



CEDAW Secretariat
Office of the High Commissioner for Human Rights (OHCHR)
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva 10
Switzerland
By Post and E-mail: cedaw@ohchr.org

16 January 2015

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, KAFA (enough) Violence & Exploitation in Lebanon, are writing to express our concern about human rights violations faced by women and girls in Lebanon who have been trafficked or exploited in prostitution.

Trafficking and exploitation of prostitution of women is expressly prohibited by Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and also violates Articles 2 (right to elimination of discrimination) and 3 (equality).

KAFA is a feminist, secular, Lebanese, non-profit, nongovernmental civil society organization seeking to create a society that is free of social, economic and legal patriarchal structures that discriminate 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.

In its 2008 concluding observations for Lebanon, the Committee expressed concern about increased reports of trafficking in women and girls and “that the State party has neither enacted legislation on trafficking nor established a comprehensive plan to prevent and eliminate trafficking in women and to protect victims” (CEDAW/C/LBN/CO/3, ¶ 28). The Committee also “urge[d] the State party to (...) prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls, including protective measures and legal assistance” (CEDAW/C/LBN/CO/3, ¶ 29).

In its 2008 shadow report to the CEDAW Committee, KAFA urged the Committee to call on the Lebanese government to “refrain from criminalizing women involved in prostitution and work on providing options for alternative livelihoods to the victims.” KAFA also looked to the Committee to call on the government “to revise its law on prostitution (...) with the objective of abolishing prostitution and criminalizing” those who pay for sex. This is in keeping with other concluding observations of the Committee, where it has called on governments to decriminalize and provide alternatives and support to women in prostitution¹, as well as to take measures to reduce the demand for prostitution as a measure to suppress trafficking.² In 2014, the Committee explicitly called on Finland to criminalize the purchase of sex (CEDAW/C/FIN/CO/7 ¶ 21).

Despite the calls by Kafa and the Committee's observations, and while anti-trafficking legislation was enacted in 2011, Equality Now and Kafa are concerned that the Lebanese government still does not effectively address trafficking and the exploitation of the prostitution of women as required under Article 6 of CEDAW. Traffickers are not held to account and legislation on both trafficking and prostitution do not adequately address the main root causes, namely demand for sexual services and the lack of support and viable alternatives for women. Trafficking to and within Lebanon has been a problem for years with the crisis in Syria and the large number of Syrian women and girls in Lebanon. It is vital that the Lebanese government has laws and policies in place that effectively prevent exploitation, protect victims and hold perpetrators to account.

Implementation of anti-trafficking legislation – holding traffickers to account

We welcome Anti-Trafficking Law No. 164, which was enacted in 2011, as a positive step forward. Now, the Penal Code is equipped with a clear definition of the crime of trafficking which is largely in line with the definition set out in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), supplementing the Convention on Transnational Organized Crime.

However, while Anti-Trafficking Law No. 164 sets out strong penalties and sentences on traffickers, to date there have been no convictions under this law with regard to sex trafficking. Many law enforcement officers, judges and service agencies are still unfamiliar with the law. Furthermore, trafficking cases are often not recognized as such by relevant authorities, given the institutional bias and social prejudice that exists against women who have been trafficked. This is in part because women in prostitution are criminalized under Article 523 of the Penal Code (as discussed below). Thus, we are concerned that traffickers are not held to account under the law because it is not being adequately enforced.

Decriminalizing and supporting victims/women in prostitution

Related to the above, problematic laws and regulations on trafficking, which leave victims liable to exploitation and also criminal sanctions, contradict, and are not addressed by, Anti-Trafficking Law No. 146.

Under Article 523 of the Penal Code, the sale of sex is punishable with up to one year imprisonment. Criminalizing the sale of sex only serves to further marginalize women in prostitution, making them more vulnerable to exploitation, including trafficking. Due to the criminalization of the sale of sex, victims of trafficking for sexual exploitation are often perceived by the authorities as criminals instead of victims, and do not receive the support they need and deserve. As such, any criminal sanctions of women in prostitution, including Article 523, should be removed from Lebanon's legislation.

Anti-Trafficking Law No. 164 also does not ensure the non-criminalization of victims under other provisions, such as residency regulations. The law provides for the possibility of non-criminalization for selling sex or violating residency regulations, as well as other acts punishable under Lebanese law, but the burden of proof is on the victim to demonstrate not only that he/she is a victim of trafficking – which is difficult for an individual in a trafficking situation, especially if he/she is a foreigner – but also to prove that he/she was obliged to commit acts punishable by Lebanese regulations such as being engaged in prostitution. Legislation should ensure that victims are not criminalized for acts committed as a result of their being victims of trafficking.

Law No. 164 also did not amend laws and regulations that tolerate and even facilitate the sexual exploitation of women such as the Artiste Visa scheme that regulates the entrance and stay of thousands of women to Lebanon each year under the premise of working in entertainment, but often resulting in their exploitation in prostitution³.

