

Report on child marriage, early marriage and forced marriage in Lebanon

As per the Constitution of Lebanon (one fundamental provisions in the preamble- introduced by the constitutional law of September 21, 1990):

“... Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception.”

Accordingly, the “Convention on the Rights of The Child” that Lebanon ratified in 1991 without any reservation took supremacy over the applicable national laws and constitutional power.

Lebanon also ratified CEDAW in 1997 with reservations on articles 9, 16 and 29.

Lebanon considered article 16 relating to “Marriage and Family Life” in contradiction with Article 9 of the Constitution that gives authority to religions to organize the personal status laws.

In Lebanon, personal status laws vary according to the number of religious communities. Amounting to 18, each community has its own personal status law. Therefore, there is no unified law for marriage and a different law is applied to each girl according to the religious community she belongs to.

Some religious communities have set the minimum age of marriage to 15 years old. Others have allowed the marriage of girls at the age of 9 years with exceptions. After pressure from civil society organizations and activists, most religious communities amended their legislations to raise the minimum age of marriage as shown below.

A table showing the girls’ and boys’ age of marriage according to the different Lebanese religious communities as in 2017:

Religious Community	Legal age of marriage		Exceptions	
	Girls (years)	Boys (years)	Girls (years)	Boys (years)
Sunni	17	18	9	17
Shiite	9	Puberty	Puberty	15
Druze	17	18	15	16
Catholic	14	16	-	-
Greek Orthodox	18	18	15	17
Armenian Orthodox	15	18	14	16
Syriac Orthodox	14	18	-	-
Evangelistic	16	18	14	16
Assyrian Orthodox	15	18	If physically fit	If physically fit
Israeli	12.5	18	Under 12.5	13

On the 27th of October 2015, a coalition of Arab NGOs, launched under the patronage of the Ministry of Social Affairs (MOSA), a regional seminar on “Child Marriage during democratic transition and armed conflict”. It was concluded by the “Beirut Declaration on Ending Child Marriage” that the MOSA adopted.

Legal Measures

A. Proposal of law:

In this framework NCLW undertook a socio-legal study on the negative impact of early marriage both on minors and on society entitled “protection of young girls from early marriage: facts and prospects” and launched a national campaign to protect minor girls from early marriage in 2015.

This study paved the way to a draft law in an attempt to regulate child marriages in Lebanon since all marriages and family issues are governed by religious laws. Subsequently, NCLW held series of meetings that gathered lawyers specialized in the personal status field and judges from the field of juvenile protection as well as members from the legal committee at NCLW to prepare a draft law in this field. The draft law was submitted through MP Ghassan Mukheiber to the Parliament and was registered at the Parliament's secretariat on 29 September 2014 under n° 30/2014. The draft law was transmitted to the Parliamentary Human Rights Committee which held, on 14 October 2014, a session with the participation of NCLW and in the presence of a representative of the ministry of Justice and a representative of the Director General of Personal Status. The Human Rights Committee approved the provisions of the amended draft law which was referred to the committee on Administration and justice for further review. In 2015, and because of the parliamentary deadlock, NCLW has worked on the field with its partners to raise awareness against child marriage. In this regard raising awareness sessions were organized in the training centers of municipalities in cooperation with NGOs.

In December 2016, the Ministry of State for Women's Affairs (OMSWA) was established for the first time in Lebanon.

In 2017, OMSWA and NCLW joined the coalition of NGOs, UNICEF and MOSA:

- a) to organize advocacy campaigns to support the adoption of a new draft law
- b) to have an alliance of governmental women machineries and civil society organizations
- c) to draft a "Strategy to Prevent and Eliminate Child Marriage".

The Minister of State for Women's Affairs, who is also a Parliament member, lobbied with other MPs and advocated for the law in the parliamentary committee on Woman and Child Affairs.

He organized a series of meetings with the religious authorities to find common grounds to all girls in Lebanon without any discrimination based on religious affiliation and to guarantee the application of the CEDAW and the "Convention on the Rights of The Child".

