

20 March 2015

## EQUALITY NOW



**Lebanon**

**Submission to the UN Universal Periodic Review**

**Twenty-Second Session of the UPR Working Group of the Human Rights  
Council**

**November 2015**

Submitted by:

Equality Now  
PO Box 20646  
Columbus Circle Station  
New York, NY 10023  
USA  
Phone: +1-212-586-0906  
Fax: +1-212-586-1611  
Email: [info@equalitynow.org](mailto:info@equalitynow.org)  
[www.equalitynow.org](http://www.equalitynow.org)

## **Introduction and Summary**

1. 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 over 35,000 individuals and organizations in over 190 countries.
2. In this submission, Equality Now provides information as stipulated in the *Information and Guidelines for Relevant Stakeholders' Written Submissions*. Equality Now in consultation with Lebanese partner organizations, the Committee for the Follow-Up on Women's Issues (CFUWI) and KAFA for our recent submissions to the Committee on the Elimination of Discrimination against Women, highlights its concerns about (1) sex discrimination in the law with regard to nationality in Lebanon; (2) the exemption from punishment of offenders, including rapists, who marry their victims; and (3) sex trafficking and commercial sexual exploitation. We make several recommendations for action by the government of Lebanon to better address these areas of concern.

## **Promotion and Protection of Human Rights on the Ground**

### ***Sex discrimination in the law with regard to nationality***

3. The nationality law of Lebanon only allows a man (and not a woman) to confer Lebanese nationality upon his spouse and his children. This law, which denies women equality with men in terms of nationality, undermines a woman's status as an equal citizen and violates international law as well as the Lebanese Constitution, which provides that all Lebanese citizens are equal before the law and enjoy the same civil and political rights.
4. 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>1</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, 'Amar and 'Ayia, who have suffered significant hardships and deprivation as a result of the nationality law.
5. Lebanese women's rights organizations such as the Committee for the Follow-Up on Women's Issues (CFUWI) have been involved in national campaigns to revise the discriminatory nationality law. In April 2009, two parliamentarians proposed amendments to

---

<sup>1</sup> See [http://www.equalitynow.org/take\\_action/discrimination\\_in\\_law\\_action361](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](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>

the nationality law to allow Lebanese women to pass their nationality to their children. In addition, in June 2009, a Lebanese court issued a judgment in a case filed by Samira Soueidan, a Lebanese woman, to get Lebanese citizenship for her children whose (deceased) father was Egyptian. The court granted this citizenship to her children in a landmark decision stating that “the Lebanese Constitution establishes the principle of equality before the law among all Lebanese, women and men. The Lebanese woman is a partner to man in citizenship, obligations and rights, and has therefore the right to give her nationality to her children if she marries a foreigner...” However, this judgment was unfortunately overturned on appeal on 18 May 2010. In the Report of the Working Group of the previous Universal Periodic Review of Lebanon, several countries called on Lebanon to amend the nationality law as soon as possible. (A/HRC/16/18).

6. According to Lebanon’s 2014 State Party report to CEDAW, 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.
7. We urge the Human Rights Council to encourage the Lebanese government to remove the discrimination that treats Lebanese women and men under the nationality law so that women can enjoy full equality in transferring their nationality to their children and spouses.

#### ***Exemption of offenders from punishment upon marriage***

8. 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.<sup>2</sup>
9. We understand from Lebanon’s fourth and fifth periodic report to CEDAW that a subcommittee of the Parliament’s administration and justice committee recommended the repeal of Article 522 (CEDAW/C/LBN/4-5). However, action still needs to be taken to implement this recommendation and reform the law as soon as possible.
10. We urge the Human Rights Council to encourage the Lebanese government to repeal Article 522 of the Penal Code.