Thus, under current legislation, the Lebanese government does not address prevention of sex trafficking and exploitation in prostitution or protection and ensuring the human rights of victims.

Reducing demand for exploitation

Finally, demand is not addressed in Anti-Trafficking Law No. 164, or elsewhere in Lebanon's legislation. Lebanon is considered a sex tourism destination in the region. In its 2014 report on *Exploring the Demand for Prostitution*, KAFA notes that despite the prevalence of prostitution in Lebanon and the authorities' awareness of the industry, buyers of commercial sex, who fuel the commercial sexual exploitation and trafficking of women in Lebanon, are not criminalized in any way and no demand-reduction measures are put in place. Yet, under Article 9 (5) of the Palermo Protocol, the Lebanese government is obligated to discourage "the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking." Prostitution and sex trafficking are inextricably linked. Demand fuels both sex trafficking and the commercial sex industry. In any market, if there is no demand, there would be no supply. Placing the responsibility on buyers of commercial sex would reduce the demand for commercial sex; it would reduce the supply of women for prostitution; and would reduce the pimps or traffickers that recruit women to meet the needs of buyers.

Conclusion

Lebanon's existing laws on trafficking and prostitution do not adequately address prevention, protection and prosecution of the trafficking and exploitation in prostitution of women as required by Article 6 of CEDAW. Traffickers are not held to account under Anti-Trafficking Law No. 164, partly because the government has not taken measures to ensure that members of law enforcement and the judiciary are aware of, and well-trained on the law. At a more fundamental level, the legislation currently in place on trafficking and prostitution do not address their root causes, particularly the demand for exploitation of women in prostitution as well as support and viable alternatives to those in prostitution.

Suggested Questions for the List of Issues

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

- How is the government ensuring that Anti-Trafficking Law No. 164 is being enforced and that traffickers are punished, including through trainings of relevant authorities to promote adequate knowledge of the law?
- What steps is the government taking to discourage the demand that fuels trafficking and commercial sexual exploitation and to hold buyers of commercial sex to account, with a view to criminalizing the purchase of sex in the long term?
- What are the government's plans for removing criminal sanctions against those exploited in prostitution and providing them with assistance, including to exit prostitution?

Thank you 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



Ghada Jabbour
Co-founder, Head of the Exploitation & Trafficking in Women Unit
KAFA (enough) Violence & Exploitation

¹ See e.g. CEDAW Committee, Concluding Observations: Bahamas, para 26(e), U.N. Doc. CEDAW/C/BHS/CO/1-5 (2012) (calling on the Bahamas to “Review its prostitution policy and relevant legislation...with a view to decriminalizing women’s involvement in prostitution, ensuring that women involved in the sex trade are not punished and discouraging male demand for prostitution;”), and CEDAW Committee, Concluding Observations: Republic of Korea, para 23(d), U.N. Doc. CEDAW/C/KOR/CO/7 (2011) (calling on Korea to “Review its prostitution policy and relevant legislation, including the Criminal Code, with a view to decriminalizing women’s involvement in prostitution and ensuring that women involved in the sex trade are not punished;”), CEDAW Committee, Concluding Observations: Cameroon, para 21(g), U.N. Doc. CEDAW/C/CMR/CO/4-5 (2014) (calling on Cameroon to “Review the Penal Code with a view to decriminalizing women engaged in prostitution; adopt measures aimed at discouraging male demand for prostitution; address the root causes of prostitution, provide women with alternative income opportunities, and provide assistance, rehabilitation and reintegration programs for women and girls exploited in prostitution, as well as exit programs for women wishing to leave prostitution”), CEDAW Committee, Concluding Observations: Iraq, para 32(d), U.N. Doc. CEDAW/C/IRQ/CO/4-6 (2014) (calling on Iraq to “Review its relevant legislation ... in order not to criminalize women in prostitution, ensure that women involved in the sex trade are not punished, and provide them with livelihood opportunities to leave prostitution”), and CEDAW Committee, Concluding Observations: Qatar, para 26(f), U.N. Doc. (CEDAW/C/QAT/CO/1) (2014) (calling on Qatar to “Review relevant legislation and regulations in force to decriminalize women in prostitution and take a comprehensive approach to addressing the question of prostitution, including exit programs for women who wish to leave prostitution”).

² See e.g., CEDAW Committee, Concluding Observations: Republic of Korea, para. 23(f), U.N. Doc. CEDAW/C/KOR/CO/7 (2011) (calling on the Republic of Korea to “[t]ake appropriate measures to suppress the exploitation of prostitution of women, including by discouraging the demand for prostitution”); CEDAW Committee, Concluding Observations: Denmark, para. 35, U.N. Doc. CEDAW/C/DEN/CO/7 (2009) (calling on Denmark to “strengthen measures aimed at addressing the exploitation of prostitution in the country and, in particular, the demand for prostitution”).

³ Huda, Sigma, Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Mission to Lebanon, E/CN.4/2006/62/Add., United Nations, 20 February 2006. Also problematic in this respect is the law of 1931 regulating prostitution.