

Lebanon's Parallel Report

25 Years after Beijing: Women Fighting Inequality in Lebanon

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A report by



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in partnership with



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01 Preface

When preparations started for the write-up of the Beijing +25 parallel report, we were totally oblivious of a possible series of unfortunate events that would befall us all, notably a full fledged economic breakdown, a global pandemic and, a criminal explosion at the heart of our beloved capital, Beirut.

The combined effects of all these calamities further exacerbated existing inequalities and various forms of gender oppression which are reproduced by legal frameworks, social institutions, as well as by social practices and mindsets.

Notwithstanding the trying context, the NGOs consultation process and the thorough research needed to develop the report was pursued and completed leading to the write-up and dissemination of the Lebanon Beijing + 25 Parallel Report. We are indebted to all the colleagues in sister women's rights organisations as well as scholars and activists who shared their time, information and knowledge generously so as to produce a high-quality document.

The report clearly shows that in terms of gender equality, we are not there yet and Lebanon has a long way to go which requires dedication, change and serious reforms in the letter of the law as well as at the level of social gender norms and practices. We hope that this report will serve as a useful tool to support a process of gender transformation in Lebanon and beyond. I take this opportunity to thank the research team, Zeina Abdel Khalek and Oday Naji, for their impeccable, dedicated and impressive work! Thanks and gratitude go to Rachel Dore-Weeks and the UNWomen team in Lebanon for supporting this work in more ways than one and in seeking to amplify feminist voices in the Beijing + 25 process.

Finally, I will take this opportunity to note that this report is coming out at a time when the Collective for Research and Training on Development-Action is celebrating its 20th anniversary! A very pertinent confluence of dates given that the creation of CRTD.A some 20 years ago was influenced, inspired and shaped by the UN IVth Conference on Women (Beijing, September 1995). This is a commitment on our part to continue the feminist struggle....

In sisterhood,
Lina Abou-Habib

02 Executive Summary



Photo: CRTDA

Beijing + 25

Twenty-five years after Beijing Declaration & Platform for Action, the most comprehensive global agenda for girls and women in all areas of life; Women are at the forefront of the fight for rights, and the promises were not kept, but violated. Despite some progress, real change has been slow and to date, not a single country has achieved gender equality.

The Generation Equality Forum is a civil society-led, global gathering for gender equality which will bring actors together, especially young people, to chart forward a fresh and bold feminist agenda.

The selected themes of the Generation Equality Action Coalitions are¹: Gender-Based Violence, Economic justice and rights, Bodily autonomy and sexual and reproductive health and rights (SRHR), Feminist action for climate justice, Technology, and innovation for Gender Equality, and Feminist movements and leadership

Introduction

This report presents Lebanon's civil society parallel report for Beijing +25 Conference. Given the pluralistic nature

of Lebanon that is projected in the dynamics of the civil society and in view of UN Women's commitment to participation and inclusivity, a parallel report is vital to give the key insights of civil society organizations working on the ground to complement, validate, and contradict where necessary the report submitted by the government.

Lebanese State and Women

The Lebanese Constitution states that all Lebanese are equal before the law and equally enjoy civil and political rights. The Lebanese Constitution does not include any discriminatory text against women however, it does not prohibit discrimination on the basis of sex or gender.

Lebanon has institutionalized the distribution of the political power across the different state structures proportionately among the 18 religious communities according to their demographic weight and geographic distribution. The resulting sectarian system bears within it many elements that effectively constitute barriers to gender equality.

Lebanon ratified CEDAW in 1997. Lebanon maintains reservations to Article 9(2) (equal rights with respect to nationality of children), Article 16(1)(c), (d), (f), and (g) (equality in marriage and family relations), and Article 29(1) (administration of the Convention and arbitration in the event of a dispute).

¹ See more at <https://www.unwomen.org/en/get-involved/beijing-plus-25/generation-equality-forum/action-coalitions>

Lebanese Women Status Quo

The Lebanese women status quo has always been highly two-edged: on the one hand, a wide emancipation of women, schooling on footing with men, active participation in the various fields of social and cultural life and on the other hand, a great discrimination in the family codes, under-representation in the economic life and a striking backwardness in political participation. While Lebanon boasts some of the best gender statistics in health and education in the Arab region, not to mention the degree of social mobility for women that exist in the country, it is also home to some of the worst rates of gender equality in areas of political representation and leadership, and is among the countries which have enacted the fewest changes to discriminatory laws governing personal status and citizenship.

Personal Status Laws

Women in Lebanon continue to suffer discrimination under 15 Lebanese personal status laws, dependent on each individual's religious affiliation, all of which discriminate against women, and since all religious leaders are men and all sectarian courts are headed by men, women's preferences and interests are rarely taken into account.

Nationality

The Lebanese Nationality Law of 1925 gives a Lebanese man the right to pass nationality to his spouse and children. Lebanese women do not enjoy the same rights. A Lebanese man confers his nationality to a non-Lebanese wife, but a Lebanese woman cannot confer nationality to a non-Lebanese husband. Foreign husbands and children of Lebanese women face obstacles in accessing basic rights such as education and health care².

Violence

The IMAGES Survey³ (2016) showed that 31 percent of women in Lebanon reported ever experiencing one or more forms of intimate partner violence, and 24 percent of men reported ever perpetrating one or more forms of intimate partner violence.

Lebanon, has enacted in 2014 law 293 on Protecting Women and other Family Members from Domestic Violence. The

law restricts the legal definition of violence pertaining to its physical form. Several judgments from courts applying Law No. 293 have supported a broad interpretation of the definition of acts of violence to include verbal, emotional violence, sexual and economic violence. However, this expansion in reading the text is related to the individual initiative of a judge and not to the legal text itself.⁴

Refugee women and girls, migrant domestic workers, LGBTQI persons, are exceedingly exposed to different kinds of domestic and sexual violence and face manifold challenges in accessing protection.

Employment

Current laws and regulations in Lebanon contain discriminatory measures towards women which can act as a disincentive for economic participation. For example, the law does not mandate childcare support by employers and the government, paternity or parental leave, flexible/part-time schedule, equal remuneration for work of equal value, and protection from sexual harassment at work. Gender and social norms present additional barriers for women and are a strong factor in determining the division of labor within the Lebanese family, especially for married women. These norms consider unpaid care work as a woman responsibility which hinders women's abilities to enter the workforce.

Participation in decision making

Lebanese women are still unable to break the political glass ceiling. Institutionalized patriarchy within the sectarian system is supported by informal practices that keep women in lower level decision making positions. In the parliamentary elections in 2018, women made up 14% of candidates compared to only 3% in 2009. However, the share of women elected only rose from 3.1% to 4.7%. The intersection of formal and informal institutions of power sharing created undefeatable obstacles to women's political representation.⁵

Education

The net enrollment rates of female and male students in Lebanon vary from primary to tertiary education, with the ratio being almost equal across the different educational stages, with a small gap favoring men over women at the

2 Chamoun, C. (2017). The Lebanese Nationality Law That Leaves Children Stateless. Open Society Foundation. <https://www.opensocietyfoundations.org/voices/lebanese-nationality-law-leaves-children-stateless>

3 The International Men and Gender Equality Survey (IMAGES-MENA), the largest multi-country study, conducted surveys with 1,050 men and 1,136 women between the ages of 18 and 59, representing both the Lebanese and Syrian populations living in Lebanon.

4 The International Men and Gender Equality Survey (IMAGES-MENA), the largest multi-country study, conducted surveys with 1,050 men and 1,136 women between the ages of 18 and 59, representing both the Lebanese and Syrian populations living in Lebanon.

5 Geha, C. (2019). The Myth of Women's Political Empowerment within Lebanon's Sectarian Power-Sharing System. Journal of Women, Politics & Policy, DOI: [10.1080/1554477X.2019.1600965](https://doi.org/10.1080/1554477X.2019.1600965)

tertiary level. A pipeline of female talent is enrolled in Science, Technology, Engineering, and Mathematics (STEM) related fields. However, data on distribution of women in STEM majors mask imbalances in terms of concentration of enrollment in the theoretical sciences compared to applied fields such as engineering.⁶

Although statistics show progress and equality, traditional stereotyping and the age-old patriarchal culture still prevents some girls from participating in the education system particularly since free compulsory education has not yet been imposed by the government of Lebanon.

Health

Lebanon was able to achieve maternal mortality rates and infant's under-five mortality rates below those called for by sustainable development goals by 2030. However, the right to health is jeopardized by the costly Lebanese health care system; marital status and socioeconomic background are important factors in determining women's access to health services. The power dynamics in negotiating access to abortion, HIV and contraception services reflect socioeconomic inequalities and patriarchal structures that constrain women's choices.

Non-Lebanese Women in Lebanon



Photo: UN Women/Christopher Herwig

It is intrinsic to note that Lebanese women are not the only women who suffer in Lebanon. Lebanon has the highest

6 Ahmad, A., Kantarjian, L., El Ghali, H., Maier, E., & Constant, S. (2019). Shedding Light on Female Talent in Lebanon's Energy Sector. World Bank Group

refugee population per capita in the world.

Nine years into the Syrian crisis, Lebanon remain at the forefront of one of the worst humanitarian crises of our time and has shown exceptional commitment and solidarity to people displaced by the conflict in Syria. As of October 2018, the Government of Lebanon estimates that the country hosts 1.5 million Syrians who have fled the conflict in Syria (including 950,334 registered as refugees with UNHCR, of which 25.2% are women, 19.4% men, 27.1% are girls, 28.3% are boys), along with 28,800 Palestinian refugees from Syria (PRS) and a preexisting population of an estimated 180,000 Palestinian refugees from Lebanon (PRL) living in 12 camps and 156 gatherings⁷.

Lebanon also has an estimated number of 250,000 migrant domestic workers, the majority of them women, who are excluded from labor law protections and are subjected to restrictive rules under which they cannot leave or change jobs without their employer-sponsor's consent, placing them at risk of exploitation and abuse⁸.

Lebanon's official report: Highlights and gaps

The official report highlighted Lebanon's commitment and progress to the International Human Rights Treaties that it has ratified; the Lebanese State ratified 6 out of 9 basic human rights treaties, and 7 basic treaties out of 8 issued by the International Labor Organization.

The report had adopted a narrative language, described the fragmented activities that were implemented by the state without addressing the implications of these activities on women themselves and on the gender power relations. The report reflects the approach adopted by the state towards women's rights which is best described as piecemeal reforms that did not result in any remarkable change in the prevalent gender power dynamics.

Where are we now

Despite the relentless efforts of the civil society in Lebanon to pursue gender equality, the picture is still bleak. In 2020, Lebanon ranked 145th out of 153 countries with a score of 0.599 on the global gender gap index of the World Economic Forum⁹. In 2020, Lebanon's indicators revealed once again that Lebanese women experience high levels of health and education, but are lacking a commensurate presence in the economy, public sphere, and senior positions.

7 See more at <https://reliefweb.int/report/lebanon/lebanon-crisis-response-plan-2017-2020-2019-update>

8 See more at <https://www.amnesty.org/en/countries/middle-east-and-north-africa/lebanon/report-lebanon/>

9 World Economic Forum. (2020). Global Gender Gap Report. P.219, 220

The Way Forward

At the legislative level

- Enacting a civil personal status law that guarantees equal rights for women, and eliminate discrimination based on religion, sex and gender in compliance with Lebanon's international human rights obligations.
- Amending the unjust nationality law to ensure that children and spouses of Lebanese women have the same right to citizenship as those of Lebanese men.
- Unifying the interpretation of Law 293 legal text to encompass all forms of violence, and establishing a unified database for case management and a national fund to assist victims of domestic violence.
- Defining, criminalizing and punishing sexual harassment in the workplace, as well as in educational institutions, health facilities and public places.
- Adopting a quota system for women, a temporary positive discrimination, to confront mentalities and traditions that hindered the participation of women in the reins of government.
- Removing all legal barriers pertaining to access to safe abortion and in particular decriminalize seeking and providing abortion
- Impose the compulsory free education law with firm enforcement and accountability mechanisms while ensuring accessibility to schools and safe transportation especially in Lebanese rural areas.

At the institutional/policy level

- Analyzing the structural mechanisms in reproducing gender inequalities and strengthening institutions in order to be gender responsive and mainstream gender equality in policies and areas.
- Developing a holistic transformative understanding of women empowerment, and adopting an intersectional approach to account for the various needs of different women groups in Lebanon (disabled, rural women, refugees, migrant domestic workers, LGBTQ), in order to allow women to challenge patriarchal hierarchies in all structural mechanisms.
- Adopting family-friendly policies allowing women to respond to market's demand of labor force while creating synergies between women labor force and market demand.
- Encouraging Feminist leadership which creates innovative organizational structures and governance practice to bring their transformative agenda by creating spaces and opportunities for other leaders to emerge.

- Integrating pre-college counselling programs targeting female students in secondary schools to expose them to options of STEM programs.
- Encouraging the establishment of spaces for women and girls to build confidence and self-esteem, and develop critical consciousness.
- Ensuring the availability of sex-disaggregated data on all levels.

At the social norms level

- Changing harmful gendered social norms and working on gender at the collective level.
- Promoting positive masculinities and engaging men to be actively committed to redistributing power in both their personal lives and in the public spheres.



Photo: UN Women/Joe Saade

03 Historical Overview¹⁰



Photo: UN Photo/ Yao Da Wei

Lebanon and the Fourth World Conference on Women: Action for Equality, Development and Peace- Beijing 1995
Beijing 1995, thousands of women around the world were involved in the preparations, the theme of the conference was “Equality, Peace and Development”. The planning process extended over a period of three years and included discussions, debates, and reports.

The conference participants, representing half of the world’s population, were frustrated, disempowered, and pessimistic about the status of women, so they were indefatigably drafting the agenda and trying to set their priorities each in their respective countries.

The agenda included 9 priorities for Arab women, which were issued by a committee that included Arab women

¹⁰ This overview was prepared by The Arab Institute for Women. The Arab Institute for Women formerly known as the Institute for Women’s Studies in the Arab World was actively part of the pre and post Beijing conference events, and was formally represented at the conference itself, being one of the oldest women institutes in the Arab world.

specialists and activists during a preparatory conference at the United Nations Headquarters in New York. The Lebanese delegation included members who served on governmental and non-governmental committees.

The priorities came as follows:

- Strengthening the basis of the democratic process in the social and political realms to ensure the sanctity of human rights and the amendments of legislation that target the elimination of all forms of discrimination against women, in particular family law.
- Ensuring the complete and instant withdrawal of foreign occupation forces from the Arab region to achieve a just and comprehensive peace based on international legitimacy and to safeguard the rights of its people to self-determination and freedom of choice.
- Ensuring the human rights for victims of occupation and armed conflict, specifically, displaced people, refugees, political prisoners, and in particular women and children.



Photo: UN Photo/ Carlotta Aiello

- Ensuring the commitment of governments to the international conventions relating to prohibiting the dumping of wastes and nuclear by-products in the Arab region in order to protect the lives of women and children.
- Urging all governments to sign and ratify the International Conventions on the Elimination of all Forms of Discrimination against Women (CEDAW), without any reservations and subsequently to incorporate these elements within their respective national civil laws to eradicate all forms of oppression against women.
- Protecting the lives and properties of Palestinian women and families who are suffering from foreign occupation and/or living in refugee camps.
- Strengthening the international cooperation and support of Arab women's NGOs, especially those suffering from foreign occupation and economic sanctions.
- Condemning fundamentalism and cultural extremism, which can lead to terrorism and violence against women.
- Promoting social development to counteract the negative impact of applied structural adjustment programs and to ensure the basic human needs of women.

In an attempt to document the happenings that took place at the Beijing conference and to engage the Lebanese public with the outcomes of the conference, the Arab Institute for Women convened an informal gathering under the title "Beijing and After" that included women (mainly researchers and professors) who participated in the conference and who voiced their concerns and analysis of the conference outcomes. The views and opinions raised were varied and at some points contradicting. Some of the observations and conclusions of the participating women were:

- Issues related to violence and poverty were actively discussed unlike the previously held conferences,
- Increase in the number of participating NGOs,
- Insufficient and selective media coverage where provocative topics were highlighted instead of the sufferings of women in the developing countries,
- Ineffective pressure of the NGOs due to their presence with the formal delegates,
- Laws established by the United Nations to protect women's rights were often disregarded by the countries' pleas to respect cultural particularity, hence the need to form international groups to monitor the enforcement of these laws,
- Addressing the issue of violence against women from a political and economic perspective while the need was to address it extensively particularly from a physical and social perspective (honor crimes, rapes, kinship rape...). This was probably due to the fact that this might be considered an attack on Personal Status Laws, which in Lebanon were considered "red line"/taboo.



Photo: UN Photo/ Carlotta Aiello

04 Acronyms

AUB	American University of Beirut
AIW	Arab Institute for Women
CAS	Central Administration of Statistics
CEDAW	Convention on Elimination of all Forms of Discrimination against Women
CERD	ww for Educational Research and Development
CRTD.A	Collective for Research & Training on Development & Action
CSO	Civil Society Organization
GBV	Gender-based violence
GEWE	Gender Equality and Women’s Empowerment
GFP	Gender Focal Point
ILO	International Labor Organization
IFI	Issam Fares institute for Public Policy & International Affairs
IPV	Intimate Partner Violence
ISF	Lebanese police (International Security Forces)
LAU	Lebanese American University
KAFA	Lebanese NGO name meaning “enough”, working on GEWE
LGBTQI	lesbians, gays, bisexual, transgender, queer and intersex
LPHU	The Lebanese Physically Handicapped Union
MDW	Migrant Domestic Workers
MENA	Middle East and North Africa
MOPH	Ministry of Public Health
MOSA	Ministry of Social Affairs
NAP	National Action Plan
NSSF	National Social Security Fund
NCLW	National Commission for Lebanese Women
NGO	Non-government organization
PwD	Persons with Disabilities
ROAS	Regional Office for the Arab States
SDGs	Sustainable Development Goals
SRHR	Sexual and reproductive health and rights
STEM	Science, Technology, Engineering, and Mathematics

SUC	Standard Unified Contract
UN	United Nations
UN Women	UN Organization dedicated to gender equality
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNESCWA	United Nations Economic and Social Commission for West Asia
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commission for Refugees (UN Refugee Agency)
UNICEF	United Nations Children's Fund
VAC	Violence Against Children
VAW	Violence Against Women
WPS	Women's Peace and Security

05 Report Overview

On the Occasion of the 25th anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration, and in Light of the fifth goal of the Sustainable Development Goals (SDGs), UN Women has entrusted Collective for Research & Training on Development & Action (CRTD.A) to lead the process of preparing Lebanon's parallel report reflecting the implementation of the Beijing Platform for Action, and to provide an analytical review of both progress and ongoing challenges in the implementation of this agenda for women's empowerment in Lebanon.

This report was prepared in partnership with Issam Fares Institute for Public Policy & International Affairs (IFI) at American University of Beirut (AUB), and in collaboration with the Arab Institute for Women (AIW) at the Lebanese American University (LAU).

The report discusses the political, economic, cultural, and social factors challenging the progress of women progress towards equality. Critical issues that are hindering gender equality and decelerating the progress of feminist movements and civil society organizations, procedural and structural obstacles affecting the access to gender-based justice and its consequences, in addition to the obstacles that affect the most marginalized groups are analyzed and highlighted.

This review of the implementation of the Beijing Platform comes at a time when Lebanon stands at a major crossroads in the context of recent uprisings, political instability and financial crises. Some remarkable progress has taken place in relation to the rights of women and girls, and overall, gender issues have gained significant momentum in the past five years. However, women are still striving for equality. Years of efforts to remove entrenched economic, political, cultural, and social barriers to women's progress have yet to be manifested.

This report has been prepared with the financial assistance of UN Women Regional Office for the Arab States (ROAS).

The views expressed herein are those of the consultants and the mentioned authors in the foot/endnotes, therefore in no way reflect the official opinion of UN Women.

06 Methodology

The participatory approach was adopted throughout the various phases of the parallel report preparation. In this report, both qualitative and quantitative research was conducted. Statistics were gathered from primary data i.e., reports of official intergovernmental organizations such as the United Nations and its numerous entities.

Secondary research was also performed for assessment of the issues discussed in this report. Journal articles were closely examined for observation of trends in various sectors of Lebanon. Evaluation reports were examined and the evaluations were primarily performed by organizations such as Oxfam, UNHCR, UNDP and other United Nations sister agencies. In addition, news articles were also accessed to gather opinions on current events occurring in Lebanon.