---

<sup>2</sup> For the text of the law, see Equality Now, *Words Deeds – Holding Governments Accountable in the Beijing+20 Review Process*, available at [http://www.equalitynow.org/law/the\\_penal\\_code\\_0](http://www.equalitynow.org/law/the_penal_code_0)

### *Preventing Sex Trafficking and commercial sexual exploitation and protecting Survivors*

11. We are very concerned about the failure of the Lebanese government to adequately prevent sex trafficking and the exploitation of women and girls in prostitution, and to protect and assist victims.
12. Trafficking of women and girls for sexual exploitation to and within Lebanon has been a problem for years and has been exacerbated by the crisis in Syria and the large number of Syrian women and girls in Lebanon.
13. While anti-trafficking legislation was enacted in 2011, we are concerned that 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.

### *Implementation of anti-trafficking legislation – holding traffickers to account*

14. We welcome Ant-Trafficking Law No. 164, which was enacted in 2011, as a positive step forward. The Penal Code is now 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.
15. However, while Anti-Trafficking Law No. 164 sets out strong penalties and sentences for traffickers, to date there have been no convictions under this law with regard to sex trafficking. Thus, we are concerned that traffickers are not held to account under the law because it is not being adequately enforced. 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).

### *Decriminalizing and supporting victims/women in prostitution*

16. Lebanon has problematic laws and regulations on trafficking which leave victims liable to exploitation and also criminal sanctions. These contradict Anti-Trafficking Law No. 146.
17. 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.

18. Anti-Trafficking Law No. 164 also does not ensure the non-criminalization of trafficking victims for related crimes. Rather, 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.
19. 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 prostitution<sup>3</sup>.
20. 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*

21. Demand is not addressed in Anti-Trafficking Law No. 164, or elsewhere in Lebanon's legislation.
22. Lebanon is considered a sex tourism destination in the region. In its 2014 report on *Exploring the Demand for Prostitution*, KAFA, a feminist, secular, non-profit civil society organization in Lebanon, 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.
23. 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."
24. 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 criminal liability on buyers of commercial sex would reduce the demand for commercial sex; it would consequently reduce the supply of women for prostitution; and would reduce the pimps or traffickers that recruit women to meet the needs of buyers.

#### *Conclusion*

25. Lebanon's existing laws on trafficking and prostitution do not adequately address prevention, protection and prosecution of the sex trafficking and exploitation in prostitution of women.

---

<sup>3</sup> Huda, S., *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.

26. 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.
27. At a more fundamental level, the legislation currently in place on trafficking and prostitution does 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.
28. We urge the Human Rights Council to encourage the Lebanese government to ensure 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; 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; and to remove criminal sanctions against those exploited in prostitution and providing them with assistance, including to exit prostitution.

### **Recommendations for Action by the Government of Lebanon**

#### ***Sex discrimination in the law with regard to nationality***

29. Equality Now and our partners respectfully urge the Human Rights Council to call on the government of the Lebanon to address sex discrimination in its nationality law by:
  - a. Comprehensively amending the nationality law to allow Lebanese women to transfer their nationality to their children and spouse on an equal basis with men.
  - b. In the meantime, implementing all the civil rights to children granted by the ministerial committee.

#### ***Exemption of offenders from punishment upon marriage***

30. Equality Now respectfully urges the Human Rights Council to call on the government of the Lebanon to address the exemption of offenders from punishment upon marriage to their victims, by:
  - a. Implementing the parliamentary committee's recommendation to repeal Article 522 of the Penal Code.
  - b. Subsequently enforcing and raising awareness of this important legal reform.

#### ***Sex trafficking and prostitution***

31. Equality Now respectfully urges the Human Rights Council to call on the government of Lebanon to address sex trafficking by:

- a. 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 a of the law.
- b. Discouraging the demand that fuels trafficking and commercial sexual exploitation and holding buyers of commercial sex to account, with a view to criminalizing the purchase of sex in the long term.
- c. Removing criminal sanctions against those exploited in prostitution and providing them with assistance, including to exit prostitution.