OMSWA is pursuing action to adopt a law setting a legal age for marriage in other parliamentary committees as a first step to its discussion and adoption in the General Assembly.

B. Abolishing article 522 from the Penal code:

In August 2017, Parliament members voted to repeal article 522 of the Lebanese penal code that deals with rape, assault, kidnapping and forced marriage. Article 522 includes a provision that allows rapists to avoid criminal prosecution if they marry their victim even if the victim is a child. Its abolition follows a lengthy campaign by activists supported by OMSWA.

OMSWA proposed a draft law to abolish articles 505 and 518 from the Penal Code to enable the persecution of all rapists whatever the age of the victim was.

LAW ON THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE

a. Overview

In 2009, the Civil Society organizations formed a National Coalition for the legislation of the Protection of Women from Family Violence. This coalition submitted to the parliament a draft law aiming at protecting women from violence faced by the women within family.

After two years of continuous lobbying, the Parliament adopted the "Law to protect women and all family members from violence in the family". (Official Gazette volume 21 date 15/5/2014 law n° 293).

Upon implementation of the law on several cases that were submitted to the courts of law the judges realized the existence of loopholes in some of its provisions. Following that, many verdicts were pronounced with a view to implementing the law in a just manner.

A draft law to amend the existing one was passed by the Council of Ministers in July 2017, upon the recommendation of OMSWA and the Ministry of Justice.

The amendments were with respect of the following:

- Broaden the legal protection scope for the juvenile that is provided for in the “Law to protect women and all family members from violence in the family” to encompass all minor children below 18 years of age so that protection is not only limited to the children who are in age of nurture, in line with the law on juvenile protection n° 422/2002;
- Broaden the concept of violence and its forms as stipulated for in article 2 of the said law.

OMSWA has overseen in its strategy number of goals that promote women’s and girls’ economic empowerment, access to productive resources, access to education and health services as per the SDGs and mainly SDG5.

OMSWA was tasked by the governmental statement to start a legal reform to eliminate discriminatory articles from the Lebanese laws.

The Ministry of State for Women’s Affairs has therefore been working on several strategies and policies listed here below:

1. To combat violence against women and girls, OMSWA worked on the legal level to:
 - a) Draft the first law to penalized sexual harassment in the public places and at places work which was approved by the Council of Ministers and transferred to the Parliament for promulgation on March 21, 2017 decree n 392/2017.
 - b) Submit draft law to abolish articles 505 and 518 from penal code.
 - c) Lobby with the Ministry of Justice for the submission of a draft law to modify the law number 293.
 - d) Draft a Code of Ethics for the Media to eliminate gender stereotypes
2. On the Strategic level:
 - a) Developing the First National Strategy to combat Violence Against Women in Lebanon in partnership with UNFPA and ESCWA.
 - b) Developing the Strategy for the Prevention of Violent Extremism from a gender perspective to be part of the National Strategy to Prevent Violent Extremism (PVE) in collaboration with the Office of the President of the Council of Ministers
 - c) OMSWA is responsible to validate and implement the NAP and is co-chairing the committee to develop the NAP for the implementation of the UNSCR 1325
 - d) To empower women and girls at the economic and sanitary level
 - e) Proposal to amend the bylaws of the National Social Security Fund to eliminate discriminatory articles
 - f) Proposal of a law for paternity leave
 - g) Proposal to amend the municipality election law
 - h) Add the “sex” to candidates’ applications for elections to facilitate the collection of sex disaggregated data
 - i) Activation by the Council of Ministers of a previous recommendation to implement a women's quota when appointing high officials and board members in public administrations and boards.
 - j) Develop a National Action Plan on Women’s Political Participation in partnership with UN Women, UNDP-LEAP, UNSCOL
 - k) In cooperation with EU, and under MADAD program, establish a National Gender Observatory to ensure that policies, strategies, programs and projects are responding to the needs of women and that they are gender mainstreamed.