1. Preparatory phase

- Coordination meetings with partner institutions: The Issam Fares institute (IFI) for Public Policy & International Affairs, a research policy institute at the American University of Beirut (AUB), aims at enhancing and broadening public policy-related debate and knowledge production in the Arab world, is participating in the preparation of the parallel report on the status of women in Lebanon for the Beijing +25 conference. This participation comes from the natural vision of the institute to communicate the knowledge produced by the institute's programs and university faculties to relevant policy-makers, media, research communities, public audience and ultimately international entities addressing specific issues (addressing gender and women's issues here). IFI, while connecting academics with civil society actors and relevant stakeholders under the lead of the CRTDA in this process of knowledge production, is trying to reach a diverse audience and mainly key policymakers. This process comes to ensure having a spot light on all information/ details generated outside of the official institutions to reflect the current situation of women in Lebanon, and the Arab Institute for Women (AIW) at Lebanese American University's (LAU), one of the oldest women institutes in the Arab world that was actively part of the pre and post Beijing conference events, and was formally represented at the conference itself. The institute which seeks to empower women through development programs and education, and to serve as a catalyst for policy change regarding women's rights in the region was a vital partner for the preparation of the parallel report.

- Literature review: The literature review was a strategic step in the identification of different types of women in Lebanon and the organizations that work with each. It focused on government policy; advocacy campaigns; positive responses that have been taken, both by civil society and by the government; engagement with international processes and conventions. The findings of the review in terms of the general categories of progress and problems identified, set the basis for the discussions during the consultative meeting.
- Selection of the CSOs to be included: The methodology adopted, whereby first we have identified the types of women that need to be represented, allowed us to identify the CSOs that work closely with these women and can represent their voices which is a key to ensure that the voice of all types of women are heard. Furthermore, there are many types of women living in Lebanon. Lebanese women are not the only women who suffer in Lebanon enduring a wide set of patriarchal laws, discriminatory policies, corrupted systems, and abusing experiences. Lebanon has the highest refugee population per capita in the world. This perspective is key to understanding the rights of women in Lebanon. The selection process of CSOs stroke a balance and ensured the equitable representation of the voices of all women in Lebanon.
- As such, the selected CSOs were included based on their representation of the various groups of women whose voices need to be represented namely: Marginalized Lebanese women - Syrian refugees - Palestinian refugees - Domestic workers - Trafficked women - Disabled women – LGBTQI women - Women and children affected by discriminatory nationality laws - Lebanese women living in poverty. Besides, the selection strived to include CSOs who work on different areas of women's issues e.g. legal advice, advocacy, training, provision of services etc.; as well as human rights CSOs, development CSOs, and women's rights and to ensure that there are CSOs who understand both legal theory and practice. The selected CSOs included human rights, women's rights, and development CSOs.

2. Data collection phase

- Individual consultations: face-to-face interviews and distant communications with different key informants, including academic professors and researchers from partner institutions, representatives of civil society organizations and active non-governmental organization, and feminist activists, which are all

considered as national experts and leads in their respective fields.

- Consultative meeting: a consultative meeting was held on the 4th of February 2020 with relevant stakeholders. The meeting aimed to initiate discussions concerning the most important achievements, challenges and setbacks in the progress towards gender equality and the empowerment of women in Lebanon in light of the guidelines for the national parallel report.
- The meeting was attended by representatives from 20 different organizations; CRTD.A, UN Women, Food and Agriculture Organization (FAO) American University of Beirut Academics and Researchers, KIP Project on Gender and Sexuality in Lebanon, Lebanese American University Academics and Researchers, Arab Institute for Women, Women Now Project, Knowledge Workshop, Migrant Community Center, KAFA NGO (Enough Violence and Exploitation), HELEM NGO, Anti-Racism Movement, KOHL Journal, MARSAA, Lebanese Physical Handicapped Union, DAMMEH collective, The A Project, Arab Foundation for Freedom and equality, Open Society Foundations, and Haven for Artists.
- The meeting discussions were guided by the results of the literature review and the six thematic areas assigned in the parallel report guidelines. The diversity of the participants enabled deep discussions on the progress and setbacks identified, and also provided an intersectional perspective.
- Data collection: Following the consultative meeting, data was collected from the CSOs who have participated in the meeting and have committed to share their experiences and provide input to the parallel report. The questions facilitating the discussion and data collection process were adopted from the NGO Guidance for National Parallel Reports developed by NGO COMMITTEE ON THE STATUS OF WOMEN/NEW YORK.

3. Compilation, validation, and feedback incorporation phase

- The compilation process was conducted in coordination with the key informants interviewed and consulted in the data collection phase. The draft report was shared with partner institutions for validation and feedback.

4. Submission of final report: The final report was submitted in August 2020.

07 Introduction



Photo: Dar Al Mussawir

The Lebanese Constitution states that all Lebanese are equal before the law and equally enjoy civil and political rights. The Lebanese Constitution does not include any discriminatory text against women however, it does not prohibit discrimination on the basis of sex or gender. Lebanon is a founding member of the UN and abides by its conventions and by the Universal Declaration of Human Rights.

Lebanon has institutionalized the distribution of the political power across the different state structures proportionately among the 18 religious communities according to their demographic weight and geographic distribution. This sectarian system is premised on sustaining a “balance” among Lebanon’s dominant sects as a tool for coexistence.

Sectarianism, or confessionalism, is a quota system in which political, judicial, and administrative power is distributed among religious groups who are represented by elites who agree to share power¹¹. The resulting sectarian system that define representation in the legislative and executive structures of the government is very complex, and bear within it many elements that effectively constitute barriers to gender equality. It is the nature of the sectarian system to marginalize equalities between individuals in favor for equalities between sects.

The sectarian divisions in the country’s pluralist society, have had a negative impact on women’s rights, besides the frequent political crises affecting the country and which were used to justify the sidelining of women’s issues as being “non-critical” instead of according them the priority that they deserve. Women in Lebanon were and are still perceived and treated as members of a gender category about which there are all kinds of stereotyped beliefs, and which is inferior to the alternative gender category, that of men.

Following the Lebanese State ratification of the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) in 1997 with reservations to Article 9(2) (equal rights with respect to nationality of children), Article 16(1)(c), (d), (f), and (g) (equality in marriage and family relations), and Article 29(1) (administration of the Convention and arbitration in the event of a dispute), and the endorsement of the Beijing 1995 Platform for Action and the Millennium Development Goals, a series of gender equality notions and concepts had circulated in the Lebanese vocabulary and terminologies. Many abstract notions such as gender equality, gender mainstreaming, women’s participation, and women empowerment were decomposed, analyzed and described in various occasions among activists, civil society organizations, state structures, and even by individual citizens themselves. Such safe spaces and discussions have paved the way for collective feminist influence supported by local civil society actors relying on international and local support. After 2005, donors

¹¹ Makdisi, U. (2000). *The Culture of Sectarianism: Community, History, and Violence in Nineteenth-Century Ottoman Lebanon*. Berkeley, CA: University of California Press. July 2000, First edition

began pushing forward women's issues, and fortified the establishment and funding of several NGOs working on gender equality. This movement was accompanied by an increase in the media coverage in the country on issues of family violence and murders of women by their husbands. Considerable progress has been made in the intervening years. New legislations have enshrined women's rights and afforded better protection from gender-based violence and discrimination. In the last five years, consecutive governments have had female faces.

Currently, Lebanon is in a conflicted position, with a severe financial and economic crisis, struggling with the influx of refugees from multiple countries and also, in the midst of a nationwide protest movement. Many ongoing development projects are aimed towards increasing access to education, employment and engaging in response and prevention responses to Sexual and Gender Based Violence. This highlights the crucial role that the donor community and funding agencies as well as agencies that are responsible for implementing development projects and their engagement with the country's national, regional and local authorities in increasing the level of awareness and responsiveness of the measures that have to be taken to prioritize women and young girls and their empowerment through challenging the various structural barriers impeding gender equality.

International Framework

International treaties ratified by the Lebanese Parliament are part of the domestic legal system and have supremacy over domestic laws according to Article 2 of the Code of Civil Procedure. Lebanon ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997 in accordance with Law No. 592 of 1996. It maintains reservations to CEDAW Article 9(2) (equal rights with respect to nationality of children), Article 16(1)(c), (d), (f) and (g) (equality in marriage and family relations), and Article 29(1) (administration of the Convention and arbitration in the event of a dispute). Lebanon has not ratified the CEDAW Optional Protocol, which means that citizens cannot access the mechanism for international adjudication of complaints lodged against Lebanon under CEDAW.

Lebanon ratified the International Covenant on Civil and Political Rights in 1972, and the International Covenant on Economic, Social and Cultural Rights in 1972, but has not ratified any optional protocols related to these two conventions. Lebanon ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2000 and its Optional Protocol in 2008, and the Convention on the Rights of the Child in 1991 as well as its Optional Protocol on the involvement of children in armed conflict in 2002 and its Optional Protocol on child prostitution and pornography in 2004. Lebanon has also ratified ILO Convention No. 100 (Equal Remuneration) and

No.111 (Non-Discrimination).

Lebanon is yet to accede to the Convention on the Rights of all Migrant Workers and their Families, the Convention on Domestic Workers, the Convention on Enforced Disappearances, the Convention on the Rights of Persons with Disabilities or its Optional Protocol, the Convention Relating to the Status of Refugees and its Protocol, or the Rome Statute.

National Laws vs equality

1. Constitution of 1926 Decree No. 15 of 1925

The Lebanese Nationality Law of the 1925 constitution gives a Lebanese man the right to pass nationality to his spouse and children. Lebanese women do not enjoy the same rights. A Lebanese man confers his nationality to a non-Lebanese wife, but a Lebanese woman cannot confer nationality to a non-Lebanese husband. Foreign husbands and children of Lebanese women face obstacles in accessing basic rights such as education and health care.

Article 9 of the constitution gives each religious group the right to regulate the affairs of its members which have ingrained discrimination against women and girls and among women themselves who belong to different religious communities. Also, the total control and authority exercised by religious leaders and courts has impeded any form of meaningful progress towards gender equality.

2. The Lebanese Penal Code of 1943

The Lebanese Penal Code has been adopted for more than 70 years. Several drafts and proposals to revise the law have been prepared, however, only some articles have been slightly amended. The Lebanese Law System does not provide a definition for gender-based violence (GBV) whereas the only direct reference is found in Law No. 293; however, it is incomplete.

Today, this code is considered a primary source of discrimination against women in the Lebanese Law System as it lacks equitable implications failing to change the stereotyped behavior of discrimination against women. The Lebanese Penal Code seems to protect the society rather than the individual; concepts of victim and perpetrator should be redefined.

3. Law No. 293 of 2014

Lebanon, has enacted in 2014 law 293 on Protecting Women and other Family Members from Domestic Violence. The law restricts the legal definition of violence pertaining to its physical form. Several judgments from courts applying Law No. 293 have supported a broad interpretation of the definition of acts of violence to include verbal, emotional violence, sexual and economic violence. However, this expansion in reading the text is related to the individual initiative

of a judge and not to the legal text itself¹².

4. Labor Code of 1946

Lebanese laws contain discriminatory measures towards women, does not prohibit workplace sexual harassment, does not define sexual harassment and does not use the term. The law does not mandate childcare support by employers and the government, paternity or parental leave, flexible/part-time schedule, equal remuneration for work of equal value, and protection from sexual harassment at work.

5. Anti-Trafficking Law

In 2011, Lebanese law N. 164/2011 was passed to criminalize human trafficking and as a result, new articles were added to the Penal Code and the exploitation of others became punishable by law for the first time. While the adoption of this law heralded a shift toward distinguishing between these two “partners” and punishing the exploiter (or the person responsible for human trafficking) while protecting the exploited (frequently the victim) after exempting her from punishment, the work of the Lebanese courts, particularly in human trafficking cases, reveals adverse trends that could negate this legislative accomplishment or strip it of many of its effects.

Ignorance of the circumstances of human trafficking victims appears to persist even though a law criminalizing the practice was issued in 2011, and there is a deficiency in the work of the security and judicial apparatuses for going after human trafficking¹³.

National Machinery and policy framework

The National Commission for Lebanese Women (NCLW), established in 1998 by Law No. 720, oversaw the development and adoption of the National Strategy for Women in Lebanon 2011–2021, which was developed through a participatory process that engaged NGOs, professional associations, and relevant ministries. In 2012, the Council of Ministers approved the strategy, a key objective of which is “combating all forms of violence affecting girls and women in all areas.” The NCLW developed the National Plan of Action 2017–2019 for the implementation of the Strategy. This national plan covers awareness-raising, education, empowerment, institution-building, combating violence, political participation, and removal of discriminatory laws. The NCLW is linked to the Presidency of the Council of Ministers. It aims at integrating gender into government policies and programs, supervising implementation of international treaties adopted by Lebanon, establishing an information and reporting mechanism that allows

12 Yassin, N., Moussawi, F. (August 2017). Dissecting Lebanese Law 293 on Domestic Violence: Are Women Protected? AUB POLICY INSTITUTE. POLICY BRIEF #5/2017

13 The legal Agenda. (2018). “Preconceptions Overshadow Sexual Exploitation”. Available at <https://www.legal-agenda.com/en/article.php?id=4937>

stakeholders to monitor progress in achieving gender equality, and strengthening cooperation and networking between public institutions and civil society organizations on gender issues.

The Office of the Minister of State for Women’s Affairs was established in 2017 with executive power over women’s issues at the national level. The Ministry has prepared a number of draft laws, organized campaigns, and cooperated with civil society organizations; and it worked in collaboration with the United Nations Economic and Social Commission for Western Asia and UNFPA to formulate a national strategy to combat violence against women. Within the previous government headed by Mr. Saad Hariri, the Office of the Minister of State for Economic Empowerment for Women and Youth was established instead of the Office of the Minister of State for Women’s Affairs, to be later cancelled by the current government.

Other bodies responsible for women’s rights are the Department of Women’s Affairs in the Ministry of Social Affairs and the Parliamentary Committee on Women and Children. Gender focal points have been appointed within the line ministries and the Ministry of Social Affairs.

Also, Gender Focal Points (GFPs) are appointed in all ministries and public institutions to address issues related to gender and gender mainstreaming. However, due to weak organizational and communication channels, the GFPs have a long way to go in understanding their exact roles.

Moreover, in 2017, the Government of Lebanon established the National Committee for the Follow-up to the Implementation and to support Lebanon in its roll-out for the 2030 Agenda, which is headed by the Prime Minister and composed of representatives from all the concerned ministries and public institutions as well as representatives from civil society and private sector. In July 2018, Lebanon submitted its Voluntary National Review at the High-Level Political Forum, as part of the reporting mechanism of the 2030 Agenda.¹⁴

Civil Society in Lebanon

The civil society in Lebanon is working under volatile political and security environment and difficult socio-economic conditions. The political order that enshrines sectarianism as the basis of participation hinders the ability of the civil society to act as autonomous actors in policy-making¹⁵. Against this relatively grim background and the increasingly shrinking operational space, horizontal solidarity networks among actors progressed. However, and even though networks and coordination platform do exist, they are mostly project based and thus time and resource

14 See more at <https://www.un.org.lb/english/sdgs-in-lebanon>

15 Beyond Reform & Development. 2015. Mapping Civil Society Organizations in Lebanon.

bound.¹⁶

Women CSOs in Lebanon have varying stands from Lebanese patriarchy which varies between pragmatic and revolutionary approaches. Some show dynamism in their position in relation to state institutions, combining lobbying against legislative and executive institutions and radical challenge to the patriarchal norm, while others favor national causes, adopting a holistic approach to social change.

A recent study conducted by RootsLab and Oxfam¹⁷ in 2019, showed that feminist activists from both reformist and radical groups expressed a sense of belonging to a feminist movement, recognizing the existence of a legacy of feminist organizing in Lebanon, the continuous advocacy efforts related to gender justice, the presence of a diverse and vibrant feminist scene and emerging practices of solidarity and intersectionality. Yet, they expressed that women's rights organizations (WROs) in Lebanon continue to face enormous challenges as they remain grossly underfunded and face resistance and constant backlash. The feminist collective action, which is the staple in the fight for gender equality, has to be strengthened. As such, there is an immense need for women's rights organizations to unite and mobilize in order to increase their share of funding rather than seeing one another as competitors for limited funds.

Civil society organizations have been playing a major role in Lebanon including women and feminist NGOs and movements that help in lobbying for redressing gender discrimination as representing a strong voice of the disadvantaged groups of women, and call for granting women their human rights. Their activities ranged between raising awareness, monitoring government programs and complementing them, as well as, providing model projects that can be taken to scale if adopted by governments.

Besides, cultural hubs and safe spaces were established, aiming to foster and support the community and empower all women. The spaces enabled women and LBTQI individuals to gain access to information, production support and networking, allowing them to, not only expand their ideas, but also acquire the tools they need to continue their fight for rights and equality. With the recent events in Lebanon where the fight for women's rights and civil status laws at the forefront of the debate, communal and safe spaces are needed more now than ever. Such spaces have allowed for more than convening meetings and launching projects but has allowed women to share, articulate and support other

women who otherwise would not have the opportunity to engage directly. Only in such spaces can women be met with understanding and protection, to further their goal for equal rights.

Safe spaces have contributed by:¹⁸

1. Supporting and implementing social/community projects using artistic/creative discipline in-order to reshape misconceptions of social and cultural issues and stigmas encompassing community.
2. Presenting spaces for development of creative social and cultural projects within the women, women right's activists, and LBQTQI community across all borders and backgrounds (without restriction/discrimination)
3. Supporting and implementing social/community projects with guest speakers, leading experts, local civil society actors and other community stakeholders to ensure a holistic and comprehensive approach to issues and policies facing the women and LBQTI in the Middle East and Lebanon.
4. Presenting, debating and encouraging cultural production, artistic output and the pursuit of knowledge with a holistic approach based on activism, academia and the underground contemporary movement.
5. Hosting free and accessible workshops, vocational training sessions, and civic engagement discussions for women's and LGBTQI rights through collaborative work with feminist organizations, LGBTQI NGOs, as well as civil society and activists from the MENA region.

Lebanese state and Women

The ministerial statements of the Lebanese governments since 2015 expressed their firm belief in the importance of the role and contribution of women in achieving the goals of sustainable development and the advancement of the country at all levels. It announced, and in various forms, its commitment to work to eliminate discrimination against women based on the constitutional texts and contents of international agreements ratified by Lebanon (particularly the CEDAW), and the **recommendations** and concluding observations that it agreed and committed to implement. Despite these assertions, only few achievements have been made during the past five years, and the road to achieving full equality is long and fraught with challenges and obstacles.

Women in Lebanon continue to suffer discrimination under 15 Lebanese personal status laws, dependent on each individual's religious affiliation, all of which discriminate against women, and since all religious leaders are men

16 Marie-Noëlle AbiYaghi, Léa Yammine, Amreeshha Jagarnathsingh. "Civil Society in Lebanon: The Implementation Trap", Civil Society Knowledge Centre, Lebanon Support, available at <https://civilsociety-centre.org/paper/civil-society-lebanon-implementation-trap>

17 Catherine Moughalian, Zeina Ammar. Feminist Movement Building in Lebanon: Challenges and opportunities. RootsLab 2019

18 Dayna Ash. Founder and Executive Director of Haven for Artist NGO.



Photo: UN Women/Joe Saade

and all sectarian courts are headed by men, women's preferences and interests are rarely taken into account. The family unit is viewed by these religious authorities as a monolithic bloc, not as a site of shifting power relations where inequalities can be produced and reproduced. This means that the solutions do not provide the need for work with couples to critically reflect upon gender roles or to promote the position of women within the household. In a 2015 report, Human Rights Watch found that all personal status laws erect greater barriers for women than men who wish to terminate unhappy or abusive marriages, initiate divorce proceedings, ensure their rights concerning their children after divorce, or secure pecuniary rights from a former spouse.¹⁹

Despite the various efforts made in Lebanon to achieve gender-based justice and equality, the picture is still bleak. In 2020, Lebanon ranked 145th out of 153 countries²⁰ with a

19 Human Rights Watch. (2015). "Lebanon: Laws Discriminate Against Women" Human Rights Watch news release, January 19, 2015. Available at <https://www.hrw.org/news/2015/01/19/lebanon-laws-discriminate-against-women>

20 World Economic Forum. Global Gender Gap Report. 2020. P:219

score of 0.599 on the global gender gap index of the World Economic Forum. In 2020, Lebanon's indicators reveal that Lebanese women experience high levels of health and education, but are lacking a commensurate presence in the economy, public sphere, and senior positions. The country achieved parity in enrolment in secondary and tertiary education, and figures indicate that women live longer than men as the life expectancy at birth is 82.3 for females and 78.1 years for males. Such gains in health and education are not reflected in women's economic empowerment, advancement in politics and protection from violence. Only 8.4% of legislators, senior officials and managers are women, compared to 91.6% of men. The parliament is dominated by an overwhelming majority of men (95.7%) holding 122 seats out of 128, and only 6 seats for women (4.7%).²¹ Most ministries and public agencies continue to overlook the gender dimensions in their work.²²

Violence against women and young girls in Lebanon is considered as a part of the "private sphere" and the mentality of "blaming the victim" is widespread. The IMAGES Survey²³ showed that 31 percent of women in Lebanon reported ever experiencing one or more forms of intimate partner violence, and 24 percent of men reported ever perpetrating one or more forms of intimate partner violence, nearly 60 percent of women reported having ever experienced some form of sexual harassment in the street; one-third of men reported having ever carried out this harassment.²⁴

As such, the situation of Lebanese women has always been highly two-edged: on the one hand, a wide emancipation of women, schooling on footing with men, active participation in the various fields of social and cultural life and on the other hand, a great discrimination in the family codes, under-representation in the economic life and a striking backwardness in political participation. While Lebanon boasts some of the best gender statistics in health and education in the Arab region, not to mention the degree of social mobility for women that exist in the country, it is also home to some of the worst regional rates of gender equality indicators in areas of political representation and leadership, and is among the countries in the region which have enacted the fewest changes to discriminatory laws governing personal status and citizenship.

