

**Report prepared by the Lebanese Women Democratic Gathering and
the National Committee for the Follow-Up on Women's Issues for the
High Commissioner for Human Rights
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First: Introduction

1. This report is elaborated by the Lebanese Women Democratic Gathering and the National Committee for the Follow-Up on Women's Issues, two non-governmental organizations (NGOs) involved with others in the elimination of discrimination against women in different fields.
2. The Lebanese Women Democratic Gathering is a secular women's NGO that was founded in 1976 as per notice 25/A.D. It works with democratic forces to achieve full gender equality in all fields and combat violence. It takes international bills and treaties as its reference.
3. The National Committee for the Follow-Up on Women's Issues is a non-governmental association that was founded in 1996 as per notice 71/A.D. It seeks to achieve full gender equality in all social, cultural and political fields, taking the Lebanese Constitution and all international conventions as its reference. In cooperation with women's and civil organizations, the national committee drafted three shadow reports which were submitted to the CEDAW committee in 2005 and 2008 respectively.
4. The Lebanese Women Movement's struggle for the elimination of discrimination against women in all political, social and economic fields has been incessant. It has not stopped demanding the Lebanese government to lift discrimination off women. Despite its achievements by lobbying the government, particularly in the wake of the Beijing Conference after which the Lebanese State signed the CEDAW with some reservations on Articles 9, 16 and 29, the road to full gender equality in Lebanon is still long. Lebanese women still encounter many challenges, especially in the Lebanese laws relevant to women's lives, i.e. the Nationality Law, the Penal Code, the Civil Status Law.... These are the articles against which Lebanon voiced its reservations.
5. This report focuses on the status of women in Lebanon by relying on and comparing all international instruments, in general, and the instruments relevant to women's rights, in particular, on one hand and the Lebanese laws on the other.
6. The Lebanese Constitution does not include any discriminatory text against women. It affirms the equality of all citizens before the law without any distinction. In paragraph "b" of its preamble: **"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..."**. This preamble is of constitutional value, based on the explicit text in the decision issued by the Constitutional Council on 12/9/1997 (official gazette, Issue No.44, on 18/9/1997). The text read: "Since the principles in the preamble of the Constitution is an integral part of it and **enjoy a constitutional value just like the provisions of the Constitution.**"

7. Lebanon concluded several international bills and conventions, among which is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is regarded as the most significant and universal framework that enables the implementation of gender equality, pursuant to Law No.572 promulgated on 24/7/1996. Lebanon voiced its explicit reservations towards clause (2) of Article 9 which has to do with granting women equal rights with men with respect to the nationality of their children; clause (1) of Article 16 in its paragraphs on equality in rights and responsibility in marriage, maternity, guardianship, wardship, trusteeship and adoption of children, as well as equality in the right to choose a family name; and clause (1) of Article 29 on the referral of disputes among State Parties on the interpretation or application of the Convention to the International Court of Justice. This reservation deprived women in Lebanon from international protection, and it tampers with the essence and spirit of the convention.
8. **Recommendation:** Lifting the reservations off CEDAW and concluding the optional protocol annexed to it.
9. It is note-worthy that Lebanon concluded other conventions directly relevant to women's rights, the most of important of which are:
 - Convention on the Political Rights of Women of 1953 (concluded in 1955)
 - UNESCO Convention against Discrimination in Education (concluded in 1964)
 - Night Work Women's Convention of 1948 (concluded ion 1977)
 - Convention Concerning the Employment of Women on Underground Work of 1937 (concluded in 1946).
 - Employment Policy Convention of 1964 (concluded in 1977)
 - Lebanon approved of the Beijing Declaration which calls on the State to take the initiatives and carry out defined procedures to abolish the existing discrimination against women and modify their status in society.
10. **Concept of discrimination against women:** Article 1 of the Convention clearly stipulates that the purpose of the convention is the elimination of discrimination in all public domains, whether political, economic, social, cultural or civil, including public and private aspects. In its general recommendation No.19, the CEDAW committee underlined that gender-based violence, i.e. violence against a woman because she is a woman or that that affects women disproportionately, regardless if perpetrated by a public authority or an individual or an organization or an institution, falls in the scope of definition stipulated in the article. However, in Lebanon, no real political will has been crystallized to abolish discrimination and violence against women, which increase discrimination against them, namely the women who are marginalized, refugees, displaced, with additional needs, as well as women supporting households, foreign domestic female workers, female farmers and domestic workers, etc... Even though Lebanon concluded many international human rights conventions, they have not entered into force yet, nor have they have been translated into applicable laws or decisions, even with respect to the CEDAW clauses which Lebanon has no reservations against. This renders women in Lebanon excluded from international as well as national protection.

