, ¶41).

Nationality

In its consideration of Lebanon’s report in 2008, the Committee expressed concern about Lebanon’s “assertion that it cannot, for political reasons, amend its nationality law to allow Lebanese women to pass their nationality to their children and foreign spouses.” The Committee urged Lebanon to “recognize the negative impact of its nationality law on Lebanese women married to foreigners and on the children of these women and, accordingly revise its nationality law and remove its reservation to article 9, paragraph 2.” (CEDAW/C/LBN/CO/3, ¶42-43).

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)¹, calling on the government of Lebanon to recognize the adverse effects that the discriminatory Lebanese nationality law has on the families of Lebanese women married to foreign men, and to revise the Lebanese nationality law to ensure that all Lebanese citizens have the equal right to confer their Lebanese nationality on their spouses and children. We highlighted the case of Hiam Abd El Samad, her Egyptian husband Anwar Hasaneen, and their three daughters Nour, 17, ‘Amar, 12, and ‘Ayia, 9 years old who have suffered significant hardships and deprivation as a result of the nationality law. According to Lebanon’s State Party report, in March 2012 a ministerial committee was formed by the Cabinet to discuss amendment of the nationality law. The committee recommended against granting Lebanese women the possibility of passing their nationality to their children and spouses. It decided instead, in November 2012 according to the State Party’s report, to grant civil rights to children and spouses of Lebanese women in relation to access to work, health care, and residency permits. (CEDAW/C/LBN/4-5). However, except for the provision of three year residency permits, these civil rights still wait to be implemented. Moreover, campaigners continue to want removed, once and for all, the discrimination that treats Lebanese women and men differently under the nationality law so that women can enjoy full equality.

Exemption of offenders from punishment upon marriage

Article 522 of the Penal Code 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.² We note that in 2008, the Committee expressed its concern over “discriminatory provisions in the Lebanese Penal Code, in particular ... Article 522....” The Committee also “call[ed] upon the State party to amend, without delay, applicable provisions in the Penal Code to ensure that ... marriage to the victim does not exempt a sexual offender from punishment.” (CEDAW/C/LBN/CO/3, ¶26-27). We understand from Lebanon’s fourth and fifth periodic report that a subcommittee of the Parliament’s administration and justice committee recommended the repeal of Article 522 but action still needs to be taken to implement this recommendation and reform the law as soon as possible. (CEDAW/C/LBN/4-5).

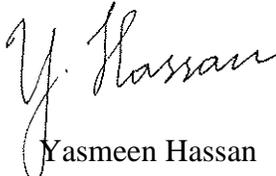
Suggested Questions for the List of Issues

We would respectfully urge the Committee to raise with the Lebanese government in its List of Issues the following questions with regard to violations of the Covenant addressed in this letter:

- What are the government's plans to comprehensively amend the nationality law to allow Lebanese women to transfer their nationality to their children and spouse on an equal basis with men? When will all the civil rights to children granted by the ministerial committee be implemented in the meantime?
- What steps is the government taking to implement the parliamentary committee's recommendation to repeal Article 522 of the Penal Code, and what does the government plan to do to subsequently enforce and raise awareness of this important legal reform?

Thank you very much for your kind attention, and please do not hesitate to contact us if we can provide further information.

Sincerely,


Yasmeen Hassan
Global Director
Equality Now



Dr. Fahima Charafeddine
President
Committee for the Follow up on Women's
Issues (CFUWI)

¹ See http://www.equalitynow.org/take_action/discrimination_in_law_action361. See also *Ending Sex Discrimination in Nationality and Citizenship laws* (May 2014), available at http://www.equalitynow.org/take_action/discrimination_in_law_action471. Equality Now is also a member of the Global Campaign for Equal Nationality Rights, which aims to eliminate gender discrimination in nationality laws. See <http://www.equalnationalityrights.org>

² For the text of the law, see *Equality Now, Words Deeds – Holding Governments Accountable in the Beijing + Review Process*, available at <http://www.equalitynow.org/node/370>.