Government and civil society have started to recognize and

21 World Economic Forum. Global Gender Gap Report. 2020. P:219,220

22 The Arab Institute for Women (AIW). (2016) Available at <http://iwsawassets.lau.edu.lb/cgp/lebanon.pdf>

23 The International Men and Gender Equality Survey (IMAGES) is the largest multi-country study of its kind in the Middle East and North Africa. Promundo and UN Women, in collaboration with local research partners, ABAAD and Connecting Research to Development (CRD), conducted qualitative research and completed surveys with 1,050 men and 1,136 women between the ages of 18 and 59, representing both the Lebanese and Syrian populations living in Lebanon.

24 International Men and Gender Equality Survey IMAGES. Lebanon Summary. P:7

understand the importance of gender relations, as well as the essential role of women in achieving sustainable development. The need to have a comprehensive understanding of gender at collective levels and to question the current structural mechanisms in reproducing inequalities was realized; gender inequalities are reinforced by political, economic, legal and social systems and institutions.

It is intrinsic to note that Lebanese women are not the only women who suffer in Lebanon. Lebanon has the highest refugee population per capita in the world. This perspective is key to understanding the rights of women in Lebanon. Lebanon also has a large number of domestic workers, who must also be incorporated into the analysis. It is more important to incorporate the perspective of noncitizens into the analysis and legality should not be the measure for inclusion, as restrictive policies in particular regarding Syrians mean that many refugees and migrant workers are not residing legally.

After nine years into the Syrian crisis, Lebanon remains at the forefront of one of the worst humanitarian crises of our time and has shown exceptional commitment and solidarity to people displaced by the conflict in Syria. As of October 2018, the Government of Lebanon estimates that the country hosts 1.5 million Syrians who have fled the conflict in Syria (including 950,334 registered as refugees with UNHCR, of which 25.2% are women, 19.4% men, 27.1% are girls, 28.3% are boys with diverse backgrounds and specific needs), along with 28,800 Palestinian refugees from Syria and a preexisting population of an estimated 180,000 Palestinian refugees from Lebanon living in 12 camps and 156 gatherings. Nearly half of the Lebanese, Syrian and Palestinian populations affected by the crisis are children and adolescents. Up to 1.4 million children under 18 years of age are currently growing up at risk, deprived, and with acute needs for basic services and protection.²⁵

25 See more at <https://reliefweb.int/report/lebanon/lebanon-crisis-response-plan-2017-2020-2019-update>

Progress achieved across the 6 thematic areas

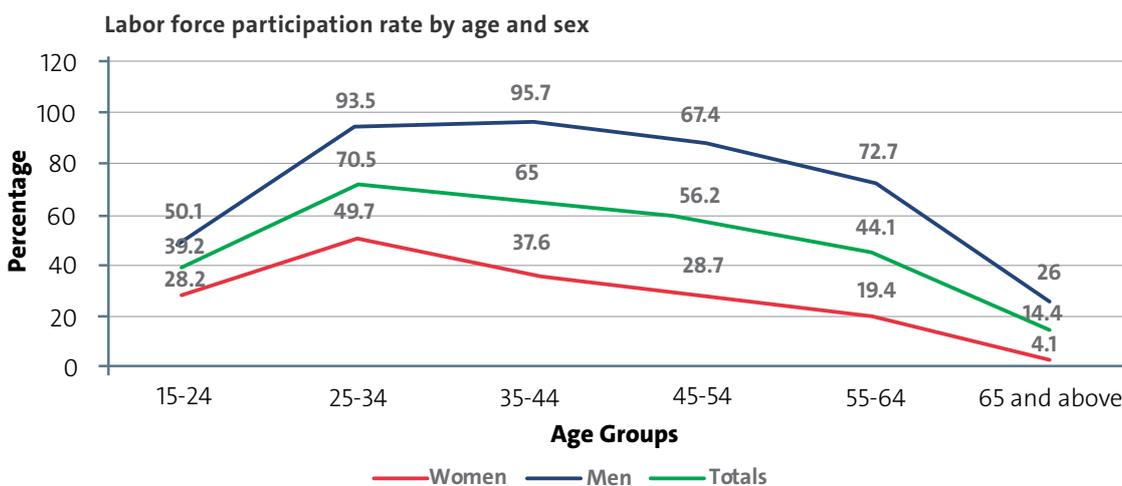


Photo: Dar Al Mussawir

Inclusive development, shared prosperity and decent work

Lebanese women in the labor force

According to the Central Administration for Statistics (CAS)²⁶, the working age population (15+ years) accounts for around 3.7 million persons; 47.4% men and 52.6% women. The total labor force participation rate was 48.8%, with women accounting only to 29.3% with a large difference between men (70.4%); participation varies according to age and sex as per the following tables:



The public sector share of employment (ministries, public administration, and government-owned institutions) in Lebanon is 14%; the private sector accounts for the remaining 86%, including agriculture 4%, industry 20%, and services 76%.

²⁶ CAS & ILO. (2019). Labour Force and Household Living Conditions Survey (LFHCLS) 2018–2019. Lebanon. Available at https://www.ilo.org/wcm-sp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_732567.pdf

Unemployment rate by age and sex

Age groups	Lebanon	Women	Men
15-24	23.3	21.4	24.5
25-34	12.5	15.9	10.6
35-44	8	12.7	5.9
45-54	6.3	9.4	5.2
55-64	6.1	6.1	6.1
65 and above	2.9	0.9	3.3
Totals	11.4	14.3	10

The unemployment rate was higher for women than men. The youth (15–24 years) unemployment rate of 23.3 percent was more than double the national unemployment rate (11.4 percent).

About half of unemployed young people had been looking for work for more than 12 months. Young women formed 26.8% of young people not in employment, education or training (NEET), significantly higher than young men (16.7%).

Female labor participation in Lebanon’s formal sector remains low, limiting substantial benefits to productivity, growth, income convergence, and social equity. Many women are employed in the informal economy.²⁷ The share of informal employment in Lebanon was 55%, and 45% was for formal employment, where 31% of persons working in the informal sector were women and 69% were men.

	Informal Employment	Formal Employment	Total
Informal sector	559,000	400	559,400
Formal sector	314,800	716,200	1,031,000
Total	873,800	716,600	1,590,400

Informality and inequality are reinforced through the extent of female employment in the informal sector implicating negative effects on gender wage gaps and income distribution. Women are estimated to earn around 4600 dollars compared to 18500 dollars for men, 8.4% of legislators, senior officials and managers are women compared to 91.6% of men, and women represents only 4.4% of firms top managers²⁸. Women are relatively underrepresented at senior management levels, but overrepresented at the specialist level, in mid-level professions, and within administrative staff (often referred to as vertical segregation).²⁹

Lebanese banks tend to be supportive and adopt positive attitudes towards women and “the vast majority of female

employees consider that the corporate culture of their work place values diversity”³⁰. The share of women employees of the total banking population was 47.4% in 2016 (while it represented 47% in 2015) against 52.6% of men employees. The new employees within the sector are mainly women, while the share is nearly equal for both gender in the age bracket between 25-40 years.³¹

Women constitutes the large majority, 80.2%, of the total administrative and educational staff at the public schools.³² In 2016, 72.5% of trainee judges at the Institute of Judicial Studies were women, and in 2017, 47.7% of judges were females. These women have highlighted political interference in the appointment of judges and familial

27 Wallace, T. (2016). “Women’s work in Lebanon: making the invisible visible”. CRTDA 2016

28 World Economic Forum. Global Gender Gap Report (2020). P.219,220

29 Maral Tutelian Guidanian, ‘The Status of Women in Lebanon in Figures’ (CAS), as cited in CEDAW, ‘Consideration of reports submitted by States parties under article 18 of the Convention Fourth and fifth periodic reports of States parties due in 2014: Lebanon’ (April 2014).

30 Jamali, D., Safieddine, A. and D-aouk, M. (2006), “The glass ceiling: some positive trends from the Lebanese banking sector”, Women in Management Review, Vol. 21 No. 8, pp. 625-642. <https://doi.org/10.1108/09649420610712027>

31 World Bank. (2016). Human resource in banks operating in Lebanon Part III. Available at <https://www.abl.org.lb/Library/Files/Ann%20rep%202016%20En%203.pdf>

32 Center for Educational Research and Development (CERD) - Statistical Bulletins - Academic year 2018-2019. P.40

responsibilities as main obstacles to career progression.³³

In a survey targeting a sample of 1,600 Lebanese companies, 50 percent of the sampled companies had female board members, however, women represent only 14 percent of all board members.³⁴ The study found that, on average, companies with higher percent of women on board membership exhibited higher profitability measures and better solvency. Specifically, companies with female board members exhibited double the return on equity (20.7 percent compared to 10.3 percent for all-male boards), and 2.3 percent higher growth in return on assets. Highly qualified female board members have reported experiencing marginalization, and enjoying less authority and executive power than their male peers.

In addition to the Leaking Pipeline, it appears that in Lebanon, the pipeline is experiencing ever-increasing pressure, what has been referred to as the Bursting Pipeline³⁵, where more and more women are equipped with the necessary knowledge, skills, and abilities, but are unable to secure employment.³⁶ Also, self-employed women face gender-based barriers to starting and expanding their business since their access to finance is limited, their businesses are concentrated in low productivity, stereotypically “feminine” activities.³⁷

Growing number of educated, mobile, and politically aware women continue to be the subject of discrimination. Women might not get selected and/or promoted due to their dual role in society. Organizational and cultural barriers were considered as root causes of this discrimination.³⁸ Cultural norms, values, assumptions and stereotypes that are deeply rooted in patriarchal and religious traditions constitute the most fundamental barrier to utilization of female talent. Also, there still remains groups of officials in public agencies and institutions who are unaware of the structural discrimination against women in all institutions causing challenges to the way that women gain access to different institutions and how it oppresses their economic

empowerment.³⁹

Female Labor under the Lebanese laws



Photo: UN Women/Joe Saade

The Labor Code prohibits women from working in certain occupations considered arduous or hazardous, e.g., in the mining industry, welding and metalwork, glass work, production of alcohol, tannery work, and abattoir work⁴⁰.

Article 26 amended in 2000, prohibit employers from “discrimination between workers on the basis of gender with regard to the type of work, pay, employment, promotion, vocational training, and clothing.” However, despite the importance of this step, it has not been accompanied by any deterrent and punitive mechanisms to effectively reduce these unfair practices against women in the workplace.

Concerning maternity leave, which was recently increased from 40 to 70 calendar days (10 weeks), it remains well below ILO’s Recommendation (No. 191, article 110) of at least 18 weeks.

On the 21st of August, 2017, Law No. 46 was passed regarding “raising the minimum wage, salaries, and increasing the cost of living for employees, contractors and procedures in the public administrations, the Lebanese University, municipalities, federations of municipalities and public institutions not subject to the Labor Law, as well as the salaries of public administrative owners and members of the educational body in the Ministry of Education and

33 Assi, R. (2018). Women in the Judiciary in Lebanon - Economic and Social Commission for Western Asia. Available at https://www.unescwa.org/sites/www.unescwa.org/files/events/files/presentation_lebanon.pdf

34 World Bank Group. (2019). Women on board in Lebanon. How Gender-Diverse Boards Bring Value to Lebanese Companies.

35 Dr. Charlotte M. Karam, Interview with author. January 17th, 2020.

36 Karam, C. M., & Afioni, F. (2014). Localizing women’s experiences in academia: multilevel factors at play in the Arab Middle East and North Africa. *The International Journal of Human Resource Management*, 25:4, 500-538. Available at <http://dx.doi.org/10.1080/09585192.2013.792857>

37 Assy, A., & Sayed, H. (2018). Why aren’t more Lebanese women working? MENA Knowledge and Learning: Quick Notes Series, 170. Available at <http://documents.worldbank.org/curated/en/919711526913175663/pdf/126361-BRI-add-series-PUB-LIC-ON-170.pdf>

38 Rishani, M., Mallah, M., Houssami, S., & Ismail, H. (2015). Lebanese perceptions of the glass ceiling. *Equality, Diversity and Inclusion: An International Journal*, 34(8), 678-691.

39 UN Committee on the Elimination of Discrimination Against Women (CEDAW). Consideration of reports submitted by States parties under article 18 of the Convention, Fourth and fifth periodic reports of States parties due in 2014: Lebanon, 15 May 2014, CEDAW/C/LBN/4-5, available at: <https://www.refworld.org/docid/564edad14.html>

40 Labor Code of 1946, Art. 27 and Annex 1.

Higher Education and military corps.” Article 24 of the Act provides for the right of a married employee to take advantage of a part-time shift of up to three years during her period of service. However, this article added that the part-time shifts is calculated as half a year of actual service for promotion, compensation, pension or pension deductions. This law emphasized the reproductive role of women over the productive one, and as such prohibited women who choose to assume this ‘advantage’ from equal opportunities in terms of promotion and achieving senior positions.

Lebanese laws and regulations include several discriminatory clauses. For example, the law does not mandate childcare support by employers or the government, flexible/part-time schedule, equal remuneration for work of equal value, protection from discrimination in selection criteria and job advertisements, protection from sexual harassment at work, or protection against discriminatory practices in access to loans and other financial services. Also, and of utmost importance are the discriminatory provisions in the Social Security Law.

Since 2011, national women machineries have been working on modifying the discriminatory provisions existing in the Social Security Law in order to propose new legislation guaranteeing gender equality to be submitted to the legislative authorities. To date, a number of bills have been presented to amend the Social Security Law to eliminate discriminatory provisions against women, especially those relating to sickness and maternity, and family compensation. Some of these bills are still under consideration. It is worth noting that the distinction between the male and female insured is reflected in the period of benefiting from maternity benefits. The wife of the insured benefits from maternity benefits three months after her husband’s affiliation to the social security, while the female worker or employee does not benefit from these benefits until ten months after her affiliation. It is important to standardize the period of affiliation for the male and female insured to take advantage from maternity benefits. The Social Security Law and the civil servants cooperation law treat women and men equally when it comes to certain social allowances, but these laws do not recognize that a female employee or a wage earner is the provider for her family as they deprive her of family allowance unless the husband’s incapacity or absence is proved or if she is a widow.

In addition, the reproductive role of women in the social security law dominates their productive role. Article 50 of the social security law provides that

“the female worker who leaves her work during the 12 months after her marriage) “ is entitled to benefit from the end of service indemnity scheme. The labor law does not include women working in the agricultural sector, which keeps women, as well as men, in the sector without health insurance or social benefits, and impedes their access to agricultural credit and other services they desperately need.

Source: Lebanon’s Official Report to Beijing +25

Barriers for women involvement in formal economy⁴¹

Obstacles to equal recruitment were identified as coming from two places: the cost-benefit analysis of women themselves, and the factors that weighed into their decisions not to work; and attitudes of employers towards women. The factors that were found to affect women’s decisions not to work include: family responsibilities, perception of benefits, economic considerations, and socio-cultural factors, particularly family expectations and structure.

The main factors that emerged from the literature that affected recruitment from the employers’ side were stereotyping and gendered expectations, some of which may be a reflection of reality, and may indicate a need for additional training, development, and mentoring of women, who many employers identified as lacking in confidence in the workplace. Employers’ perceptions that women were a riskier investment for recruitment because of the expectation that they would likely leave work when they started a family (which is a statistically supported phenomenon) also reduced women’s chances at the recruitment stage.

A major obstacle to job creation stems from the existence of a ‘skills gap’ in the Lebanese marketplace. Despite high levels of tertiary education, Lebanese companies complain about not finding the skilled labor they need. UNDP Assessment of Labour Needs surveyed 240 companies operating in agro-food production, residential construction, and Information, communication, and technology (ICT) sectors. Data indicated that female employees made up a significant portion (33 percent) of the semi-skilled workforce, however, companies report that their semi-skilled workers lack an understanding of new technologies, quality control, cost control, and monitoring and evaluation.⁴² Yet, by providing training to women in these

41 This section was extracted from KIP index white paper on Lebanon. KNOWLEDGE IS POWER Project. Suliman S. Olayan School of Business (OSB). American University of Beirut. Lebanon

42 UNDP. (2016). Mind the Gap. Labor Needs Assessment for Lebanon. Agro-Food – Construction – ICT. Available at <https://www.undp.org/content/dam/lebanon/img/SocialandLocalDevelopment/Mind%20the%20gap%20final%2022%20March%20.pdf>

areas can improve their participation in the workforce and enhance the overall productivity.

Unpaid Care Work

While there are some barriers at the recruitment stage (in particular at the stage of women deciding to enter the workforce), retention remains the perennial problem for women in the workplace. There is insufficient family support in organizations, which represents a disproportionate problem for women in light of the fact that they spend 3 times more time on childcare than men.⁴³ Participation rates of women, while always below men, experience a rapid decline as women enter their 30s, the age at which many of them start having children (and, just as importantly, the age at which women are forced by biology to make decisions between work and family).

Women's unpaid time burdens are significant. Women in Lebanon spend an average of 60 hours per week on unpaid household-related activities such as child care, cooking and cleaning.⁴⁴ Care work is perceived as the responsibility of women and girls, and is enshrined in the prevalent gender norms which frame women and girls as "natural carers" who have "inherent skills" that allow them to master these tasks⁴⁵. Care is considered as the main responsibility of women and highly prioritized over their participation in the productive labor market; thus affecting women's decision to choose a given job.

Lebanon lacks policies about the distribution of care work equally, and neither the government nor the institutions have undertaken any action to improve access to or to facilitate, or fund day care centers for children. As such, we quote the recommendation of the recently published study by Lina Abu Habib entitled "Feminists Perspectives on Care Work in the MENA Region" which refers to "the care diamond, a concept introduced by Razavi (2007)⁴⁶ which highlights four sources of care provisions, both paid/underpaid or unpaid: the family, the market, the state, and the nongovernment and non-state actors. The care diamond initiative proposes the redistribution of care among these four different actors, a matter that would require financial investment in the private service market or public investment by both the government and the community. This model is based on the recognition that the benefits derived from care work exceed the circle of the direct and

indirect receivers of care. Thus, a public, private and/or community investment in care work is an investment in the quality and durability of the overall social infrastructure."

Recommendations

- Eliminate all discriminatory provisions against women in the National Social Security Fund (NSSF), especially those relating to sickness and maternity, and family compensation to ensure that men and women benefiting from the NSSF enjoy equal rights.
- Enact a law that punishes sexual harassment in the workplace and public places, with clear enforcement and accountability mechanisms
- Increase the presence of institutions, with technical and multi-disciplinary programs which support women need for capacity building in new and growing job markets, supporting them to be better able to equip a properly skilled workforce.
- Reshape companies from the inside out: designing corporate social responsibility initiatives geared toward shifting the existing gender structures and formalizing women-friendly policies and procedures that enable more women to remain in the workforce while they raise families. Also, encouraging companies to commit to gender diversity initiatives championing female role models, providing mentoring and coaching to cultivate the female talent pool.
- Take concrete measures towards the re-distribution of unpaid care work.



Photo: UN Women/Jean Safi

43 ILO. (2018). "Care Work and Care Jobs for the Future of Decent Work".

44 UN Women. (2016). Supporting Women's Empowerment and Gender Equality in Fragile States: Lebanon. Research Brief. Available at https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2016/fge_fragile_states_research_brief_lebanon.pdf?la=en&vs=2824.