11. **Recommendation:** Enforcing the convention by clearing the Constitution and all laws and legislations of the texts discriminating against women, in accordance with the clauses and provisions of international human rights conventions; and drafting laws protecting women from all kinds of discrimination and violence against them.
12. Female refugees in Lebanon from different walks of life suffer from accumulating discrimination, based on the refugee status and the resulting social and economic lack of protection, overlapping as well with the gender-based discrimination. The status of refugee women in Lebanon is marked by the breach of their civil rights since Lebanon does not implement the Casablanca Protocol which called for non-discrimination between refugees and citizens in civil rights. Moreover, the status of refugees is also denoted by the plurality of authorities involved in their status on the security and services protection level. As of 2003, Lebanon has witnessed an increase in the number of Iraqi female refugees, in addition to the women refugees from Sudan and Somalia, as well as Kurdish refugees. Nevertheless, the main category of women refugees in Lebanon are Palestinian women who have been here for the longest time since they came to Lebanon in the wake of the 1948 Nakba. Currently, statistics (UNRWA- the government- PLO Commission) point out that the number of Palestinian refugees registered in Lebanon constitutes around 10% of the Lebanese population. They are suffering from aggravating pains due to their exclusion from their homeland and due to the oppressed livelihoods in exodus as a result of the methodological discrimination exercised against them in Lebanon.
13. **Recommendation:** Concluding the convention relating to the Status of Refugees and the Casablanca Protocol which guarantees non-distinction between refugees and citizens in civil rights.

Second: Women's Civil Rights

14. **Nationality Law:** The Lebanese Nationality Law (Decision No.15, dated 19-11-1925), which was amended by the law issued on 11-1-1960, still deprives the Lebanese woman married to a non-Lebanese to pass her nationality to her family (husband and children) since nationality is exclusively linked to the blood tie from the father's side only. This law undermines women's full citizenship and exposes their children and spouses to a series of civil, social and economic problems, as they are treated as foreigners in terms of residency and work permit, and they are denied all rights.
15. **Recommendation:** Absolving the Lebanese Nationality Law from the articles that discriminate against women and amending it to guarantee complete gender equality without any exceptions.
16. **Penal Code:** The Lebanese Penal Code, promulgated in 1943, discriminates in some of its provisions against women:
 - a. Article 562, known as "Honor Crimes", gives the males in a family the mitigating excuse in case they kill a woman in the family, from the descendants or ascendants. This encourages violence against women to the extent of murder.
 - b. Moreover, the Penal Code rules out in its provisions the case of raping a wife in articles 503 and 504, on the basis that this is her obligation that is mandated by

- the marriage contract. The code is lenient with a woman rapist to the extent that he is not sued nor punished in case of an existing marriage contract between the perpetrator and the victim (Article 522).
- c. Furthermore, the Lebanese law discriminates between men and women in the provisions on adultery, in terms of the conditions of adultery, the sanction, rules of evidence and the invalidity of the public lawsuit (Articles 487, 488 and 489).
 - d. Regarding prostitution, the Lebanese law that prohibits secret prostitution on one hand, permits the exercise of prostitution within certain regulatory conditions for brothels and the work of prostitutions on the other. The law punishes pimps and women exercising harassment. It also sanctions whoever seduces a woman or a minor into fornication.
 - e. With respect to provisions on abortion, the Lebanese law is among the strictest laws. It punishes a woman who aborts deliberately by imprisonment from 6 months to 3 years. It punishes the person who conducts abortion or attempts it with the woman's consent by imprisonment from one to 3 years. The sanction is more severe in certain cases, where it ranges from 4 to 10 years, according to circumstances. However, it entitles the benefit from the mitigating excuse in case of abortion to preserve honor. The Lebanese law permits curative abortion within exceptional conditions. In fact, banning abortion does not reduce its exercise but pushes women towards secret abortion by incompetent people and in unhealthy methods, threatening the safety of women and leading to their death in some cases.

