



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 Session (26 Oct. - 20 Nov. 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 session taking place 26 October - 20 November 2015 and to follow-up on our submission for the 62nd pre-sessional working group. Equality Now and the 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). We also note that during the 2010 Universal Periodic Review of Lebanon, several countries recommended that Lebanon amend its law on nationality to enable Lebanese women to confer their nationality to their children. All of these recommendations were noted and rejected.

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 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. Indeed, the government has no strategy to amend the nationality law or to lift the reservation on article 9. However, there are initiatives in place which enable the children and foreign spouse of Lebanese women to obtain long residency permits (3 years), and the labor decree issued on September 2011 which allows access to work for the children and spouses, as well as the access to health care for the children of the working women. (CEDAW/C/LBN/4-5). However, except for the provision of three year residency permits, these civil rights are yet to be implemented. Moreover, campaigners continue to want removed, once and for all, the discrimination that treats Lebanese women differently from men under the nationality law.

We welcome the Committee’s 2015 List of Issues which asked Lebanon to provide any information with respect to amending the Nationality Law, as well as “any steps taken by the State party to withdraw its reservation to article 9 (2) of the Convention” (CEDAW/C/LBN/Q/4-5, ¶13). We are disheartened, however, by Lebanon’s reply to the List of Issues, which reported that there have been “no new developments concerning the nationality issue in respect of amending the law or Lebanon’s reservation to article 9 (2) of the Convention (CEDAW/C/LBN/Q/4-5/Add.1, ¶13).”

Exemption of offenders from punishment upon marriage

Article 522 of the Lebanese 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).

In its 2015 List of Issues, the Committee also requested that the Lebanese government provide clarification of whether a bill to “protect women from domestic violence” has been adopted (CEDAW/C/LBN/4-5, ¶9). In their response, Lebanese officials said that in April of 2014 “The Chamber of Deputies...passed a draft Law to Protect Women from Domestic Violence” which was promulgated as “Law No. 293 of 7 May 2014 on the Protection of Women and Other Family Members from Domestic Violence” (CEDAW/C/LBN/4-5/Add.1, ¶9a). These are welcome developments which we hope will lead to further reform.

Suggested Questions for the State Party

We would respectfully urge the Committee to raise again with the Lebanese government 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 to enforce and raise awareness of this important legal reform?

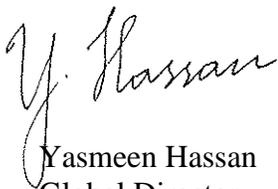
Suggested Recommendations to the State Party

We also respectfully urge the Committee to consider the following recommendations to the government of Lebanon:

- Urgently amend the nationality law to allow Lebanese women to transfer their nationality to their children and spouse on an equal basis with men.
- Urgently amend all applicable provisions in the law to ensure a sexual offender cannot escape punishment by marrying his victim.

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>.