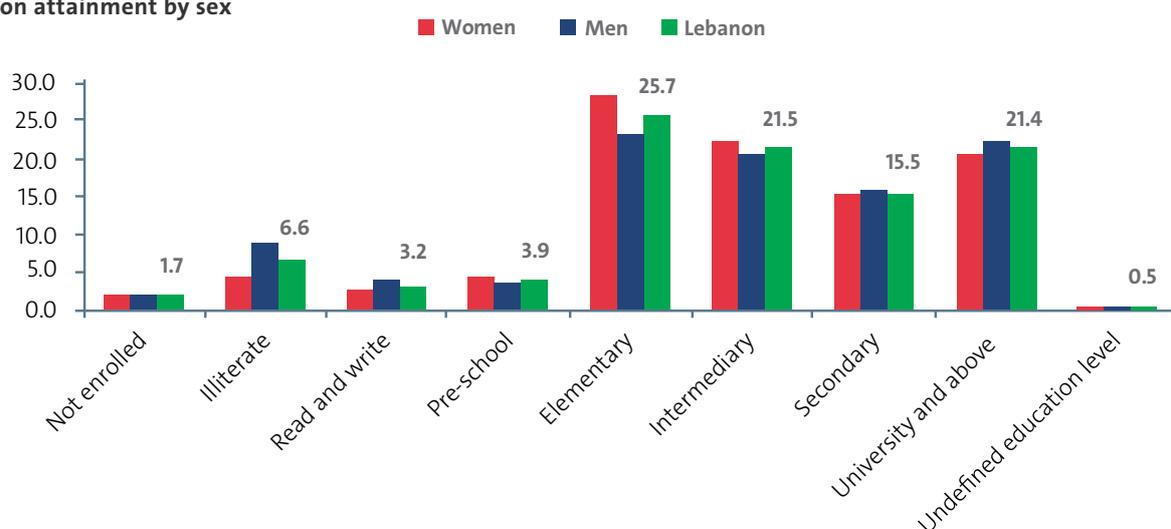
45 Abu Habib, L. "Feminist Perspectives on Care Work in The MENA Region". Friedrich-Ebert-Stiftung.

46 Razavi, S. (2007). "The Political and Social Economy of Care in a Development Context Conceptual Issues" Research Questions and Policy Options.

Poverty eradication, social protection and social services

Education

Education attainment by sex



About 2 percent of residents aged 3 years and above were not enrolled in education and 7 percent were illiterate. The percentage of residents holding a university degree was 21 percent, with almost no difference between women and men.⁴⁷ The net enrollment rates of female and male students in Lebanon vary from primary to tertiary education, with the ratio being almost equal across the different educational stages, with a small gap favoring men over women at the tertiary level.

In 2011⁴⁸, the law was revised to make education compulsory from 6 to 15 and now there are more serious discussions today to make education compulsory from age of 4 to 8 including what we call early childhood education at the age of 4 and 5, therefore making the threshold lower. Although the amendment was good for both boys and girls, however, the main problem was the lack of a decree that can ensure the implementation. There is a law that forbids child labor and there is a law that ensures education from 6 to 15 but these laws are not enforced due to structural dysfunction in the system. The ministry of Justice should in fact release judiciary decisions like “that this family should be fined because the child is not at school” and the Ministry of Social Affairs should be in charge of the follow-up for both.

47 CAS & ILO. (2019). Labour Force and Household Living Conditions Survey (LFHLC) 2018–2019. Lebanon. Available at https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_732567.pdf

48 The highlighted section is transcribed from an interview with Hana El Ghali, Program director of the Education, Youth and Policymaking in the Arab World Program at the Issam Fares institute. The interview was conducted and transcribed by Fatima Moussawi

In 2014, there was a plan that was issued by the government in response to the refugee crisis under the name of RACE (Reaching All Children for Education) but also this plan was inclusive of both females and males and not directed specifically towards males. In fact, most of the visions, initiatives and plans are usually done for all and not necessarily for a specific gender. However, according to the latest UNICEF mapping, the rate of dropout is always higher for boys than for girls, but this does not mean that girls are benefiting from this. Also, according to a series of interviews that were done for a World Bank project in 2018, many families in Beirut tend to pull out their daughters from schools at the age of 15 to direct them towards being engaged or starting a family or to stay at home and it is not only common among refugee families, as many Lebanese families are going for such a practice. One of the Qa'a's families (in Bekaa) that were interviewed also indicated that they prefer that their daughter drops out of the school because the school is remote and it is more normal according to the mentalities in rural areas to have the girls sit at home, indicating that these are very common and recurrent practices that still take place in both Urban and Rural areas. In the area of Mankouben in the North of Lebanon, due to the scarcity and the far location of school, families prefer not to send their daughters to schools and to keep them in the house for security and cultural reasons. It is not always a matter of cost as much as it is a matter of culture and general beliefs and the role that can be played inside the house through taking care of domestic chores.

Also, many female students reported that they cannot review their studies at home as they are responsible of household chores.

Many boys are more enrolled in the TIVET (Technical Industrial Vocational and Entrepreneurship Training), however when it comes to the sciences, math, technology and engineering domains, the enrollment is equal in almost all the universities including the Lebanese University. The real problem starts in the employment, especially towards the leadership positions where women tend to be less employed or considered for the positions. It is also necessary to look at this discrepancy on gender base on the different areas in Lebanon as this inequality differs by numbers and profiles according to the areas, as access plays a crucial role in pulling females out of higher education. For example, if the family lives in a rural area, they will have to send their daughter to Zahle, to Tripoli or to Beirut to pursue her university education, which is not possible or accepted by all families and which might not be afforded by many. In addition, what if she takes the degree, the employment chances in her original rural area seem to be very little making all the attempts to seek higher education very hard and challenging until today. Some of the parents still do not accept the idea of sending their daughters to funded program due to cultural beliefs.

The last time the Lebanese curricula was revised and reformed was in 1996 which did not take the gender component into account and which also dismissed many cultural aspects like the different ways girls and women are dressed in Lebanon. Nowadays, there is an educational center responsible of amending the current curriculum however this center is not coordinating with the ministry due to some administrative issues, which is delaying long awaited changes.

As for gender awareness sessions in schools, it was done by many of the NGOs in private and in public schools but it was not done in a structural manner and the gender approach might be skipped at many levels because it comes out of an initiative and not out of a policy. In parallel, when it comes to providing a safe and sexual harassment free atmosphere using the internet, no actions or measures were taken; what needs to be done, females should feel that it is their right to stand and speak up and report and they have to feel protected while doing so.

While addressing the access to new and emerging fields, especially STEM, digital fluency and literacy,

an initiative called SUM (Skilling-up Mashreq) was launched in collaboration with Beirut Digital District that and is targeting youth, both females and males, but a lot is still needed to be done in this field. All schools in Lebanon today are mandated to have a health counselor to follow-up with students, especially females about menstrual and hygiene issues. However, how effective is this remains a real question. In addition to this, when it comes to prevent adolescent pregnancy and to enable females to continue their education despite their pregnancies, schools do not allow having any case of marriage when the student is enrolled, therefore they don't expect for girls to be pregnant at that age given that it is also considered a child marriage and there is no solution for girls who are forced to get married and who want to continue their education. Advocacy initiatives for families to prevent early marriages and school dropouts, especially in refugee communities, should be launched.

While it comes to ensure having females in top management of educational institutions, Lebanon is still so much behind. The first example is that the previous Minister of Education Akram Chehayeb had 16 consultants, only one of them was a woman. Moreover, most of the top leadership positions in top educational institutions in Lebanon are occupied by men.

Lebanese educational institutions still practice inequality and prefer men over women as out of thirty Lebanese Higher Education Institutions with a total of 163 dean's positions, only 34 were women⁴⁹.

During the 2018 – 2019 academic year, and according to The Center for Educational Research and Development (CERD), which is a national organization charged with modernization and development of education, data showed equality in school enrollment as per the following table:

Distribution of students by educational level and sex, 2018-2019

	Pre-Primary Education	Primary Education	Intermediate Education	Secondary Education
Female	48.53%	48.21%	51.50%	56.02%
Male	51.47%	51.79%	48.50%	43.98%

⁴⁹ Haidar, N. H. (2018). Gender Leadership and Excellence: The Case of Higher Education in Lebanon. *Administrative Sciences*, 8(4), 78

The Ministry of Education and Higher Education has taken up concrete steps to ensure that all vulnerable girls and boys in Lebanon have access to affordable education opportunities. In close partnership with the Education Sector (including UNICEF, donors, other UN agencies, and NGOs), the Ministry of Education and Higher Education (MEHE) drew up a five-year (2017-2021) education response strategy called Reaching All Children with Education (RACE II).⁵⁰ As such, and during the 2018-2019 academic year, it was estimated that a total of 210,964 non-Lebanese students and 277,236 Lebanese students were enrolled in basic and secondary education.⁵¹

A pipeline of female talent in the energy sector exists in Lebanon with 61 percent of female students in public universities are enrolled in Science, Technology, Engineering, and Mathematics (STEM) related fields. However, data on distribution of women in STEM majors mask imbalances in terms of concentration of enrollment in the theoretical sciences compared to applied fields such as engineering.⁵² Also, according to the World Economic Forum, STEM attainment is 18.03% for female and 30.34% for males.⁵³

Although statistics show progress and equality, traditional stereotyping and the age-old patriarchal culture still prevents some girls from participating in the education system. In particular, girls from poor and less fortunate families are still considered a burden and are married off at an early age. Compulsory free education has not yet been imposed by the government of Lebanon, making the situation more difficult for girls who are eager to study but unable to do so.

Also, most Lebanese women receive little encouragement or support in pursuing advanced academic degrees in demanding fields, due to social, educational, familial and religious constraints and expectations.

Recommendations

- Impose the compulsory free education law with firm enforcement and accountability mechanisms while ensuring accessibility to schools and safe transportation especially in Lebanese rural areas.
- Integration of pre-college counselling programs targeting female students in secondary schools to expose them to options of STEM programs.
- Infuse gendered material and curriculums directed towards combating violence against women and girls within educational system.

50 See more at <https://www.unicef.org/lebanon/education>

51 MEHE, & UNICEF. (2019). RACE II FACTSHEET. Issue September 2019. Available at <http://racepmulebanon.com/images/RACE-PMU-Fact-Sheet-September-2019.pdf>

52 Ahmad, A., Kantarjian, L., El Ghali, H., Maier, E., & Constant, S. (2019). Shedding Light on Female Talent in Lebanon's Energy Sector. World Bank Group

53 World Economic Forum. Global Gender Gap Report (2020). P. 220

- Public awareness and female empowerment: educating children equally to reduce bias, using popular media to push back against ingrained and negative stereotypes about women's roles, and raising public awareness about women's capabilities
- Adopt healthy childrearing practices at early age to ensure the presence of a generation who believes in gender equality.

Women and health

According to World Economic Forum's Global Competitiveness Index 2017-2018, data shows good performance of the health system in Lebanon, ranking 34th out of 137 countries with a score of 6.8 out of a maximum of 7.⁵⁴ However, the right to health is jeopardized by the costly Lebanese health care system. Almost half of the Lebanese population cannot access affordable medical coverage. Healthcare in Lebanon is covered in equal parts, private insurance and contribution-based schemes like the National Social Security Fund (NSSF), and out-of-pocket expenditures and by government expenditure. The public health sector which should act as a safety net for those who do not have access to the private sector is severely underfunded, underequipped and unable to provide basic affordable health care.



Photo: Dar Al Mussawir

54 World Economic Forum. Global Competitiveness Index 2017-2018. <http://reports.weforum.org/global-competitiveness-index-2017-2018/countryeconomy-profiles/#economy=LBN>

The Ministry of Public Health has developed a national strategy for primary health care, including reproductive health, which has been worked out with the United Nations Population Fund (UNFPA) in Lebanon, and has also prepared the clinical work manual for reproductive health services. The Ministry of Public Health provides basic health care services such as maternal and child care, compulsory vaccination and health guidance. The Ministry of Public Health also provides basic vaccines free of charge in all its clinics and health centers (Ministry of Public Health Page 41 of 61 Circular No. 33 of 6 July 2004). The mammography procedure is also mandatory for every woman who enters the hospital for treatment at the expense of the Ministry of Public Health if said procedure has not been done during the 12 months preceding her hospitalization (Ministry of Public Health Circular No. 90 of 12 October 2010). The Ministry of Public Health also provides coverage for all open-heart surgery and the cost of medicine for some chronic diseases. The Ministry of Social Affairs, through development service centers and associations contracted with the Ministry, provides health services, including pediatrics, gynecology, public health and dentistry, as well as annual vaccination campaigns. These services are offered at a nominal cost to help all segments of society, especially poor and marginalized groups, to access basic health services. Every year, national campaigns are carried out to raise awareness about certain diseases (breast cancer) and the importance of early detection, and free checks are provided in different areas.

Source: Lebanon's Official Report to Beijing +25

Sexual and reproductive health and rights (SRHR)

This section was prepared in Collaboration with the A project⁵⁵

Maternal Mortality and Morbidity

Lebanon was able to achieve maternal mortality rates and infants under-five mortality rates below those called for by sustainable development goals by 2030.

The above-mentioned efforts have focused on Lebanese women and have not included refugee and migrant women, who access obstructed and/or poor quality antenatal, delivery, and postnatal services. Issues of cost, access to information in a language they understand, acceptability of practitioners and facilities, geographic accessibility, and legal hindrances to registering the birth of their children are

the main barriers they have to face, rendering them more vulnerable to pregnancy and delivery related complications and thus to maternal mortality and morbidity.

Recommendations

- Take positive measures to ensure refugee and migrant women receive appropriate, accessible, acceptable and good quality reproductive health information and services, free from violence, coercion and discrimination, such as: - Involving refugee and migrant women in the design and implementation of health policies aimed at improving maternal health; - Distributing government guidelines addressing reproductive health services to all facilities, to refugee and migrant women, and to the community at large and encourage their use; - Institutionalize continuous training programs for reproductive health-care providers in both public and private facilities.
- Remove all barriers to registering childbirth in refugee communities and take positive measures such as disseminating information on legal procedures to refugees.

Access to Information and Services on Contraception

In Lebanon, most forms of contraceptives are available in pharmacies and are not funded by any of the state health programs.

The most commonly used contraceptives are (male) condoms, contraceptive pills and IUDs. Contraceptive pills are easily accessible in pharmacies or offered at dispensaries for free or at a subsidized fee. However, pervasive social norms and stereotypes around sexuality, especially around the sexuality of adolescents and/or sex outside of marriage, often prevents women, especially unmarried women, from seeking contraceptive information, products and services, putting them at a greater risk of unwanted pregnancies and contracting Sexually Transmitted Infections (STIs). Easy and affordable access to contraception especially for women living in rural areas, youth and vulnerable groups is still absent.

Recommendation:

- Ensure that contraceptive information and services are adequate, available, accessible, and of good quality for all women and adolescents in Lebanon, including for women refugees free from coercion, discrimination and violence.
- Implement the Reproductive Health Education and Gender curriculum in public and private school classrooms and develop and implement standards for monitoring and evaluating the implementation of the curriculum.

⁵⁵ See more at <https://www.theaproject.org/>

Access to Abortion and Post-Abortion Services

The Statistical Bulletin of the Ministry of Public Health (MOPH) shows that the total number of legal abortions, including spontaneous abortions, reported by hospitals to the Vital Data Observatory at the Ministry of Public Health was 11318 in 2016.⁵⁶ However, there is still no accurate information on the number of legal and illegal abortions in Lebanon.

Lebanon's Penal Code, which dates back to 1943, bans abortion except to save the pregnant woman's life. The penalty for anyone who aborts, facilitates, promotes, sells, buys, or acquires its means is imprisonment and a fine.

Marital status and socioeconomic background are important factors in determining women's access to safe abortion in Lebanon, with single women from disadvantaged socioeconomic backgrounds standing out as the most marginalized. The process of negotiating access to safe abortion reinforces socioeconomic inequalities and patriarchal structures that constrain women's choices. Women cannot make this crucial decision about their reproductive lives without ensuring the approval of their partners, affirming once again the dominance of men. Recent research showed that a woman's decision to abort is morally conflicted and largely dependent on her partner: in the case of single women, this turns on whether the partner is willing to marry the woman and assume paternity of the future child, while in the case of married women, this turns on the husband's agreement with the wife's decision.⁵⁷

With over a million and a half registered Syrian refugees in its territory, more than half of whom are women, the Lebanese government must ensure that the sexual and reproductive rights of women refugees are respected, protected and fulfilled. The CEDAW Committee and the Committee against Torture recognize that in conflict-settings, women and girls are more likely to face unplanned pregnancies, and call on states to ensure that sexual and reproductive health-care in conflict-affected settings includes access to safe abortion services and post-abortion care.

Recommendations:

- Remove all legal barriers pertaining to access to safe abortion and in particular decriminalize seeking and providing abortion
- Take positive measures to ensure that all women and adolescents have access to safe abortion and post-abortion care free of discrimination, violence and coercion, such as ensuring access to essential

medicines and services that make abortion services safer and easier to access, especially in rural settings, and ensuring adequate training, support, and supplies to ensure that abortion-related complications can be treated, irrespective of the legality of abortion

- Remove restrictions on the dissemination of scientifically and medically accurate information pertaining to safe abortion services
- Adopt laws and policies enabling migrant women, refugees and displaced women to have access to safe abortion and post-abortion care.

Women Living with HIV

In Lebanon, there are less than 500 documented cases of women aged 15 and above living with HIV with a prevalence rate of < 0.1⁵⁸. The National AIDS program at the Ministry of Public Health provides free treatment for HIV/AIDS. There is currently a bill on the rights and duties of persons living with HIV / AIDS, which was referred to the Joint Commissions on 30 April 2018 but hasn't been approved yet.

Human rights violations in the health care setting mainly refer to violations of patients' rights, including the right to privacy, confidentiality, and equal access to care.⁵⁹ People living with HIV and key populations, including lesbians, gays, bisexual, transgender, queer and intersex (LGBTQI) individuals, other men who have sex with men, vulnerable women, people who inject drugs, and refugees/migrants, are disproportionately disadvantaged and face human rights violations⁶⁰. The social, legal, and policy context does not provide sufficient support for HIV-affected individuals and fundamental barriers exist to the enjoyment of equal rights and equal access to services, where stigma, discrimination, and unequal treatment often result in health disparities, work-related unfairness, and social exclusion⁶¹. Human rights violations occur in diverse contexts, within the community, by family and friends, at the workplace, health care and governmental settings, ranging from neglect, stigmatization, blaming and labeling to maltreatment, breach of confidentiality, invasion of privacy and denial

58 Lebanon Fact Sheet 2018, UNAIDS

59 Hammad, L., Doumit, C., & Khalaf, R. (2017). Speak Up: For the Rights of People Living with HIV - Human Rights & HIV Monitoring System for Law Reform in Lebanon. Available at <http://sidc-lebanon.org/wp-content/uploads/2018/04/Final-ENG-Speak-UP-Final-report-EN.pdf>

60 Sigrist, M., & Fergus, I. (2017). Community-owned evidence for human rights action - Rights-EvidenceAction (REAct) HIV-related human rights monitoring and response system. Hove, East Sussex, United Kingdom: International HIV/AIDS Alliance. Available at http://www.aidsalliance.org/wp-content/uploads/old_site/REAct_Factsheet_May_2017_Final_original.pdf?1494850083

61 Kaplan, R. L., El Khoury, C., Field, E., & Mokhbat, J. (2016). Living Day by Day: The Meaning of Living with HIV/AIDS among Women in Lebanon. *Global Qualitative Nursing Research*, 3, 1-13. Available at <https://cyberleninka.org/article/n/646675>

56 See more at <https://www.moph.gov.lb/en/Pages/8/327/statistical-bulletins>

57 Fathallah, Z. (2019). Moral Work and the Construction of Abortion Networks: Women's Access to Safe Abortion in Lebanon. *Health and Human Rights Journal*. December 9, 2019.

of access to services⁶². Unmarried women face myriad obstacles when trying to access sexual health treatment and services, including testing for sexually transmitted infections. Unmarried women who test positive for HIV are pressured to experience guilt about their sexual “misbehavior”. Factors such as economics, culture, religion, and gender norms influence quality of life for persons living with HIV. For some women, being diagnosed with HIV/AIDS threatens their financial stability because of job loss, loss of spouse, or the need to purchase ARV medication when supplies are disrupted.

A large number of people are in need of health and social services, particularly women, and do not have access to legal protection. As such:

- Provide comprehensive reproductive health interventions and HIV/AIDS prevention, detection and treatment services to women.
- Reform laws and legal support services, with a focus on anti-discrimination, protection of public health, and improvement of the status of women, children and marginalized groups, in accordance with the OHCHR and UNAIDS International Guidelines on HIV/AIDS and Human Rights.
- Foster dialogue with decision-makers, religious and political leaders, towards positive change in the social and legal environment regarding sexual behavior and sexual orientation.