17. Recommendations:

- Abolishing article 562.
- Incriminating the rape of a wife.
- Abolishing Article 522 from the Penal Code.
- Not incriminating adultery and maintaining its prohibition (by adopting it as a reason for divorce in the Civil Status Law).
- Adopting strict measures in monitoring and punishing sex traffickers.
- Addressing the reasons pushing women towards prostitution by combating discrimination, poverty and violence against women and enabling them vocationally.
- Amending the provisions regulating abortion and not incriminating it.

18. **Law on Land Trade (on the rights of the wife of bankrupt man):** Provisions of articles 625-626-627 and 628 (relevant to a wife's proof her properties and money when her spouse goes bankrupt) discriminate between men and women. The Lebanese law sets constraints on the wife's money in case her spouse is declared bankrupt, as per the Law on Land Trade. They are constraints that are exclusively imposed on the wife.

19. **Recommendation:** Amending the articles to achieve equality between spouses in the Law on Land Trade.

20. **Domestic violence against women and girls:** The Lebanese law is void of any text incriminating domestic violence. The Lebanese legislator addressed the issue of harm and other forms of violence in the framework of the general law (Penal Code) which does not take into account the particularity of a household, which is a breach of women's human rights. Hence, in accordance with General

Recommendation No.19 issued by the CEDAW Committee, a group of civil society organizations established the “National Coalition against Domestic Violence”. A complete draft law was prepared and submitted to the Cabinet to protect women from all forms of gender-based violence and consider domestic violence a crime that should be sanctioned by the law. The proposed law shall be applied to cases of domestic violence against females, by suggesting several protection mechanisms, such as: establishing a special family court; appointing a family public prosecutor; maintaining the confidentiality of trial and investigation; training the judicial police to receive violence victims; issuing a protection decision that prevents the perpetrator of violence to harm a woman; establishing a governmental financial fund to aid victims; obliging the perpetrator of violence to undergo rehabilitation sessions; and ensuring alternative residence for the a woman who falls victim of violence. As a result of the lobbying by this coalition on the Lebanese government, the Cabinet endorsed this draft-law in April 2010 and referred it to the Parliament.

21. **Recommendation: Enacting the law with the mechanisms leading to its implementation by the Parliament** to incriminate domestic violence against women and girls.
22. Civil status laws in Lebanon are a form blatant discrimination against women, which is quickly transformed into the most heinous images of violence against them. The family is based on an authoritative hierarchy headed by men who discriminate against women in rights and obligations, but it differs from one confession to another. Yet, discrimination against women takes place among the different religions. Among the most prominent fields of discrimination:
 - a- **In marriage: Women’s legal capacity is incomplete** and the condition of having a guardian in marriage.
 - b- **Husband’s authority** in marriage. The family in most laws is based on man’s leadership of a family, along with the resulting obligations (obedience).
 - c- **In divorce and marriage termination:** inequality in the reasons of divorce and marriage termination, and unleashing the right of men to utter it, while strictness is adopted in responding to a woman’s right to ask for it.
 - d- **In custody and guardianship: A father and some males in the family enjoy the privilege over the mother in the right of guardianship of children. And the impact of the custody provisions** on the mother and the children without taking into account the child’s interest, where a woman’s right to the custody of her children does not stand anymore in case she is married. She might also be forced to give up her financial rights to keep her children.
 - e- **Polygamy (multiple wives)** which is entitled by some Islamic sects.
 - f- **Inheritance rules** which discriminate between both genders in law and in reality.
 - g- **Alimony:** Verdicts issued on alimony do not take into account that the sums do not fulfill the minimum needs of a family.

- h- **Violence against women:** including the non-codification of the marriage age, the man's right to reprimand his wife, which is not regarded as a sufficient reason to ask for divorce.
- i- **Trusteeship:** The males in the family have privilege over the mother in the trusteeship over children.
- j- **Right to litigation** and the ability to afford it, as the fees and cost of litigation increase and differ, which is a means to pressure women.
- k- Dowry and dot: **Management and investment of the dowry and the dot is up to the husband.**

Recommendation: Drafting a binding unified civil personal status law based on the following principles:

- 1- Freedom of belief and religion
- 2- Equality in rights, obligations and responsibilities between men and women in one family, with women regarded as supporters of their families along with men.
- 3- Ensuring children's interest.
23. **Political Participation.** Regarding women's participation in political decisions, it is still weak though Lebanon has legally consecrated political rights since 1953. However, this did not result in healthy representation of women, whether on the Legislative and Executive Powers or on the level of parties. We can observe almost total absence of women from planning and decision-making positions. This is the result of several obstacles, starting with the electoral laws based on confessional distribution of spoils, adoption of confessional quota with the majority system, as well as the adoption of larger constituencies, passing through the traditional social infrastructure and the distribution of roles between both genders, frailty of democracy, consolidation of the systems based on tribal, clan and confessional structures, ending with the economic hurdles amidst increase in women's unemployment and their non-possession of wealth that qualifies them to participate.

