



Committee on the Rights of the Child Secretariat  
Office of the High Commissioner for Human Rights (OHCHR)  
Palais Wilson - 52 rue des Pâquis  
CH-1201 Geneva  
Switzerland  
By Post and e-mail: <http://www.childrightsconnect.org/upload-session-reports/>

30 June 2016

**Re: Information on Lebanon for Consideration by the Committee on the Rights of the Child at its 75<sup>th</sup> pre-session working group (03 – 07 October 2016)**

Dear Distinguished Committee Members,

We respectfully submit this letter to the pre-sessional working group meeting in October 2016 on Lebanon's fourth and fifth periodic report, scheduled for review by the Committee on the Rights of the Child during its seventy-fifth session, taking place 15 May 2017 – 02 Jun 2017. Equality Now, the Committee for the Follow-Up on Women's Issues (CFUWI) and the Lebanese Council to Resist Violence against Woman (LECORVAW) in Lebanon and the Global Campaign for Equal Nationality Rights, are writing to express our concern about human rights violations faced by children in Lebanon. This letter focuses on Lebanon's obligation to address under the Convention on the Rights of the Child (CRC) 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, and also to revise the role of women and to eliminate all types of discrimination against women. The Lebanese Council to Resist Violence against Woman (LECORVAW) is a non-governmental organization working for the purpose of fighting and resisting all forms of Violence Against Woman (VAW) and Gender Based Violence (GBV) in Lebanon. 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, the Institute on Statelessness and Inclusion, and Women's Refugee Commission. 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.

## Nationality

Article 7 of the Convention on the Rights of the Child (CRC) grants children the right to acquire a nationality, further determining that State Parties must “ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.” Article 8 of the CRC grants children the right to “preserve [their] identity, including nationality, name and family relations as recognized by law without unlawful interference”. Furthermore, as previously highlighted by the Committee, by denying children’s ability to access nationality due to the sex of the parent, Lebanon’s nationality law is also in violation of Article 2 of the CRC.

In Equality Now’s report, *The State We’re In – Ending Sexism in Nationality Laws* (available at [www.equalitynow.org](http://www.equalitynow.org))<sup>1</sup>, we note that the Decree No. 15 on Lebanese Nationality discriminates against women insofar as Lebanese women cannot pass their nationality to foreign spouses and children on an equal basis with men - including the inability of unmarried or married mothers to pass their nationality to a child born inside or outside the country on equal basis with married or unmarried fathers, and 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 foreigner.

In its concluding observations on Lebanon’s report in 2006, the Committee expressed concern that Lebanon’s “citizenship is transmitted solely through a child’s father, which can result in statelessness, for example, among children born to Lebanese mothers and refugee fathers.” (CRC/C/LBN/CO/3, ¶39). The Committee urged Lebanon “[to] **critically review its legislation, particularly the Legislative Decision No. 15/1925, in order to ensure that also a Lebanese mother has the right to confer Lebanese citizenship to her children equally and without discrimination.**” (CRC/C/LBN/CO/3, ¶40).

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. The Committee of the Arab Charter at the league of Arab States, mandated to discuss governments’ reports on the status of human rights in their respective countries, also urged Lebanon in 2015 to revise its nationality law (Decree No.15 of 1925) to enable Lebanese women married to non-nationals to pass on their nationality to their children on equal basis with Lebanese fathers married to foreigners.<sup>2</sup>

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)<sup>3</sup>, 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. Lebanon’s State Party fourth and fifth periodic reports 2005-2014 did not highlight the government’s efforts to amend the nationality law but rather mentioned the

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<sup>1</sup> available in English, French, Spanish and Arabic.

<sup>2</sup> available at [http://www.lasportal.org/ar/humanrights/Committee/Documents/الملاحظات والتوصيات الختامية الصادرة على تقرير الجمهورية اللبنانية.pdf](http://www.lasportal.org/ar/humanrights/Committee/Documents/الملاحظات%20والتوصيات%20الختامية%20الصادرة%20على%20تقرير%20الجمهورية%20اللبنانية.pdf)

<sup>3</sup> See <http://www.equalitynow.org/action-alerts/lebanon-give-women-equal-citizenship-rights-men-under-nationality-law-0>

decision of Judge John Qazzi on 16 June 2009 to grant Lebanese citizenship to minors of a Lebanese mother following the death of her foreign husband. Unfortunately, the decision is being revisited by the Cassation court following an appeal by the government. (CRC/C/LBN/4-5, ¶71).

Regrettably, the ministerial committee established to study Lebanon's nationality law failed to meet the aspirations of Lebanese women married to non-nationals and those advocating for equality under the law, concluding in December 2012 that Lebanese women should not be granted the right to pass their nationality to their children and spouses. Instead, the 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. If implemented, these recommendations are welcome in that they should alleviate the hardships experienced by the children of Lebanese women married to non-Lebanese men. More than three years later, however, these civil rights still need to be implemented as temporary measures pending reform to grant citizenship to children of Lebanese women, per Lebanon's obligations under the CRC and other international conventions.

### ***Exemption of rapists 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.<sup>4</sup> This article violates the principles of protection set by the CRC. Article 19.1 of the CRC demands States parties "take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse ..., including sexual abuse....," and Article 34 suggests States parties "undertake to protect the child from all forms of sexual exploitation and sexual abuse". We also note that the Committee's recent joint recommendation with the Committee on the Elimination of Discrimination against Women 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). Although amendments to the law exempting a rapist from punishment if he marries his victim were submitted to a parliamentary committee, they have yet to be discussed or introduced into the full parliament. The revocation of this article would conform with Lebanon's under international law and help to end the re-victimization of rape and sexual assault survivors who may be pressured into marrying the perpetrator.

LECORVAW counsels girls and women who are forced to marry their rapists including, for example, Amal (not her real name), a 12-year-old girl who was raped by a 24-year-old man after he promised to marry her. LECORVAW referred the case to the Juvenile Protection Department which contacted the local prosecutor who arrested the rapist. Amal's father agreed to drop the charges and the rapist is free at the moment. The rapist's family, however, is still trying to put psychosocial and financial pressure on Amal's family to accept the marriage so that they can use Article 522 which would exempt their son from punishment if the prosecutor decides to proceed with the case. As of this writing, Amal is still attending counseling at LECORVAW and she and her family continue to be pressured by the community and the rapist's family to accept the marriage.

### ***Suggested Questions for the State Party***

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

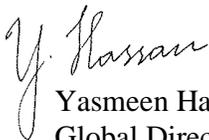
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<sup>4</sup> Text available at <http://www.equalitynow.org/content/penal-code>

- What are the government's plans to comprehensively amend the nationality law to allow Lebanese women to transfer their nationality to their children and spouses on an equal basis with men? When will all the civil rights to children, and spouses, 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?

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

Sincerely,



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Global Director  
Equality Now



Catherine Harrington  
Global Campaign Manager  
Global Campaign for Equal Nationality Rights



Dr. Fahima Charafeddine  
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