Freedom from violence, stigma and stereotypes

Violence

Violence is more than based on gender; it is intricately intertwined with it. Gender norms do support the violence, but violence also enforces the performance of gender, maintains gender hierarchies, and is in itself an enactment of gender. As such, violence against women is, simultaneously both a practicing of gender and a gendering practice.⁶³

Articles 9 of the constitution gives each religious group the right to regulate the affairs of its members, which has led to discrimination against women and girls and among women themselves who belong to different religious communities. This fact has historically promoted sectarian identity and the role of sects was a major barrier to legal reform, especially those related to power relations within

62 Hammad, L., Doumit, C., & Khalaf, R. (2017). Speak Up: For the Rights of People Living with HIV - Human Rights & HIV Monitoring System for Law Reform in Lebanon. Available at <http://sidc-lebanon.org/wp-content/uploads/2018/04/Final-ENG-Speak-UP-Final-report-EN.pdf>

63 Jakobsen, H. (2014). What's Gendered about Gender-Based Violence?: An Empirically Grounded Theoretical Exploration from Tanzania. *Gender & Society*, 28(4), 537–561. Available at <https://doi.org/10.1177/0891243214532311>

the family, and the status and role of women therein.

In 2016, The IMAGES Survey⁶⁴ showed significant rates of violence against children, sexual harassment, and intimate partner violence. Data showed that 31 percent of women in Lebanon reported ever experiencing one or more forms of intimate partner violence, and 24 percent of men reported ever perpetrating one or more forms of intimate partner violence.

Women and girls in Lebanon are protected by the Law on Protection of Women and other Family Members from Domestic Violence, Law No. 293 of 2014. The law is divided into parts on punitive measures and on protection measures. Law 293 stipulated the establishment of a national fund for helping the victims of family violence, however, this fund was not established yet.

‘Domestic violence’ is defined by Law No. 293 to include every act of violence, abstention (neglect), or threat thereof committed by one family member against one or more members, the consequences of which may cause death or physical, psychological, sexual, or economic harm. Domestic violence crimes include forced begging, dealing in or facilitating prostitution or relying on the prostitution of another person to earn income, homicide, adultery, and the use of force or threats to obtain sex⁶⁵. However, the law is unclear as to which other crimes also fall under Law No. 293, which has given rise to concerns that many definitions require clarification⁶⁶. Several judgments from courts applying Law No. 293 have supported a broad interpretation of the definition of acts of violence to include verbal and emotional violence. However, this expansion in reading the text is related to the individual initiative of a judge and not to the legal text itself.⁶⁷

In its 2015 report, the CEDAW Committee welcomed the introduction of Lebanon’s Domestic Violence Law however, noted with concern that the law does not include explicit reference to GBV or provisions criminalizing marital rape. The Committee expressed concern about the ongoing existence of crimes committed in the name of so-called ‘honor’, and the continued existence of discriminatory provisions criminalizing adultery⁶⁸.

64 The International Men and Gender Equality Survey (IMAGES-MENA), conducted surveys with 1,050 men and 1,136 women between the ages of 18 and 59, representing both the Lebanese and Syrian populations living in Lebanon.

65 Law on the Protection of Women and Family Members against Domestic Violence, Law No. 293 of 2014.

66 Human Rights Watch. (2014). “Lebanon: Domestic Violence Law Good, but Incomplete”. Available at <https://www.hrw.org/news/2014/04/03/lebanon-domestic-violence-law-good-incomplete>

67 Yassin, N., Moussawi, F. (August 2017). Dissecting Lebanese Law 293 on Domestic Violence: Are Women Protected? AUB POLICY INSTITUTE. POLICY BRIEF #5/2017

68 Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fourth and fifth periodic reports of Lebanon (24 November 2015), CEDAW/C/LBN/CO/4-5.

The law fails to criminalize marital rape. Article 7 criminalizes a spouse's use of threats or violence to claim a "marital right to intercourse" but doesn't criminalize the non-consensual violation of physical integrity itself. Under the pressure from religious authorities, a reference to a "marital right of intercourse" was added and can be used to legitimize marital rape. Article 22 stating that all provisions considered contrary to the law of 2014 would be annulled except in cases of the personal status laws, which falls under religious courts jurisdictions, is a matter of concern. Also, children are excluded from protection orders when custody does not belong to the mother according to the personal status laws.⁶⁹

Between 2014 and 2017, and according to KAFA⁷⁰, the number of official protection orders issued exceeds 500 orders. The number of documented cases of women killed as a result of family violence crimes after the statement of the law to date is 40 women. Despite the legal restrictions facing refugee women in Lebanon, the Public Prosecutor's Office refrained from arresting any refugee who filed a complaint related to family violence even if her residency was illegal. Also, KAFA and other NGOs follow up on complaints submitted by Syrian refugees.⁷¹

Article 5 of the law requires a special unit on domestic violence to be established within the Directorate General of the Internal Security Forces to examine complaints. Police stations and judicial units receive regular training to provide counselling services to survivors of domestic violence. The Judiciary Police are required to inform survivors of domestic violence of the right to obtain a restraining order and receive legal assistance⁷². In October 2018, the ISF launched a hotline for victims of domestic violence with trained officers and operators.⁷³

In 2017, the Ministry of Justice and KAFA launched a draft bill to amend Law No. 293. Proposed amendments include⁷⁴:

- Extend the definition of the family to include the spouse after dissolution of marriage.
- Define family violence to reflect use of power in the

family by physical or other force.

- Inclusion of penalties for anyone who incites or participates or intervenes in a domestic violence crime, even if the person is not a member of the family
- Inclusion of penalties so that the crime of domestic violence becomes a separate crime, and all its criminal consequences are punished, including intentional and unintentional killing, sexual exploitation, confinement, and physical, moral, and economic harm.
- Adopt the principle of the specialization of judges in cases of domestic violence by assigning judges in each governorate to receive complaints and follow-up all stages of the proceedings.
- Assign protection orders to women. Include protection for children regardless of their age of custody.
- Enshrine women's rights to take their children and others who reside with them if they are at risk. Requirement of rehabilitation sessions for the perpetrator in the protection decision.
- Activate the mechanism for implementing protection decisions between the competent authorities.
- Allow the Attorney-General to implement a protection order issued by the judge for urgent cases.

On 3 August 2017, the meeting of the Council of Ministers approved the Bill to amend Law 293. However, the Bill is yet to be considered by Parliament, so the amendments are not yet in force. It is also important to note that judges in Lebanese courts of urgent matters have been always asking for the launching of courts that can specifically look at the issues of Gender based violence as they are not equipped legally and logistically to pursue these cases in the most effective ways. The Lebanese state attributed the implementation of this law to these courts while, and according to these judges, other legal apparatuses can be more appropriate dealing with it.

69 Law on the Protection of Women and Family Members against Domestic Violence, Law No. 293 of 2014.

70 KAFA is a Lebanese feminist non-governmental organization. KAFA's initial focus is on domestic violence in addition to child abuse and the issues of abuse against domestic workers. KAFA chose the pathway of advocacy in the issues of domestic violence and in advocating for the rights of domestic workers

71 KAFA. 8 January 2017. available at <https://www.kafa.org.lb/sites/default/files/2019-01/PRpdf-102-636510265940280395.pdf>

72 Law on the Protection of Women and Family Members against Domestic Violence, Law No. 293 of 2014

73 Albawaba (2018, October 17). Lebanese Police Launches Hotline on Domestic Violence. Available at <https://www.albawaba.com/editorchoice/lebanese-police-launches-hotline-domestic-violence-1200970>.

74 Amendments are proposed to Articles 2, 3, 4, 5, 9, 11, 12, 13, 14, 17, 18, and 21

The Girl Child



Photo: UN Women/Gonzalo Bell.

Adolescent girls living in Lebanon have disparate experiences and needs, most of which remain largely unexplored. While Syrian refugee girls appear to be the most vulnerable – across all capability domains – adolescent girls in general face sharp limits on their voice, choice and control. Adolescent girls face challenges in realizing their capabilities in terms of education and learning, bodily integrity and freedom from violence, physical health and nutrition, psychosocial wellbeing, voice and agency, and economic empowerment.⁷⁵

Important structural injustices against adolescent girls exist – most important of which is that the legal age of marriage for girls is far lower than that for boys. The lack of legal protection against child marriage is a significant obstacle to equality, but it is not the only cause. Adolescence is a critical time when age and gender intersect in a way to make girls more vulnerable to violence. Adolescent girls exist at the intersection of VAC and VAW – leaving them with particular vulnerabilities that should be targeted separately in each and every policy or activity combatting GBV.

75 Jones, Nicola & Gercama, Ingrid & Presler-Marshall, Elizabeth. (2017). Adolescent girls in Lebanon: the state of the evidence. 10.13140/RG.2.2.14553.77923.

Child Marriage

Lebanon have not established a national minimum age for marriage and completely delegate this responsibility to religious authorities, all religious sects allow marriage for girls under the age of 18 if the girl's guardian gives consent and, in some cases, these laws permit girls as young as nine to marry⁷⁶.

There is a dearth of official information on the scale of child marriage in Lebanon. Figures reveal that around 6% of Lebanese girls and women are married before age 18 and 1% before age 15⁷⁷. Among women between 20-24 years of age, 40.5% of Syrians, 25% of Palestine Refugees from Syria, and 12% of Palestinian Refugees from Lebanon were married as children⁷⁸. Evidence suggests that the Syrian refugee crisis has contributed to an increase in child marriage and was adopted as a negative coping strategy among displaced Syrian families residing in Lebanon⁷⁹.

Therefore, the Lebanese Parliament, through its competent committees, discussed three legislative proposals on child marriage:

1. A legislative proposal on organizing minors' marriage prepared by the National Commission for Lebanese Women (NCLW) and submitted by the former Deputy, Ghassan Moukheiber.
2. A legislative proposal on protecting children from early marriage prepared by Lebanese Democratic Women's Gathering (RDLF) and submitted by the former Deputy Elie Keyrouz after introducing a few amendments. However, the proposal was refused by a large number of deputies who took into account religious authorities and invoked the Constitution to claim its unconstitutionality.
3. The third legislative proposal was submitted by "KAFA (enough) Violence and Exploitation" through a draft law adopted by the Ministry of Human Rights.

The Committee of Legislation and Consultations examined the three proposals and established a subsidiary committee that worked on merging both legislative proposals and the content of the preliminary draft adopted by the Ministry of Human Rights. The subsidiary committee concluded with a new version that introduced an effective mechanism to protect minor girls from early marriage. It allows early marriage for girls aged above 16 in exceptional cases only

76 See more at https://resourcecentre.savethechildren.net/node/15672/pdf/child_marriage_policy_brief_final.pdf

77 UNICEF & International Center for Research on Women. (Nov. 2017). Lebanon Country Brief. Child Marriage in the Middle East and North Africa.

78 See more at <https://www.unicef.org/mena/media/1806/file/MENA-CMReport-LebanonBrief.pdf%20.pdf>

79 Bartels SA, Michael S, Roupetz S, et al. (2016). Making sense of child, early and forced marriage among Syrian refugee girls: a mixed methods study in Lebanon. *BMJ Global Health* 2018;3:e000509.

and under the supervision of juvenile judge whose decision should be in line with the best interest of the minor, and that he listens to the concerned persons as to be based on medical, social and psychological expert opinions.

Until the date of drafting this report, the matter is still in the custody of the Lebanese Parliament, and there are no updates due to the absence of parliamentary committees' formation after the recent parliamentary election that took place in May 2018.

Honor Crimes

Social norms in Lebanon tends to link masculinity and male status with the role of the family breadwinner and protector, the latter often including the control of female household members in the name of 'honor'. Whilst Lebanon annulled Article 562 of the Criminal Code, which called for lesser punishment for crimes committed in the name of 'honor', however, another article, article 252, is being invoked in some 'honor crime' cases. Article 252, states that if anyone commits a crime in a fit of rage provoked by an unlawful act committed by the victim they can benefit from a reduced sentence.

On 14 July 2016, the Criminal Court in Beirut, in the case of the victim Manal Al-Assi, who was killed by her husband, invoked section 562 Article 252 of the Penal Code, which stipulates that "a perpetrator benefits from extenuating circumstances if the crime was committed due to severe anger resulting from an unjust act and a degree of seriousness brought on by the victim".

In 2018, Attorney Elie Keyrouz proposed a law amending Article 252, which currently applies to someone who kills, injures, or harms his wife, divorcee, sister, daughter, mother, or any other woman that the law recognizes as having a legal guardian. The proposed amendment would, if enacted, strengthen the penalties for murder, injury, abuse, and beatings against women.

Adultery

Criminalization of adult consensual sexual relations outside marriage, including adultery, consensual same-sex sexual conduct and consensual sex work, depending on the circumstances, violates a wide range of human rights. Articles 487 to 489 of the Penal Code, as amended by article 3 of Law No. 293/2014, criminalize adultery by a man or woman.

Law 293/2014 maintained rather than repealed provisions criminalizing adultery. The problems presented by articles 487 to 489 of the Penal Code are threefold:

- First, criminalizing all consensual extramarital sexual relations has the effect of rendering women who engage in such relations consensually criminal. It is based on the notion that women need protection from

predatory men, and that women must be virtuous and only engage in sexual relations with their lawfully wedded husbands. Such a notion, in turn, denies women their right to self-determination and sexual autonomy, as explored above.

- Second, the criminalization of consensual extramarital sex has a disproportionately negative impact on women, particularly those who are trying to escape abusive domestic relationships, since criminalization of consensual extramarital sex places them at greater risk than men of false accusations, or even counter-accusations of extramarital sex.
- Third, and linked with the second point above, criminalizing consensual extramarital sex can discourage and deter women from seeking justice in cases of physical or sexual abuse of which they may be victims at the hands of individuals with whom they are not married.
- The existence of such legislation is invidious to women who fall pregnant out of wedlock.

Sexual violence

Lebanese laws do not define sexual violence. The only direct reference to it is contained in Law No. 293, but it is a minor definition because its scope is limited to the family. The Penal Code does not specify "crimes of sexual violence" but deals with a number of crimes within the context of sexual violence.

Rape outside of marriage is a criminal offence under the Penal Code with a minimum punishment of imprisonment for five years. But marital rape is still not criminalized. The definition of rape in Articles 503 and 504 of the Penal Code of 1943 excludes forced sex in marriage.

Workplace sexual harassment

The Labor Code does not specifically prohibit workplace sexual harassment. Lebanese law does not define sexual harassment and does not use the term. However, the Penal Code includes the punishment of acts to which the description of sexual harassment may apply, including in Articles 385, 507, 519, and 532. Although there is no direct provision criminalizing sexual harassment, the criminal judiciary has identified many files to which the description of harassment applies and which are criminalized by the Penal Code. Several bills have been proposed to criminalize sexual harassment including a draft law submitted by the Minister of State for Women, which was approved by the Council of Ministers in 2017 and is currently under review in Parliament and has still not been passed.⁸⁰

⁸⁰ Obeid, G. 2017. "Campaign Takes Aim At Sexual Harassment". The Daily Star, August 10, 2017. Lebanon. Available at <https://www.dailystar.com.lb/News/Lebanon-News/2017/Aug-10/415541-campaign-takes-aim-at-sexual-harassment.ashx>

Rape

Activists have long waged campaigns across the country calling for the elimination of Article 522 and all other inequalities in Lebanese law. On 16 August 2017, Lebanese parliament abolished article 522 and article 516, which allowed rapists to avoid punishment if they are married to their victims. However, a perpetrator of a sexual offence against a girl who marries his victim is exonerated if the circumstances fall under Articles 505 or 518 of the Penal Code. Articles 505 and 518 of the Criminal Code are still used to exempt rapists of minors between 15 and 18 years of age from prosecution or punishment when the survivors have been promised for marriage to the rapists by their parents.⁸¹

Access to justice: Legal and support services

Shelters, counselling, support, legal information, and advice services for survivors of GBV and human trafficking are provided by national institutions and NGOs, such as KAFA (Enough Violence and Exploitation), ABAAD, and the Lebanese Council to Resist Violence against Women. The Women's Affairs Division in the Ministry of Social Affairs also undertakes activities to mitigate the harms caused by GBV, such as providing counselling and shelter for survivors. The Ministry of Social Affairs cooperates with NGOs in combating GBV and providing support to survivors of violence. Civil society organizations provide long-term and short-term shelters as well as counselling, legal, psychosocial, and rehabilitation services for women survivors of GBV.

Despite these services, women face many obstacles in accessing justice, including discriminatory provisions against women and girls, the lack of confidence in law and law enforcement officials, as well as social, cultural, and economic factors. A 2016, KAFA and UNFPA-supported, study on access to justice for people experiencing family violence made the following findings:⁸²

- Public awareness of laws related to family or domestic violence in Lebanon is generally low. Only a third of the population claim to know about the Domestic Violence Law. Only 14 percent of the people who were aware of the existence of a law claimed to know about the protection orders for victims. Around a third of the population think that turning to the family to address violence is a better option than filing a formal legal complaint.

81 Najjar, F. (2017). "Scrapping of Lebanon rape law 'is one small step'". Al Jazeera. (August 18, 2017). Available at <https://www.aljazeera.com/indepth/features/2017/08/scrapping-lebanon-rape-law-small-step-170818142722481.html>

82 UNFPA, KAFA. (2016). General Awareness on Family Violence in Lebanon: Perceptions and Behaviors of the Lebanese Public. IPSOS. 2016. Available at https://www.kafa.org.lb/sites/default/files/2018-12/PRpdf-94-635951276749134776_o.pdf

- The level of trust in religious courts varies. People residing in the south are the least confident in religious courts. Many believe that they do not reach fair results. The public's opinions are also divided about formal legal courts. The main reasons for this attitude are attributed to the belief that the courts are corrupted, and both religious and sectarian laws are unjust. Most residents (65 percent) do not consider that turning to court would lead to fair results, and most of them (around 90 percent) believe this is due to corruption.

It has also been reported that there is a lack of awareness about the Domestic Violence Law among many lawyers⁸³. However, legal aid NGOs and local bar associations provide legal support to vulnerable Lebanese women and girls on violence protection, including refugees.

The main problem remains weak financial and human resources and low sustainability in the provision of legal and support services. The legal impediments include problems in obtaining protection orders because of the limited capacity of the legal system to deal with domestic violence cases and the need for women to seek legal aid.

Refugee Women and asylum seekers



Photo: UN Women/Gonzalo Bell.

There are special obstacles for refugee women in terms of their legal, social, and economic situation. For refugees, lack of identity documents, low trust in the authorities, extreme poverty, and a culture of relying on informal channels for resolving disputes hinder access to the formal

83 Yassin, N., Moussawi, F. (August 2017). Dissecting Lebanese Law 293 on Domestic Violence: Are Women Protected? AUB POLICY INSTITUTE. POLICY BRIEF #5/2017

justice system. Refugees face particular obstacles in accessing protection of the Domestic Violence Law. Women and girls exposed to violence are not able to seek help from the Internal Security Forces if they are illegal residents or residents in camps.

Lebanon has not acceded to the Refugee Convention or its Protocol. In 2015, the Government of Lebanon prepared a crisis response plan addressing three areas: Providing material and legal assistance to the most vulnerable among those displaced from Syria and the poorest Lebanese. Linking vulnerable groups and sites to basic services and enhanced protection. Supporting national institutions to maintain social stability. The NCLW prepared a National Action Plan on United Nations Security Council Resolution 1325 on women, peace, and security. Assessments of the impact of the Syrian crisis indicate high levels of sexual and gender-based violence, with rape, assault, intimate partner violence, and survival sex appearing increasingly common.

A rapid assessment conducted in 2012 concluded newly arrived Syrian women and girls are living in unplanned and overcrowded refugee settlements, with minimal privacy and compromised safety, particularly among refugees inhabiting abandoned public buildings⁸⁴. Refugee and displaced women face difficulties in accessing services for survivors of GBV because of their status as refugees or displaced persons. Human rights violations affecting Palestinian refugees include: Problems obtaining Lebanese nationality, including where a Palestinian woman is married to a Lebanese citizen; Problems affecting Palestinian refugees from Syria to Lebanon due to regulatory measures and poor living conditions; Denial of the right to work and access to social protection; and the limitations affecting the right to own property and procedures for registering property for a foreigner married to a Palestinian refugee.

Human trafficking

“Victim of trafficking” means any person who is the subject of trafficking in persons or who the competent authorities reasonably consider to be a victim of trafficking in persons, regardless of whether the perpetrator has been identified, arrested, tried, or convicted.

Lebanon has acceded to the Convention against Transnational Organized Crime and to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). In 2014, the government issued a ministerial decree creating an anti-trafficking bureau under the Internal Security Forces to manage human trafficking investigations.

