



CSW Communications Procedure
Human Rights Section
UN Women
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USA
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27 July 2018

Re: Communication on the need for the Government of Lebanon to amend Articles 505 and 519 of its Penal Code, and repeal Article 518 entirely

Dear Commission Members,

Pursuant to Economic and Social Council resolution 76 (v) of 5 August 1947, as amended by Economic and Social Council resolution 341 (XI) of July 1950¹, we submit this communication² on the need for the Government of Lebanon to amend Articles 505 and 519 of its Penal Code, and repeal Article 518 entirely. This communication is in reference to Equality Now's Action "Lebanon: Don't let rapists and sexual harassers go free!"³ (last updated July 2018).

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 women and gender based violence in Lebanon. ABAAD is a Lebanese non-profit, non-politically affiliated and non-confessional civil association that aims to achieve gender equality as an essential condition to sustainable social and economic development in the Middle East and North Africa region. ABAAD seeks to promote equality and active participation through policy development, legal reform, gender mainstreaming, eliminating discrimination, in addition to supporting the advancement of women and empowering them to participate effectively and fully in their communities. Equality Now is an international human rights organization with ECOSOC status working to promote the equality of women and girls worldwide.

We commend Lebanon for the full repeal of Article 522 of the Lebanese Penal Code in August 2017, which previously stopped prosecution or execution of a penalty when the perpetrator of a rape, kidnaping, or statutory rape marries the person he has raped or kidnapped. This reform will work to prevent sexual violence and protect the re-victimization of survivors by not allowing their abusers to

¹ The Economic and Social Council has reaffirmed the mandate of the Commission on the Status of Women to receive communications on the status of women in its resolutions 1983/27 of 26 May 1983, 1992/19 of 30 July 1992, 1993/11 of 27 July 1993 and decision 2002/235 of 24 July 2002.

² Equality Now hereby waives any claim of confidentiality to which we may be entitled in the communication process.

³ Available at <https://www.equalitynow.org/action-alerts/lebanon-dont-let-rapists-go-free-repeal-article-522-penal-code>

enjoy impunity through marriage.

However, loopholes remain in the law that allow impunity of perpetrators in Lebanon. Specifically, Article 505 of the Penal Code allows for the marriage of, and therefore sex with, minors who are 15 to 18 years old in “consensual” relationships under the supervision of a judge and a social worker; Article 518 allows prosecutions to be stopped or sentences to be suspended for men who go on to marry virgin girls they had initially “seduced” with promises of marriage; Article 519 allows a minor’s “consent” to be considered in cases of sexual harassment of 15 year olds up to 18 year olds.⁴

On 2 November 2017, a proposal to amend these articles in the Penal Code addressing sex with and sexual harassment of minors was submitted to the Speaker of the House by three members of Parliament, in consultation with the National Commission for Lebanese Women (NCLW). Under the proposed amendments, Article 505 would punish those who have sex with 15 -17 year olds, without any exceptions for subsequent marriage and Article 519 would no longer consider a minor’s “consent”. Moreover, Article 518 would be repealed to no longer allow prosecutions to be stopped or sentences to be suspended for men who go on to marry virgin girls they had initially “seduced” with promises of marriage. However, the Speaker of the House has yet to submit the bill to the full Parliament for a vote. The next Parliamentary session could happen at any time.

Despite recent advancements in the form of repealing Article 522, the UN High Commissioner for Human Rights has explicitly called for further revision to the Lebanese Penal Code to eliminate provisions that promote sexual violence against women and girls.⁵ In May 2018, the Human Rights Committee in its concluding observations on the third periodic report of Lebanon recommended amending “**Articles 505 and 518 of the Criminal Code to ensure that perpetrators of rape incur criminal responsibility without exception and regardless of the age of the victim.**”⁶ In June 2017, the CRC also recommended in its closing observations that Lebanon expeditiously revoke “**all legal provisions that exempt rapists from prosecution upon marriage to the victim to help end the revictimization of girls.**”⁷

Equality Now and its partner organizations are continuously advocating to encourage Lebanon to revise its Penal Code by amending Articles 505 and 519, and repealing Article 518 entirely to align with international and regional human rights standards. As Equality Now discusses in its recent report, “The World’s Shame - The Global Rape Epidemic - How Laws Are Failing to Protect Women and Girls,”⁸ these types of laws help fuel the global rape epidemic and are incompatible with multiple human rights treaties to which Lebanon is a party. Lebanon also has an international commitment as a participant in the UN Sustainable Development Goals, particularly goals 5 and 10, to ensure that its laws are aligned with international and regional standards such that women and girls are free from sexual violence.

Today, Equality Now, LECORVAW, and ABAAD file this communication to request that the Commission call upon the Government of Lebanon to immediately and without delay amend Articles 505

⁴ Penal Code before the repeal of Art. 522 available at https://www.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf

⁵ Available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21987&LangID>

⁶ Available at

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLBN%2fCO%2f3&Lang=en

⁷ Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/LBN/CO/4-5&Lang=En

⁸ Available at https://www.equalitynow.org/the_global_rape_epidemic_campaign

and 519 of its Penal Code, and repeal Article 518 entirely. We respectfully urge the Commission to call on Lebanon to close these remaining loopholes in the law that allow impunity of perpetrators and leave women and girls vulnerable to rape and sexual assault, so that women and girls in Lebanon can enjoy lives free from violence and abuse. We also urge the Commission to refer this matter to the Economic and Social Council with a recommendation that it takes action to ensure Lebanon completes the aforementioned steps to bring them in line with international and regional human rights standards.

Sincerely,



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