19 Recommendations:

- Enabling and training women to participate on the level of political decision-making.
- Enacting the principle of quota by not less than 30% in appointments and elections via candidacy and the results together, which allows women to exercise their political rights and access decision-making posts.

Third: Women's Economic and Social Rights

20 Labor Code: The Lebanese Labor Code excludes in its provisions some categories, such as domestic workers, male and female farmers and wagers working in agricultural institutions. Moreover, the provisions relevant to women are merged with those on minor juveniles (Chapter 2 of the Labor Code, Articles 21-30). The law also stipulated that the maternity leave should be 49 days minimum, and it is not defined as a maternity compensation (Article 28). This leave is not unified between the private and public sectors. The period stipulated in the Labor Code differs from that stipulated in the Employees' Law (decree 112/59). Furthermore, abortion is regarded as sick leave and not seen as delivery (Article 28 of the Labor Code). Regarding the wage, even though the Lebanese Law provides for equal remuneration between both genders, the lack of laws

detering discrimination in pay between men and women in the private sector encourages disparities between wages of men and women.

21 Recommendation:

- Clearing the Labor Code of the provisions discriminating against women to guarantee full equality between men and women.
- Separating the provisions of the Labor Code governing the employment of women from those governing juveniles and children.
- Drafting a special regulation in the Labor Code to protect the male and female farmers and domestic workers, whether men and women and from different nationalities.
- Setting a clear mechanism to achieve equal pay for equal work between both genders and adopting strict deterring punishments.

24. **Income tax reduction:** A mother does not benefit from additional tax reduction for her children, except in limited cases, such as the death of the father or disability of the father due to a complicated problem that prevents him from carrying out paid work. However, the father benefits from additional reduction for children in all cases.

25. **Recommendation:** Equality between a father and a mother in benefiting from family reduction in the income tax.

22 Social Security Law: Until now, it does not acknowledge maternity as a social job that reproduces human resources for the society that has to put up with its burdens and not lay them on women. The maternity leave in the private sector is still paid by the employer and not by the National Social Security Fund (NSSF), which renders working married women subject to lay-off and encourages employers not to hire women. It is noteworthy to point out the discrimination between the insured man and insured woman regarding the maternity benefits. To get the maternity benefits, an insured woman faces an additional condition, i.e. she has to be subscribed to NSSF for more 10 months at least before the delivery due date. Moreover, article 50 of the Social Security Law stipulates in its 1st paragraph that every employed woman who is subject to the end-of-service compensation system, either mandatorily or by choice, has the right to earn her end-of-service compensation in case she gets married and leaves work because of this marriage during the 12 months following her marriage. Clause 2 of Article 16 stipulates that for an insured woman or one of her family members to make use of the maternity benefits, the insured woman has to be a subscriber in NSSF for 10 months at least before the delivery due date. This is an additional unjustified condition. On the other hand, the wife of an insured man is entitled to the maternity benefit 3 months after her husband starts work. With respect to family allowance, Article 47 of the law provides for the father's benefit from family allowance with some exceptions. In case the husband does not benefit from the family allowance, the law entitles the woman to earn the family allowances for her children; however, it restricted this right at a certain stage as per a decision by NSSF that exploited the lack of explicit text that treats men and women on the foot of equality in terms of benefits.

23 Recommendations

- Applying the maternity benefits in NSSF and having it bear the maternity leave for working women benefiting from its compensations.

- Enhancing maternity leave measures, ensuring the possibility of nursing and day-care, in accordance with international and Arab conventions, as well as provisions of Article 11 (paragraph 2) of the convention.
 - Abolishing Article 50 of the Social Security Law.
 - Promulgating the legislation on old-age benefits mentioned by the social security according to the draft submitted by the Economic Social Council. It should include all the male and female workers.
 - Unifying the subscription period between the insured man and woman to make use of the maternity benefits, as per the convention that enhances equality in work (Article 11, paragraph 1, clause (e)).
 - Setting a clear mechanism for monitoring and inspection in the social security to protect working women in the private sector; and adopting strict deterring measures on the other hand.
-