The definition introduced by Article 586 of the penal

84 Anani, G. (2013). “Syria Crisis: Dimensions of gender-based violence against Syrian refugees in Lebanon,” *Forced Migration Review* (September 2013), <http://www.fmreview.org/detention/anani#st-hash.orj8G6EE.dpuf>.

code is largely in line with the definition in the Palermo Protocol. However, there is a contradiction between the Anti-Trafficking Law and the criminalization of prostitution in the Penal Code. Criminalization of prostitution means that some survivors of sex trafficking may be reluctant to seek help from authorities for fear of prosecution and deportation. Incomplete understanding of the circumstances of human trafficking victims appears to persist and there is a deficiency in the work of the security and judicial apparatuses for going after human trafficking⁸⁵.

Authorities arrest and detain trafficking survivors for crimes committed as a direct result of being subjected to trafficking. Findings of The Legal Agenda’s Survey of Cases of Human Trafficking in Criminal Courts in Beirut and Baabda in 2016-2017 found that women practicing prostitution were prosecuted in 12 of 16 cases. And they were prosecuted in joint trials alongside procurers charged with human trafficking, not with facilitating or benefitting from prostitution.⁸⁶

On 27 November 2017, the Criminal Court in Beirut issued a ruling prohibiting the punishment of a woman forced to practice prostitution by her husband. It was the first judicial ruling to exempt a victim of sexual exploitation from punishment⁸⁷. This indicates a more supportive approach of the courts to women who are exploited into prostitution.

Hence, the Lebanese legal system is now in a state of contradiction: on the one hand, there is a law criminalizing human trafficking, but on the other hand, there are administrative decrees and regulations that open the doors to it.⁸⁸

Criminalization of sex work⁸⁹

Article 523 of the Penal Code criminalizes a person who practices sex work or deals in or facilitates this practice. Articles 526 and 527 of the Penal Code make coercion of sex workers and living on the earnings of a sex worker illegal.

Article 527 provides that a person who relies on the sex work of a third party to gain income is liable to imprisonment of no less than six months and no more than two years and a

85 The legal Agenda. (2018). “Preconceptions Overshadow Sexual Exploitation”. Available at <https://www.legal-agenda.com/en/article.php?id=4937>

86 Frangieh, G. (2018). Human Trafficking Crimes Before the Courts: In the Shadow of Prosecution. The Legal Agenda. Available at <https://www.legal-agenda.com/en/article.php?id=4828>

87 The Legal Agenda. (2017). Beirut Criminal Court: No Punishment for Victims of Human Trafficking. Available at <https://legal-agenda.com/en/article.php?id=4262>

88 The legal Agenda. (2018). “Preconceptions Overshadow Sexual Exploitation”. Available at <https://www.legal-agenda.com/en/article.php?id=4937>

89 *It is important to note that no consensus was achieved among the CSOs who participated in the preparation of the parallel report concerning the “sex work” or “prostitution” terminology. KAFA NGO underscored its firm opposition to the use of “sex work” terminology.*

fine, and the sentence is doubled where the crime involves violence or threats. More severe penalties apply to a family member of the victim who relies on earnings from sex work. Sections 526 and 527 of the Lebanese Penal Code make coercion of sex workers and living on the earnings of a sex worker illegal.

Article 523 of the Lebanese Penal Code stipulates that sex workers can only practice sex work inside licensed brothels and criminalizes ‘any person who practices secret prostitution/sex work or facilitates it.’ No licenses for sex workers or brothels have been granted since 1975. In 1998 a law forbidding businesses to have rooms available for selling sex was passed. To avoid being subject to this law, the official status of sex businesses was changed to “entertainment venues”⁹⁰.

The sale of sex at entertainment venues, such as ‘super nightclubs’, is associated with the artist visa. Many women who sell sex enter Lebanon through this visa, which permits them to work as entertainers. This category of visa has been criticized because it contributes to the vulnerability of women to sexual exploitation⁹¹.

The artist visa does not explicitly permit the sale of sex in entertainment venues, but it is widely known that this occurs. The conditions of work of women who hold artist visas are regulated by directives issued by the General Directorate of General Security, including mandatory medical examinations and pregnancy tests⁹².

Recommendations

- Unify the interpretation of Law 293 legal text to encompass all forms of violence, and establish a unified database for case management and a national fund to assist the victims of domestic violence.
- Define, criminalize and punish sexual harassment in the workplace, as well as in educational institutions, health facilities and all public places.
- Abolish article 252, which states that if anyone commits a crime in a fit of rage provoked by an unlawful act committed by the victim, they can benefit from a reduced sentence.
- Criminalize marital rape and elaborate a comprehensive definition of Gender-Based Violence.
- Develop stringent law enforcement measures, and allocate sufficient resources to programs combating violence and the needed protection and response

⁹⁰ Institute of Development Studies (UK), “Sex work law”. <http://spl.ids.ac.uk/sexworklaw/countries>

⁹¹ United States Department of State, Trafficking in Persons Report (2017), <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271225.htm>

⁹² See General Directorate of General Security website, <http://www.general-security.gov.lb/en/posts/43>.

services (hotlines, shelters, MHPSS and legal services, financial assistance)

- Work within existing institutions and use existing structures, as a catalyst for change, such as schools, religious groups, labor organizations and local communities.

Masculinity

An understanding of the multiple masculinities in society and how they contribute to women’s experiences of violence is an intrinsic component in the fight against GBV. The male use of violence is often upheld by commonly held versions of manhood. Enhance understandings of individual, relationship, family and community attributes associated with masculinities and violence against women and unpacking theories of masculinity would lead to policies and plans that support men to change the way they see themselves as men, husbands and fathers, employers and colleagues.

Societies’ conceptions of masculinity and femininity, and the resultant discriminatory gendered social norms, can change. For that, change should happen at the places where and the ways in which these conceptions are formed. Many men are already taking part in re-shaping gendered social norms in their communities, but the challenge remains in determining how best to encourage and support this process and how to seize the opportunity to build on what is already starting to change. Men and boys can play an effective role in changing negative societal perceptions of masculinity that perpetuate gender discrimination. There is a need for ongoing public awareness campaigns and fatherhood programs to transform men’s perceptions of gender roles in the lives of children and to increase the knowledge on policies and laws pertaining to gender equality and rally positive attitudes towards these policies. While women’s empowerment is essential to achieving gender equality, simultaneously engaging men to be actively committed to redistributing power in both their personal lives and in larger spheres is a must.

Recently, KAFA embarked on a project with UN Women to provide technical and financial support to community-based organizations in Lebanon so that they implement interventions for tackling gender inequality at the local level using innovation, arts and sports. At the local communities, men and boys will be mobilized to promote equal share in household chores and unpaid care as a powerful entry point for achieving gender equality and challenging stereotypes. The project aims to promote gender transformative fatherhood skills acknowledging that childhood experiences of gender equality are a strong indicator of adult behavior.

Recommendations

- Build on recent positive disruptions of the structural social norms towards equality between men and women as a positive entry point to further promote gender equality in other spheres, such as redistribution of parenting activities and domestic work, participation in the decision-making.
- Conduct studies to enhance understandings of the influences across the life course that operate to shape gender equitable or violent behavior in men in Lebanon.

Participation, accountability and gender-responsive institutions

Despite that gender equality and women's rights have moved from the far periphery of public debate to become issues of central concern, yet there still remains large groups of officials in public agencies and institutions who are unaware of the structural discrimination against women in the various institutions causing challenges to the way that women gain access to these institutions or have power over its decisions⁹³. This discrimination is reinforced by the governance structure that produces and reproduces inequalities. There is lack of political will

⁹³ UN Committee on the Elimination of Discrimination Against Women (CEDAW). Consideration of reports submitted by States parties under article 18 of the Convention, Fourth and fifth periodic reports of States parties due in 2014: Lebanon, 15 May 2014, CEDAW/C/LBN/4-5, available at: <https://www.refworld.org/docid/564edad14.html>

to reflect the government's commitment to support the capacities of the various national mechanisms and to strengthen coordination among them on the one hand and between the official departments on the other, to achieve the strategic objectives of gender mainstreaming in all policies and programs. Although the Ministry of Education and the Ministry of Social Affairs are considered as leading public institutions in developing their internal gender mainstreaming strategies, however, gender mainstreaming within these organizations is still inadequate.

National priorities included the need to:

- Develop the institutional capacities of the Lebanese public institutions concerned in both public and associative sectors, through a comprehensive capacity building program for national staff on gender concepts and gender analysis and strengthening roles of Gender Focal Points (GFP), and the authorities given to them.
- Develop strategic considerations to which the public institutions concerned and the Lebanese non-governmental organizations and associations should adhere, with the technical support of bilateral and multilateral agencies. This mainly involves promoting the creation of mechanisms to constantly renew the national strategies and policies related to gender equality through a participatory approach.

The following illustration may serve as a roadmap for public institutions to initiate a transformative process towards mainstreaming gender in its strategies, policies, and plan, and across services provided.

Institute gender mainstreaming committees at the policy level within public institutions

- Gender Committees acting as a gender expert is institutionalized. Such organizational body would reflect the stated commitment of the governmental bodies to gender equality

Reduce the gender-gap in perceptions of concepts related to gender roles and gender based division of labor among the national staff

- National staff are fully aware of gender concepts and gender budgeting and are capable to address Gender equality (GE) in their daily work and conferences/workshops . . . etc

Develop gender-responsive/specific processes in all services and projects targeting all citizens

- Increase availability of sex-disaggregated data
- Officials are well aware of the importance of gender equality in their own fields/projects/directorates/

Reduce the gender-gap in perceptions of concepts related to gender roles and gender based division of labor among the national staff

- GE and women empowerment initiatives are coordinated with civil society and women's advocacy organizations.
- Success stories and good practices are shared and disseminated through civil society and women's

Participation in decision making

Although Lebanon was among the first Arab countries to pass female suffrage in 1953, only 17 women have ever been elected to parliament. Those elected women were either wives, widows, or daughters of male politicians. Compared to other countries in the region, Lebanon ranks as one of the lowest in terms of women's representation.

In 2017, the parliament adopted Law No. 44, "Election of Members of the Parliament", which for the first time adopted an electoral system on the basis of proportionality but did not include any quota for women at the level of candidacy or reserved seats. This law, was considered as progress since it came after years of discussion to adopt the proportional system as the most representative system for the various social and political groups in Lebanon. In the following parliamentary elections in 2018, 14% of the candidates were women compared to only 3% in 2009. Political parties nominated more women; however, this yielded a mere increase from 3% to 4.6% in the share of women elected. The preferential votes in 2018, as expected, went almost entirely to men who were heading the lists, and women were listed more as fillers than as real contestants⁹⁴. More women ran for the elections, yet it was mainly men who spoke in the media and showed up at campaign rallies to secure their preferential votes from supporters. Lebanese women's encouragement to participate in the legislative body didn't materialize because without the networks, access, and capital that men enjoyed, they were not visible in the media and had less chances to be known to voters. Even with the adoption of a proportional system in this election, there was no real opportunities for change in women's representation.

A study conducted by Beyond Reform & Development found that traditional patriarchy is the main ideology and structure regulating social and cultural life in Lebanon and as stated by a woman from the study "Men draft and make laws. They won't make laws that don't put them in favor".⁹⁵ Lebanese women face discriminatory patriarchal structures that impede their active participation in the political life at the levels of the family, the sect and the state. Those women who get elected, they serve a political agenda that is set by men, as such this representation does not advance gender-related legal discussions in the parliament or in the parliamentary committees.

Lebanese women are still unable to break the political glass ceiling. Institutionalized patriarchy within the sectarian system is supported by informal practices that keep women in lower level decision making positions. The intersection

94 Najjar, F. (2018). "Why Women are Barely Scratching Surface of Lebanese Politics." Al Jazeera, May 5. Available at <https://www.aljazeera.com/news/2018/05/women-barely-scratching-surface-lebanese-politics-180505065247052.html>

95 Beyond Reform and Development. (2017). 'Patriarchy and Sectarianism, A gendered trap'. Hivos Peoples Unlimited

of formal and informal institutions of power sharing created undefeatable obstacles to women's political representation⁹⁶. The low representation of the women in the parliament, which is the legislative body, prohibits them from participating in the design, amending and enacting of laws that affect their everyday lives. This may be one of the reasons that Lebanon is one of the least countries that has amended its discriminatory personal laws.

Evidence suggest that factors limiting the engagement of women in the political field are prevalent at the financial, legal, and social levels such as:

- Lack of freedom of mobility for women
- Lack of financial independence
- Lack of freedom of choice in terms of selecting the networks women want to be part of
- Public spaces are unsafe for women due to the lack of protection laws and harmful dominant gender norms
- Lack of work-based childcare support
- Fewer opportunities for women to acquire experience in politics

An analysis of the structure and constituencies of political parties show that women are rarely represented in executive bodies and are most often assigned positions in the women and social committees and as such do not participate in the traditional forms of politics.⁹⁷

Political parties have internal bylaws but they don't duly apply these bylaws; instead, all decisions are in the hands of the leader and his trusted group of selected advisors⁹⁸.

As such, political parties contribute to a context that is male dominated and does not allow women to pursue fair opportunities to be nominated for political office. The political party bylaws don't include quotas to guarantee seats for women in the internal elections and as such are concerned that enacting a quota for women in the national elections might put their success at risk due to the lack of "enough" qualified women in their cadre.

Women's participation in Lebanese parties is mostly in the women's committees or branches within the parties. Men are rarely members in any of these committees and don't attend trainings or meetings on issues pertaining

96 Geha, C. (2019). The Myth of Women's Political Empowerment within Lebanon's Sectarian Power-Sharing System. Journal of Women, Politics & Policy, DOI: 10.1080/1554477X.2019.1600965

97 Hivos & Beyond Reform and Development. (2018). Lebanese Women in Leadership Positions. A Survey on National Perceptions. Available at <https://womeninleadership.hivos.org/assets/2018/12/Lebanese-Women-In-Leadership-Positions-A-Survey-on-National-Perceptions.pdf>

98 Geha, C. (2013). Role of Lebanese Youth in Elections and Political Parties: A Comparative Study. Lebanon, Beirut: United Nations Development Program.

to women's rights. As such, these branches have made it even less feasible for women to reach senior positions. This participation takes the form of negative participation, that is women are assigned underrated responsibilities, instead of active participation whereby the party nominates women to parliamentary or municipal, includes women in executive committees and establishes mechanisms to support female participation in politics.

Women who do aspire to fill high-ranking positions have to face internal pressures and stand up to a predominantly male environment. Factors hindering women assignment in leader positions can be summarized as the following:

- Not being able to obtain enough support from both their own families and constituencies who would much rather see a man in a political position.
- Internal regulations and the lack of an enabling environment
- Lack of quotas that guarantee seats for women in internal elections
- Lack of access to decision-makers
- Lack of knowledge on gender equality among party members and decision-makers
- Time constraints due to the dual roles of women
- Females politicians are sexualized and patronized

Women are highly sexualized and objectified in Lebanon, and politics is no exception. Women's opinions are taken lightly and, in many times, they are treated in a condescending manner. Female politicians are not valued for their expertise and input.

Physical access to the media is also a challenge, with a predominantly masculine image of politicians as the norm on television talk shows. Men are hosted as experts while women are mainly the presenters or the secondary guests. One illustrative quote by a television reporter was that "men are always more eager, ready, and available to go on TV, while women will need more time to prepare and seek approvals in their parties". This is why you see more men, and the same men on TV.⁹⁹

Unions and syndicates reflect the existing political scene. Women are under-represented in the boards of these syndicates and unions, and are not perceived as true potential representatives in these boards which have a structure similar to those of parties and as such are unfavorable for women. Even in syndicates where women form the majority of the workforces, such as the Teachers Syndicate of Lebanon, the managing bodies are mostly occupied by men.

99 Geha, C. (2019). The Myth of Women's Political Empowerment within Lebanon's Sectarian Power-Sharing System. Journal of Women, Politics & Policy, DOI: 10.1080/1554477X.2019.1600965

As such, and due to the enshrined patriarchy, both in the private institutions of the household and in political institutions, women's political participation is determined by the support and approval of men. Women's political empowerment programs in Lebanon have only served to encourage women to participate without trying to make institutions more accessible to women.

The capacity building programs for women activists that have been implemented in the past few years sought to empower Lebanese women to enter politics but did not provide answers to the real institutional challenges and the structural obstacles that women face. Capacity building programs did not unpack the structural obstacles that women face in terms of care work and the dual role of women. Most of the knowledge provided in these programs revolves around the meaning of gender, how public policy is designed, and how they can advocate for their rights. Such knowledge is futile in the face of formal and informal institutions of sectarian power-sharing.¹⁰⁰

Women in the revolution

On the 17th of October 2019, a new era for women's participation in the political arena debuted. The Lebanese revolution was marked by its feminist agenda. Starting from day one, women asserted themselves as the soul and catalyst of the revolution.



Photo: Dar Al Mussawir

According to media reports, the incident occurred when a convoy of vehicles accompanying Lebanese Education Minister got caught up in a demonstration in the center of

100 Geha, C. (2019). The Myth of Women's Political Empowerment within Lebanon's Sectarian Power-Sharing System. Journal of Women, Politics & Policy, DOI: 10.1080/1554477X.2019.1600965



Photo: Dar Al Mussawir

the capital, Beirut. As the situation grew tenser, one of the minister's bodyguards got out of the vehicle and fired his rifle into the night sky, agitating the demonstrators. That was when the young woman kicked the armed bodyguard in the groin. The image of a woman lashing out at this representation of the country's corrupt and patriarchal political class instantly became a meme, stylized in an illustration, and appeared to quickly become a major catalyst in bringing more people out on to the streets.¹⁰¹

On the front of marches and discussion groups, sit-ins and roadblocks, women have been a key driving force behind the movement. The protests are intersectional in nature; women are advocating for their rights in politics, LGBTQ rights were advocated by protesters.¹⁰² Protests in Beirut and other areas i.e. Tripoli, Tyre, Saidon, Zahle, etc. have turned into discussion forums where activists exchange ideas. Dozens of women activists from CSOs, NGOs, local communities, and organizations concerned with women's rights took part in the discussions and expressed their opinions on women's achievements, obstacles, and opportunities to obtain, exercise, and protect their rights. Each woman carried a banner of her cause and pain, and lead the groups to shout out against the unjust regime.

The recent uprising, known as the "leaderless" movement, is primarily focused on the increased inclusivity of women

¹⁰¹ Khalil, S. 'The revolution is female': Why feminist issues are driving Lebanon's protests. Alaraby (The New Arab). (2019, November 7). Available at <https://english.alaraby.co.uk/english/indepth/2019/11/7/this-is-why-feminist-issues-are-driving-lebanons-protests>

¹⁰² Hall, R. (2019). In Lebanon, a woman's place is leading the revolution. INDEPENDENT. Available at <https://www.independent.co.uk/news/world/middle-east/lebanon-protests-women-corruption-beirut-a9195166.html>

in the political spheres¹⁰³. Women active participation has ranged from rallying against police violence to writing statements that illuminate the discriminatory nature of the political systems against women (Ibid). The method of organization as well as the demands of the protests are feminist in nature and thus, the uprising has one main aim: women should be a part of the heart of the transition phase (decentralization of patriarchal structures in political institutions to a more inclusive one) and contribute to embracing the role of crafters of the new Lebanese state. The political life in Lebanon is undergoing imminent changes and women are expected to play a crucial role in the upcoming political scene and lead the process of change in the face of corruption. To build on the cracks in the political structure that resulted from the revolution, and to sustain women's voice and agency that were put forward during this phase, numerous positive measures should be taken:

1. Structural Reforms: Establishment of quotas (for example, reserving a specific number or share of positions for women in political parties, syndicates, parliament and local councils). In Lebanon, quotas compensate for obstacles that impede women from their fair share of political seats. It is worth highlighting that it is not enough to issue laws enacting an electoral law that incorporate a fixed gender quota. The law must contain articles which make it mandatory for political parties and syndicates to ensure clearly defined proportions of female representation in

¹⁰³ Geha, C. (2019). "Nobody Knows Lebanon's Problems Better than Its Women. It's Time You Started Listening". alaraby (The New Arab, November 8, 2019). Available at <https://english.alaraby.co.uk/english/Comment/2019/11/8/Nobody-knows-Lebanons-problems-better-than-its-women>

leadership bodies. Women's presence in highly visible leadership positions is more likely to increase public faith that women are able to govern and make political decisions, allow women to accumulate political experience and foundations necessary to enable them to play representative roles and contributes to long-term gender equality.

2. A national strategy on how to advance women in politics in Lebanon. This plan must be endorsed by all the Political Parties represented in the parliament, and implemented by the government, with a specific timeline
3. Laws that protect women against all forms of gender-based violence, including political violence should be enacted and imposed.
4. Change social norms, working on gender at the collective level. Women exclusion of politics and the violence that is perpetrated against women in the political life is part of a gender order and gender inequalities in social structures. Families, institutions and communities are the site of shifting power relations where inequalities are produced and reproduced. Women cannot be extracted from the web of social/gender relations in which they live. As such, a more holistic transformative understanding of empowerment, as being transforming power relations to bring about equality and empowering women to challenge patriarchal hierarchies should be adopted. There should be focus on spaces for women and girls to build confidence and self-esteem, and raising of critical consciousness.
5. Finally, there is a need for capitalization of experiences and for enhancing the coordination and synergies among women activists in Lebanon. Women from political parties, civil society and local communities should coordinate together to advance women's issues on the political agenda and to advocate for the enacting of laws that ensure gender equality at all levels. The discrepancy between that which is considered "feminist" and that which is considered "political" should be rectified. These concepts should not be conceived of as either theoretically or practically separate. Women's expected roles within the political sector should not be confined to women's issues. We should be careful not to create political structures that relegate women and their issues to their own special groups or entities.

Women in Media

Instead of playing a role in narrowing the gender gap, busting myths and undoing stereotypes, the Lebanese media echoes the mainstream patriarchal societal discourse on these issues and reinforces existing stereotypes.

On the political talk shows covered in a study aiming to explore how the media addressed, portrayed and represented women in the context of the 2016 municipal elections, 91 percent of guests were male and only 9 percent were female, with the space dedicated women to give their opinion shrinking to a disturbing 7 percent, confirming the discriminative treatment of women and men in the media. Women candidates were not interviewed by newspapers during election month, nor did television news reports feature professional women, female experts or analysts discussing the elections. Male opinion-makers occupied 95 percent of the space and time in television news reports dedicated to the elections.¹⁰⁴

The Lebanese media still subjects women to commoditization and stereotyping. The commoditization of women and turning their bodies into means for material gain has become exaggerated, as the majority of ads adopt a stereotypical image of women, the image of beautiful, sexy and slim women satisfied with only their reproductive role or the image of a weak and submissive women facing all forms of violence without daring to speak about it.

On the other hand, the law in Lebanon is not equipped to deal with online blackmail, including the non-consensual sharing of intimate images, doxxing, or other increasingly common online privacy threats. The lack of a comprehensive legal framework for privacy rights and data protection in Lebanon has led to the violation of individual and collective privacy without repercussions. The digital realm often remains insecure, disproportionately exposing women and LGBTIQ communities to threats, such as online blackmail which can often lead to direct violations of both their physical and digital privacy.

Online harassment manifests itself, on dating applications and on social media, in the form of hate speech, the creation of fake profiles, and stalking. Although the authorities constantly issue warnings about the rise of online blackmail and do take measures to assist straight, cisgender women with prosecuting blackmailers or extortionists, their efforts often fall short. In many cases, especially those concerning LGBTIQ individuals, the authorities violate the right to privacy and safety. Non-consensual sharing of intimate images occurs in the LGBTIQ communities, but there are fewer reported instances, largely because it is much more difficult for these individuals to go to the authorities.

Several women have reported becoming targets of "revenge porn," which has led their families to alienate them for "compromising" the family's honor. Furthermore, government agencies report that there are five to six official complaints of non-consensual sharing of online images per week. The authorities often refer to this practice

104Maharat Foundation. (2016). "Women in News and Political Talk Shows". Available at <http://maharatfoundation.org/media/1357/women-in-news-and-political-talk-shows.pdf>

as “sextortion.”¹⁰⁵

The number of cases in Lebanon has grown in recent years, with the Internal Security Forces (ISF) issuing more warnings each year. In 2016, the ISF’s Cybercrime and Intellectual Property Bureau, reported that it received 346 total complaints of online “sextortion” and by early 2017 it was receiving complaints practically every day.¹⁰⁶ In April 2018, a security source from the Internal Security Forces reiterated to Lebanon Debate, an online publication, that they still receive these complaints daily.¹⁰⁷

Opposition to this widespread sexism is growing, with campaigns launched by the Kip Project on Gender and Sexuality, such as “NotYourAshta” and “Mesh Basita” gaining traction. Sexual harassment is a part of everyday life for women and girls, and is often downplayed by Lebanese society. The “Mesh Basita” campaign called for the end of this attitude and urged the adoption of sexual harassment legislation.¹⁰⁸

Recommendations:

- Long-term solutions to online privacy threats involves changing the current societal and legal landscape and promoting an environment that is safe and inclusive both offline and online, for women and members of the LGBTIQ communities.
- Establish a specialized unit in charge of monitoring the advertisement companies and television stations in order to limit the objectification of women by using their bodies in promoting commodities.
- Hold the concerned authorities (Ministry of Information,...) accountable for binding the visual, audio and written media means to adopt a language reflecting gender equality, to stop generalization and to avoid sharing the opinions and statements undermining the value and capacities of women and inciting against them, whether it was the media host or guest and to adopt ethical and professional standards when dealing with gender issues away from excitement, exploitation, stereotyping, prejudice

¹⁰⁵ Marsi, F. (2017). “Sextortion a Growing Concern in Online Crime.” The Daily Star, April 22, 2017. Available at <https://www.dailystar.com.lb/News/Lebanon-News/2017/Apr-22/402884-sextortion-a-growing-concern-in-online-crime.ashx>

¹⁰⁶ “لبنان يسجل جريمة ابتزاز جنسية إلكترونية واحدة يومياً” Sharika Wa Laken, May 29, 2018. Available at <https://www.sharikawalaken.media/2017/05/29/%D9%84%D8%A8%D9%86%D8%A7%D9%86-%D9%8A%D8%B3%D8%AC%D9%84-%D8%AC%D8%B1%D9%8A%D9%85%D8%A9-%D8%A7%D8%A8%D8%AA%D8%B2%D8%A7%D8%B2-%D8%AC%D9%86%D8%B3%D9%8A%D8%A9-%D8%A7%D9%84%D9%83%D8%AA%D8%B1%D9%88%D9%86/>

¹⁰⁷ Khalil, C. (2018). “شكاوى الـ Webcam!.. احذروا.” Lebanondebate. April 13, 2018. Available at <https://www.lebanon-debate.com/news/376937>

¹⁰⁸ “#Mesh_Basita” Campaign. 2018. The KIP Project. Available at <http://thekipproject.info/mesh-basita/>

and discrimination supported by the prevailing masculine culture.

- Being keen on activating the role and presence of women in decision making positions at the information and press syndicates. Amending the standard book of terms of the media, television and radio institutions issued by the Lebanese Ministry of Information attached to Decree No (7979) dated on 29.02.1996 and specifically article (7) relating to women and family programs stipulating that a woman should be given the necessary attention to promote her role in the society and to ensure the happiness of the family.

Personal Status Law

The Arab Institute for Women (2016) assert that by keeping family matters within the jurisdictions of religious courts, the Constitution detaches itself from its role as a guarantor of equal rights and creates a buffer between the citizen and the State.¹⁰⁹ Civil society organizations and activists in Lebanon have long advocated for the adoption of an optional civil personal status law.

Lebanon does not have a unified civil code regulating personal status matters but rather 15 separate personal status laws for the country’s different religious communities. Every religious group has its own supreme council, in parallel to that of the state and are subject to little or no oversight by state judicial bodies.

While the courts and religious laws should comply with the provisions of the Lebanese Constitution, the Court of Cassation, which is the highest civil court in the Lebanese judicial system, has very limited oversight over religious court proceedings and decisions, resulting in lack of oversight and accountability; religious courts are administratively and financially independent.

Across all confessions, women faced legal and other obstacles when terminating unhappy or abusive marriages; limitations on their pecuniary rights; and the risk of losing their children if they remarry or when the so-called maternal custody period (determined by the child’s age) ends. Women were also systematically denied adequate spousal support during and after marriage—with religious courts often unfairly denying or reducing payments. Discrimination against women results not only from laws, but also courts procedures. All of the women whom Human Rights Watch interviewed reported numerous procedural obstacles, including high fees, protracted lawsuits, and lack of legal and material assistance during legal proceedings kept them from accessing religious courts and enforcing even their limited rights.¹¹⁰

¹⁰⁹The Arab Institute for Women (AIW). (2016) Available at <http://iwsawassets.lau.edu.lb/cgp/lebanon.pdf>

¹¹⁰

Furthermore, religious institutions provide little sustainable and appropriate legal or social support for women involved in court proceedings, a need that local NGOs have been trying to meet but are unable due to staff shortages and a dearth of material resources. In addition, women are often torn between numerous judicial authorities—criminal, civil, and religious— when attempting to resolve personal status-related disputes.

Nationality Law

Lebanon is not a party to either the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. Lebanese nationality is transmitted by paternity. The Lebanese Nationality Law of 1925 gives a Lebanese man the right to pass nationality to his spouse and children. Lebanese women do not enjoy the same rights. A Lebanese man confers his nationality to a non-Lebanese wife, but a Lebanese woman cannot confer nationality to a non-Lebanese husband.

Article 1 of the Nationality Law provides that nationality is acquired by a person who is either: born to a Lebanese father; born in the Greater Lebanon territory and able to prove that he or she is not naturalized as a foreign subject; or born in the Greater Lebanon to unknown or Stateless parents. Article 2 provides that a Lebanese mother can only grant her children Lebanese nationality if they were born illegitimately.

Many Lebanese women who marry non-Lebanese men only become aware of the consequences when they are told that their child cannot be added to their family register. Children and husbands are required to obtain residency permits to remain in the country, and their employer must pay a fee to obtain a work permit for them. Foreign husbands and children of Lebanese women face obstacles in accessing basic rights such as education and health care¹¹¹.

After the Syrian crisis and due to the increase in the number of refugees in Lebanon, Lebanese women married to Syrian men lost their rights for their children to benefit from health services at the expense of the Ministry of Health. The majority of Syrian children born in Lebanon and children born to undocumented migrants do not have an official birth certificate owing to requirements for obtaining identity documentation and proof of legal residency.

Recommendations:

- Enact a civil personal status law that guarantees equal rights for women and men
- Amend the unjust nationality law to ensure that children and spouses of Lebanese women have the same right to citizenship as those of Lebanese men.

¹¹¹ Chamoun, C. (2017). "The Lebanese Nationality Law That Leaves Children Stateless," Open Society Foundation (11 January 2017). Available at <https://www.opensocietyfoundations.org/voices/lebanese-nationality-law-leaves-children-stateless>

Peaceful and inclusive societies

UN Resolution 1325 (2000) urges Member-States to ensure, inter alia, increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict.

In 2017, the Presidency of the Council of Ministers committed to the development of an inclusive and participatory plan on United Nations Security Council Resolution 1325 on women, peace and security. Lebanon's National Action Plan (NAP) 2019-2022 for Resolution 1325 was endorsed and passed by the Council of Ministers in September 2019.¹¹²

The plan was developed by The National Commission for Lebanese Women (NCLW) through broad consultation and includes a costed, targeted framework for action, addressing equality in both internal peace and security issues, and through Lebanon's engagement in regional and global peace and security work. The comprehensive multi-year strategy reflects Lebanon's collective aspirations to achieve gender equality, and through practical steps, promotes women's indispensable role in the political, economic and social development. The Plan notes the need to strengthen the role of women in conflict prevention, peace mediation and negotiations, as well as overcoming obstacles in order to facilitate women's access to economic resources to create favorable conditions consistent with the achievement of sustainable peace.

The proposed 1325 NAP for Lebanon includes five strategic priorities that were defined and agreed upon as follows:

1. Increasing the participation of women in decision making at all levels: in security and defense sectors, in political and public life; in the economy as well as in peace mediations and negotiations;
2. Engaging women in conflict prevention including raising awareness on human rights and tolerance;
3. Preventing sexual and gender-based violence and protecting women and girls from it through strong coordination mechanisms between different national institutions to respond effectively to gender-based violence;
4. Integrating women's needs and perspectives in all relief and recovery efforts;
5. Amending, adopting and implementing laws and policies that will serve to advance the above priorities

¹¹² UN Women, "The Government of Lebanon endorses Lebanon's First National Action Plan on UN Security Council Resolution 1325 on Women, Peace and Security," September 12, 2019. Available at <https://arabstates.unwomen.org/en/news/stories/2019/9/press-release-lebanon-first-national-action-plan-on-wps>

Commitments to its importance and implementation have been reinforced by Lebanese government officials. During a recent session on WPS at the UN in New York, Lebanon's Permanent Mission to the UN highlighted women's current political activism in Lebanon as critical to shaping the country's future and further affirmed Lebanon's commitment to the WPS agenda.¹¹³

However, and in light of the financial crisis that Lebanon is going through, the main challenge for the successful implementation of the 1325 NAP lies in the funding¹¹⁴, along with the absence of coordination mechanisms and identification of tasks and roles among the different governmental institutions

The successful implementation of NAP in a time-bound manner, once the funding is secured, hinges on the effective collaboration and coordination between ministries, national institutions, civil society, United Nations agencies and other international organizations.

Recommendations:

- Develop and adopt electoral laws to increase women's representation at the national and local levels
- Establish institutional mechanisms within the armed forces to support and encourage women's advancement, such as female staff associations, mentoring programs and women's focal points. Gender considerations should be included in basic training, alongside measures to promote a human-rights culture within the police force
- Improve the capacity of women and girls, female community and religious leaders, and women's civil society groups to engage in efforts to counter violent extremism in a manner tailored to local contexts; thus, enhancing the capacity of grassroots women and youth to share knowledge on women, peace and security.
- Increase access to local and national dialogue processes, and ease access to international advocacy arenas by women's rights CSOs.
- Strengthen national reporting mechanisms for monitoring progress in the implementation of NAP, and prioritize the production of national women, peace and security statistics, including by allocating sufficient financial, technical and human resources, integrating them into existing statistical efforts and ensuring their use for policy formulation.

113 Chidiac, C. "Security Council open debate on Women and Peace and Security," November 4 2019. Available at <http://lebanonun.com/security-council-2/>

114 Aoun, C.R. (2019) The National Action Plan (NAP) for an Inclusive Implementation of United Nations Security Council Resolution 1325. August 2019. Available at <https://www.undp.org/content/dam/lebanon/docs/CrisisPreventionRecovery/SupplementArticles/22/PEACE%20BUILDING%2022%20H%20ENG%20po8.pdf>

Environmental conservation, protection and rehabilitation



Photo: Dar Al Mussawir

Lebanon passed the Environment Law 444 in 2002, which is considered to be the most comprehensive legislation for environmental management and protection so far. The implementation of this law has, nevertheless, been stalled by the government's failure to issue the required application decrees. In 2018, the parliament passed law 80, addressing solid waste management, which includes a ban on openly burning waste, setting penalties for violations.

A 2014 report by SWEEP-Net, a regional network for the exchange of information on best practices for solid waste management found that 77 percent of the waste in Lebanon is either openly dumped or landfilled, also, Lebanon produces 25,040 tons of medical waste, 5,040 tons of which is infectious, and 3,338 tons of hazardous industrial waste. Due to a lack of oversight and an inadequate waste management system, medical and hazardous waste is being mixed into the municipal solid waste stream, raising further concerns as to the impact of burning waste on residents.¹¹⁵

The bad environmental policies adopted in Lebanon since 1975 and the neglect of municipalities have led to a national crisis. In 2015, garbage accumulated in Beirut and was then transported to other regions. The consecutive ecological policies tend to waste natural resources and oppose sustainable management. It was decided to open new landfills in other impoverished areas where people residing near the new landfills have had to move houses to escape pollutants, also, women reported having to clean their houses much more often to be rid of the stench and

115 SWEEPNET. (2014). "Country report on the solid waste management in Lebanon". Published by GIZ.

trash burning residues. Many people have had to purchase air purifiers so their children won't be exposed to such toxins¹¹⁶. Moreover, the smoke emanating from burned garbage releasing dangerous inhalant particles such as dioxin, which is linked to spontaneous abortions, preterm births, infertility, and birth defects¹¹⁷.

And according to a Ministry of Environment and UNDP report, communities keep openly burning waste on at least 150 of the more than 941 open dumps across the country, thus putting the environment and health of the people at risk¹¹⁸. As the open burning takes mostly place in poorer areas, additional burden is put on those most vulnerable who are least equipped to manage the health impacts of open burning or to escape from sites near open dumps are among those most negatively affected.¹¹⁹

According to a report by Dr. Najat A. Saliba of the American University of Beirut (AUB), several studies have demonstrated a correlation between people living near pollution sources and increased rates of death from cancer. Furthermore, research relating air pollution to fetal/newborn malformations or even the alteration of genetic functions highlights the government's responsibility to create sustainable solutions to Lebanon's waste and pollution crisis.¹²⁰

Environmental concerns are framed by policy-makers as problems of over population, i.e. blaming poor and refugee women's reproduction, when in reality the industrial and governmental mismanagement of wastes compromises water sources, soil, and eventually foods. Socio-legal and economic discriminations ascertain that poor Lebanese, refugee, and migrant people are confined to environmentally compromised areas. The inadequate infrastructure and housing conditions of crowded residential areas such as in

Beirut's suburbs, refugee camps, and informal settlements are in themselves a risk to the health of their residents.

The right of all women to have healthy pregnancies and to raise children in a healthy environment is a core principle that reproductive justice shares with environmental justice. Actions to monitor the short and long-term health effects of waste management, dumping and burning of waste on an ongoing basis is crucial, particularly risks posed on women and girls, children and older people.

Recently, two cases received increased media attention and follow-up. The first was the Litani River which is the longest river in Lebanon and provider of water power to hydroelectric projects as well as resources to agriculture in several regions. A total of 227 factories and businesses have been polluting the river through sewage and industrial waste, therefore rendering the water useless for agricultural purposes and endangering the population's health¹²¹. Although funds have been allocated to implement various projects in the past years, several industries have been forced to close,¹²² long-term solutions are needed now more than ever to save the river and recuperate it as a major source for water supply, irrigation, and hydroelectricity.

Another case was the Bisri Dam project. It is well known that projects for the construction of dams have been subject of divided expert opinion on their use and risks in the planned construction areas across Lebanon, however, and despite being advertised as the solution to Beirut's water shortages, the dam will instead be extremely damaging to the environment -- destroying agricultural land, archaeological ruins, and livelihoods - and increasing the risk of an earthquake¹²³. According to activists, the "environmental genocide" could take up to 500,000 trees, as well as over 50 archeological sites will be destroyed by the project. Furthermore, the Bisri valley is the only valley in Mount Lebanon to have an expansive agricultural plane. The dam project will take land from 15 villages, thus putting families relying on agriculture-related income out of work. Even though a fund is intended to be put in place and compensate the disownment of land, farmers might not be completely compensated for the loss of their sole source of income.¹²⁴

116 Human Rights Watch. "As if you're inhaling your death": the health risks of burning waste in Lebanon. Human Rights Watch [internet]. 2017 Dec 1 [cited 2018 Oct 22]; Reports: [67 screens]. Available at <https://www.hrw.org/report/2017/12/01/if-youre-inhaling-your-death/health-risks-burning-waste-lebanon>

117 Tsukimori K, Tokunaga S, Shibata S, Uchi H, Nakayama D, Ishimaru T, Nakano H, Wake N, Yoshimura T, Furue M. (2008) Long-term effects of polychlorinated biphenyls and dioxins on pregnancy outcomes in women affected by the Yusho incident. *Environ health perspect.* 2008; 116(5):626-30.

118 Ministry of Environment & United Nations Development Program. (2017). UPDATED MASTER PLAN FOR THE CLOSURE AND REHABILITATION OF UNCONTROLLED DUMPSITES THROUGHOUT THE COUNTRY OF LEBANON. Volume A. JUNE 2017. Available at https://www.undp.org/content/dam/lebanon/docs/Energy%20and%20Environment/Publications/Updated-Master-Plan-Volume-A_Final-ilovepdf-compressed.pdf

119 Fakhri, L. (2018, October 19). Lebanon's Waste Crisis Hits Home. Human Rights Watch. Available at <https://www.hrw.org/news/2018/10/19/lebanons-waste-crisis-hits-home>

120 Saliba, N. (2018). Responsible Business (2018, Issue No. 27). No Trust, No Dust - Incinerators are Not a Suitable Solution for Lebanon. Available at <https://www.aub.edu.lb/articles/Documents/Responsible-Business-Issue-27-Najat-Saliba.pdf>

121 Topalian, N. (2018, September 13). Lebanon Panel Takes on Litani River Pollution Al-Mashareq. Available at https://almashareq.com/en_GB/articles/cnmi_am/features/2018/09/13/feature-02

122 The Daily Star (2018, November 8). 79 Factories Ordered Closed for Polluting Litani River. Available at <http://www.dailystar.com.lb/News/Lebanon-News/2018/Nov-08/468654-79-factories-ordered-closed-for-polluting-litani-river.ashx>

123 See more at <https://ejatlas.org/conflict/bisri-dam>

124 The National (2017, June 30). New Dam in Lebanon to be Built in an Earthquake Zone. Available at <https://www.thenational.ae/world/mena/new-dam-in-lebanon-to-be-built-in-an-earthquake-zone-1.93345>

The differential gender impact of these environmental policies and projects haven't been undertaken. Isolation of women from decision making on environment has made their views not being heard and they could not influence decision making process that affect the environment they interact with. To enhance women participation in environmental management for sustainable development the following recommendations are offered:

- Develop gender-responsive policies and green industry strategies that address women's and men's needs, and generate inclusive sex-disaggregated baseline data and qualitative evidence to better understand women's and men's needs and priorities.
- Encourage women to participate in committees on environmental protection, programs and policies to address gender imbalances in decision making. Women access to land and other resources should be ensured and not undermined.
- Educate women and increase access to education for girls should be seen as a policy priority. Educated women will contribute more significantly to bringing the gap between environment and development.
- Increase awareness on the importance of women empowerment in achieving sustainable human development and in relation to the protection of the environment.

Women facing multiple forms of discrimination



Photo: Dar Al Mussawir

LGBTQI

International mechanisms for the protection of human rights are of great importance to the LGBTQI community of women in Lebanon. Special centers and NGOs have been established to support the LGBTQI community such as, but not limited to, the Arab Foundation for Freedom & Equality¹²⁵, Haven for Artists¹²⁶, HELEM¹²⁷, MARSAS¹²⁸, and

¹²⁵ Arab Foundation for Freedom & Equality Strives to encourage and support sexual health, sexuality gender and bodily rights movements in the Middle East and North Africa through capacity building, knowledge production, protection and advocacy.

¹²⁶ Haven for Artists is a locally based, non-governmental NGO based in Beirut, Lebanon. The organization aims to endorse, encourage and expose the modern underground art scene of Lebanon and the Middle East. It acts as a network for a variety of local and regional artists, with the purpose of providing necessary resources to forge creative collaborations and develop a community of artists: a community for the arts by the arts.

¹²⁷ HELEM is a leading LGBTQI rights organization in Lebanon. Provides services, maintains spaces, and advocates for all forms of civil, political, social and economic rights of LGBTQI persons living in Lebanon

¹²⁸ MARSAS is a sexual health center based in Beirut, Lebanon, operating officially since February 2011. The purpose behind the center is to provide confidential and anonymous services related to sexual health. Services are provided to the public in a friendly environment free of stigma and discrimination against age, sex, gender and sexual orientation.

KOHL journal¹²⁹.

While domestic violence is institutionalized in Lebanon, it still has social and legal legitimacies that other forms of intimate partner violence (IPV) do not possess such as verbal, economic and emotional abuse in addition to marital rape. The imbalance of power in intimate relationships grants a type of leverage which, if exploited, could lead to unhealthy dynamics and violence. Couples that are cohabiting, queer, or heterosexual do not benefit from a law that protects them from domestic violence. For the state, family and kinship strictly exist inside a heteronormative marital setup. Many heterosexual unmarried couples and queer couples confine their relationships to private spheres to avoid judgment; while queer intimacies are typically less accepted and considered more deviant than heterosexual ones, many communities and areas of Lebanon perceive heterosexual relationships outside of marriage as lacking in respectability and dishonorable for the woman. Stigma, shame, homoantagonism, fear of not

¹²⁹ KOHL journal: Journal for Body and Gender Research. It is a progressive, feminist journal on gender and sexuality in the Middle East, South West Asia, and North Africa regions. Kohl Journal is a biannual, multilingual, open access, and peer reviewed academic journal. It targets mainly, but not exclusively, graduate-level academics, fresh graduates, independent writers, activists, and researchers who are not affiliated with an academic institution.

being believed, of making queerness look bad, of losing a community of friends, and the threat of being “outed” to family, employers, or friends by the abusive partner are but some of the reasons why queer people find it harder to leave abusive relationships than their heterosexual counterparts¹³⁰. The institutionalization of heteropatriarchy makes IPV in non-marital and queer relationships irrelevant and non-existent. Hence, a practice of Reproductive Justice would disregard these legal structures in order to create ways wherein people in non-normative partnerships may also build families that are free from IPV.

Uncertainty regarding the legal status of same-sex sexual conduct under the Lebanese Penal Code contributes to the vulnerability to violence of lesbian, gay, bisexual, and transgender people. In 2013 the Lebanese Psychiatric Society issued a statement affirming that homosexuality is not a mental disorder, and in 2015 it called for the abolition of Article 534¹³¹. In 2016, Lebanon’s Court of Appeals granted a transgender man the right to change his legal status in the civil registry¹³².

However, LGBTQI individuals are often arrested on the basis of the interpretation of the Lebanese Penal Code Article 534 which criminalizes “unnatural sexual intercourse” with up to one year in prison. This article is not commonly enforced but has been used by police in the past to charge lesbian women as well as gay men¹³³ and rising numbers of arrests, detention and use of violence against LGBTQI have been noted, Physical torture, psychological humiliation, and anal examinations have also been recorded.

Concerns about Article 534 have been raised in the list of issues or concluding observations submitted to Lebanon by the UN Human Rights Committee and the Human Rights Council. There are reports that the number of arrests under this Article are increasing and that anal examinations of men continue to be conducted by police, despite the ban on these practices in 2012¹³⁴.

There are no specific laws protecting people from hate crimes or discrimination based on their sexual orientation, gender identity, or intersex status. There is no specific legal protection or recognition of transgender women or

men. Also, Kaplan et al. (2015) describe that adverse health behavior and access to health care for trans women is linked to safety, ranging from social/emotional, physical, and sexual to financial safety. Trans women who feel safe, receive emotional or financial support and do not fear abuse or exploitation, are less likely to live a “hidden” life, engage in unsafe sexual and health behavior and experience violence.¹³⁵

Brave steps challenging norms

In 2017, a judge challenged the legal basis of the arrest of men, declaring in a Metn Court ruling that “homosexuals have a right to human and intimate relationships with whoever they want, without any interference or discrimination in terms of their sexual inclinations, as it is the case with other people.” This judge relied on Penal Code Article 183, which states, “An act undertaken in exercise of a right without abuse shall not be regarded as an offence¹³⁶.”

Also, and despite pressures, Lebanon’s top military prosecutor, Peter Germanos, has for a second time ruled not to file charges against an Army officer for “homosexual activity”. According to the Daily star (2020)¹³⁷, the source quoted Germanos as saying that “the accused sergeant had engaged in consensual same-sex activity, therefore it could not be considered unlawful, and such case highlights the need to abolish Article 534,” which states that “any sexual act contrary to nature is punishable by imprisonment of one year.”

Recommendations

- Prohibit discrimination based on sexual orientation and gender identity.
- Enhance the jurisdiction of article 534 to prevent arbitrary interpretations and therefore risk of persecution of individuals for their sexual orientation.
- Protect LGBTQI persons from homophobic and transphobic violence by creating an independent mechanism to monitor, document and report violations in order to assure accountability official apparatuses and/or civil society.

¹³⁰ Rollè L, Giardina G, Calderera AM, Gerino E, Brustia P. When intimate partner violence meets same sex couples: a review of same sex intimate partner violence. *Front Psychol.* 2018; 9.

¹³¹ Human Rights Watch. “Lebanon Edges Closer to Decriminalizing Same-sex Conduct.”

¹³² The Daily Star (15 January 2016), “Lebanese judge grants trans man right to change gender”. Available at <http://www.dailystar.com.lb/News/LebanonNews/2016/Jan-15/332090-lebanese-judge-grants-trans-man-right-to-change-gender.ashx>

¹³³ Human Rights Watch, “Lebanon: Law Reform Targets Honor Crimes” (11 August 2011), <https://www.hrw.org/news/2011/08/11/lebanon-law-reformtargets-honor-crimes>

¹³⁴ UN Human Rights Committee. “List of issues in relation to the third periodic report of Lebanon” (31 August 2017), CCPR/C/LBN/Q/3

¹³⁵ Kaplan, R. L., El Khoury, C., Field, E., & Mokhbat, J. (2016). Living Day by Day: The Meaning of Living with HIV/AIDS among Women in Lebanon. *Global Qualitative Nursing Research*, 3, 1-13. Available at <https://cyberleninka.org/article/n/646675>

¹³⁶ Human Rights Watch, “Lebanon Edges Closer to Decriminalizing Same-sex Conduct” (2 February 2017), <https://www.hrw.org/news/2017/02/02/lebanon-edges-closer-decriminalizing-same-sex-conduct>

¹³⁷ The Daily Star. Available at <https://www.dailystar.com.lb/News/Lebanon-News/2020/Jan-29/500190-military-prosecutor-refuses-to-file-homosexuality-charges-despite-pressure.ashx>

Women refugees



Photo: UN Women/Joe Saade

As of 2018, the Government of Lebanon estimates that the country hosts 1.5 million Syrians who have fled the conflict in Syria (including 950,334 registered as refugees with UNHCR, of which 25.2% are women, 19.4% men, 27.1% are girls, 28.3% are boys with diverse backgrounds and specific needs), along with 28,800 Palestinian refugees from Syria and a preexisting population of an estimated 180,000 Palestinian refugees from Lebanon living in 12 camps and 156 gatherings. Nearly half of the Lebanese, Syrian and Palestinian populations affected by the crisis are children and adolescents. Up to 1.4 million children under 18 years of age are currently growing up at risk, deprived, and with acute needs for basic services and protection.¹³⁸

In Lebanon, Palestinian refugees, including many long-term residents, remained subject to discriminatory laws, women continued to be excluded from many types of work, owning or inheriting property and from accessing public education and health services. Migrant workers, including those in the domestic, construction and other sectors, continued to face exploitation and abuse.¹³⁹

Unemployment of Syrian women was estimated at 68%, and the economic activity rate was 19%, which caused by cultural restraints combined with the high share of small children, and the concomitant need for some of the adult population to ensure childcare. Women and men are employed at the informal sector with absolutely no legal

protection and high potential of abuse. Moreover, the gender pay gap is substantial for Syrian women workers in Lebanon, where women have been found to be earning 40% less than men¹⁴⁰.

Syrian refugee women are particularly vulnerable to harassment, sexual violence and exploitation. Without a valid refugee status, and thus residence permit, many refugee women fear reporting sexual harassment or abuse to the police.

Since 2015, annual funding was in excess of US\$ 1 billion per year, while needs approached and then exceeded US\$2 billion. In 2018, funding requirements for adequate support to Syrian refugees in Lebanon was estimated at US\$ 2.291 billion. As of 30 September 2018, those needs were only one third funded.¹⁴¹ Insufficient funding threatens assistance and protection, safe shelter and effective education, as well as constraining the ability to adequately support the most vulnerable refugees, including women, children and individuals with disabilities. female-headed households remained more vulnerable than male-headed households. female-headed households were more likely to have both poor food consumption and lower dietary diversity than their male counterparts.

Key Priorities are identified as the following:

- Continued access to safety and non-refoulement
- Civil status and legal documentation
- Shelter, water and sanitation that meets humanitarian standards
- Improving food security and ensuring food access
- Addressing economic vulnerability
- Safeguarding children's well-being (education, health and protection)
- Special attention to female-headed households and ensuring a gender lens in all programming

¹⁴⁰ ILO. (2014). Assessment of the impact of Syrian refugees in Lebanon and their employment profile. International Labour Organization. Available at https://www.ilo.org/beirut/publications/WCMS_240134/lang-en/index.htm

¹⁴¹ UNDP. UNHCR. UNICEF, (2018). Vulnerability Assessment of Syrian Refugees in Lebanon VASyR 2018 Available at <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2018/12/VASyR-2018.pdf>

¹³⁸ See more at <https://reliefweb.int/report/lebanon/lebanon-crisis-response-plan-2017-2020-2019-update>

¹³⁹ Amnesty International. (2018), "Lebanon", in Amnesty International Report 2017/2018: The State of the World's Human Rights Report, Peter Benenson House Publishing, London. Available at www.amnesty.org/en/countries/middle-east-and-north-africa/lebanon/report-lebanon/

Women with disabilities

In Lebanon, according to the Central Administration for Statistics (CAS), and based on the guidelines of the Washington Group on Disability Statistics, about 4% of residents suffer from a disability, or have difficulty functioning, which restricts their participation because of difficulties in one or more of the following six core functional domains: seeing, hearing, walking or climbing steps, remembering or concentrating, self-care and communicating as per the following table.¹⁴² Among Syrian refugees, the estimates even rise up to 10-22.8%.¹⁴³



Photo: UN Women

Disability Status	Women	Men	Total
Person with disability	4.1	3.9	4
Person without disability	94.4	94.5	94.5
Not applicable (e.g. infants and newborns)	1.4	1.5	1.5
Total	100	100	100

Although Lebanon has not yet ratified the UN Convention on the rights of Persons with Disabilities (PwDs), the Lebanese parliament passed Law 220 in 2000, entitled “Rights of the Handicapped Individuals”. Law 220/2000 defines a person with a disability as “a person whose capacity to perform one or more vital functions, independently secure his personal existential needs, participate in social activities on an equal basis with others, and live a personal life that is normal by existing social standards, is reduced or non-existent because of partial or complete, permanent or temporary, bodily, sensory or intellectual functional loss or incapacity, that is the outcome of a congenital or acquired illness or from a pathological condition that has been prolonged beyond normal medical expectations.” The law addresses assistance for PwDs, reserve a 3% quota for PwDs in the workplace, and stresses the role of the state in protecting and upholding their rights. Law 220/2000 sets out no enforcement mechanisms on a number of issues (e.g. on the inclusion of persons with disabilities into the labor market). Despite being issued 19 years ago, the

¹⁴² CAS & ILO. (2019). Labour Force and Household Living Conditions Survey (LFHLC) 2018–2019. Lebanon. Available at https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_732567.pdf

¹⁴³ Women’s Refugee Commission [WRC], & UNICEF. (2018). Disability Inclusion in Child Protection and Gender-based Violence Programs. Guidance on Disability Inclusion for GBV Partners in Lebanon: Case Management of Survivors & At-risk Women, Children and Youth with Disabilities. Available at <https://reliefweb.int/report/lebanon/disability-inclusion-child-protection-and-gender-based-violence-programs-guidance>

concerned ministries have not established implementation mechanisms for the proper administration of most of the law’s provisions and there are no measures to monitor the implementation of the 3% quota for PwDs in the workplace. The reasons for the lack of proper enforcement of the framework include a lack in resources, absence of executive decrees required for the full implementation of the law and a weak accountability framework regulating the work of public and private entities. Not only this but most of the buildings are not accessible to people with physical disabilities even though stipulated by the law. The Lebanese government and parliament have taken minimal or no action at all on the rights of persons with disabilities. They have not initiated work to set up the decrees, procedures, policies, budget lines, and public bodies that are expected under Law 220/2000.¹⁴⁴

It is also important to note that the Lebanese legal framework strongly affects women with disabilities, particularly the laws pertaining to nationality and the lack of a law setting a minimum age of marriage.

A number of Lebanese ministries and humanitarian agencies provide healthcare services for PwDs. The governmental entity that is mostly responsible for the services provided for PwDs is the Ministry of Social Affairs, which provides

¹⁴⁴ Combaz, E. (2018, July 15). Situation of Persons with Disabilities in Lebanon. Knowledge Learning and Evidence for Development. Available at https://assets.publishing.service.gov.uk/media/5b584da340f0b633af812655/Disability_in_Lebanon.pdf

the disabled with a range of services such as issuing a disability card according to a specific system and under medical supervision, supervising specialized institutions caring for PwDs, and supporting children with educational difficulties. It is important to note that until recent years, foreign aid actors had largely ignored disability issues.

General knowledge, attitudes, and behaviors towards persons with disabilities in Lebanon often rely on charitable or medical approaches to disabilities, rather than social or rights-based approach¹⁴⁵. Lack of knowledge, prejudice, and stigma against persons with disabilities are common – especially against those with intellectual or mental disabilities.

As such, the experiences of different persons with disabilities in Lebanon are shaped by multiple types of structural inequalities; socio-economic class, the types of disabilities, gender, age, nationality, and being a refugee. Also, laws on mental health and on nationality, and the lack of a law setting a minimum age of marriage particularly disadvantage persons with intellectual or mental disabilities, women and girls, older persons and refugees. Persons with disabilities are excluded from the labor market as 80% of persons with disabilities “are not or have never been employed”¹⁴⁶. This is not attributed to the rate of unemployment in the country but to three missing actions: supportive laws for persons with disabilities and for work institutions in adapting their workplace; anti-discrimination policies; and vocational, social, and health-related rehabilitation that is connected to the requirement of the labor market. Even where persons with disabilities do work, there are problems with the quality of that employment as their employment opportunities do not always afford them a decent standard of living and career prospects, and do not allow them equal access to training compared to persons without disabilities.¹⁴⁷

The Lebanese State fails to provide “financial assistance and other support services to families of children with disabilities”¹⁴⁸. As a result, responsibility for “caring for

persons with disabilities falls primarily on their families”¹⁴⁹ and specifically their mothers¹⁵⁰. The “absence of a centralized system of effective social protection” makes most social expenditures fall on individuals, families, and private institutions such as civil institutions and nongovernmental organizations¹⁵¹. One consequence is that many families end up institutionalizing their children who have a disability. In contrast, better helping caregivers, especially by increasing social benefits and other support services, would enable families to de-institutionalize their children with disabilities¹⁵².

Rehabilitation services are insufficient in availability, hard to access, and inadequate. Similarly, health care services for persons with disabilities are inadequate, particularly in public hospitals and care facilities are usually not accessible to persons with disabilities, including children with disabilities.¹⁵³

As such, many persons with disabilities are left with unmet needs, which is detrimental to their physical and mental wellbeing. In a 2017 convenience-sample survey of persons with disabilities and injuries, respondents reported coping with the lack of health care services and with their unmet needs through several ways: “turning to relatives or friends for financial assistance (57.2%), abandoning treatment or medication (55.6%), and the sale of possessions or property (30.7%)”. Other coping mechanisms reported were “working on illegal migration (21.4%), begging (7.4%) and returning to Syria for care (7.0%)”¹⁵⁴.

Children and youth with disabilities have very little access to education and learning opportunities, whether public or private. The policy of the Lebanese state is still to isolate school-age children with disabilities by placing them into

145 Combaz, E. (2018, July 15). Situation of Persons with Disabilities in Lebanon. Knowledge Learning and Evidence for Development. Available at https://assets.publishing.service.gov.uk/media/5b584da340f0b633af812655/Disability_in_Lebanon.pdf

146 Committee on Economic, Social and Cultural Rights [CESCR]. (2016). Concluding observations on the second periodic report of Lebanon (Concluding observations No. E/C.12/LBN/CO/2). UN, Economic and Social Council

147 Committee on Economic, Social and Cultural Rights [CESCR]. (2016). Concluding observations on the second periodic report of Lebanon (Concluding observations No. E/C.12/LBN/CO/2). UN, Economic and Social Council.

148 Committee on the Rights of the Child [CRC]. (2017). Concluding observations on the combined fourth and fifth periodic report of Lebanon (Concluding observations No. CRC/C/LBN/CO/4-5). UN, Economic and Social Council.

149 Committee on Economic, Social and Cultural Rights [CESCR]. (2016). Concluding observations on the second periodic report of Lebanon (Concluding observations No. E/C.12/LBN/CO/2). UN, Economic and Social Council

150 Stade, R., Khattab, L., & van Ommering, E. I. (2017). Cross-sectoral formative research – Knowledge, attitude and practice study. Beirut: UNICEF Lebanon. Available at <https://research.vu.nl/en/publications/cross-sectoral-formative-research-knowledge-attitude-and-practice>

151 Solidar. (2015). Lebanon. Social Protection Monitoring (Country study). Available at https://reliefweb.int/sites/reliefweb.int/files/resources/2015_12_07_solidar_ois_case_study_lebanon.pdf.

152 Committee on the Rights of the Child [CRC]. (2017). Concluding observations on the combined fourth and fifth periodic report of Lebanon (Concluding observations No. CRC/C/LBN/CO/4-5). UN, Economic and Social Council.

153 Committee on the Rights of the Child [CRC]. (2017). Concluding observations on the combined fourth and fifth periodic report of Lebanon (Concluding observations No. CRC/C/LBN/CO/4-5). UN, Economic and Social Council.

154 Baroud, M. (2017, December). Improving Healthcare Access for Persons with Disabilities in Lebanon: Together for Justice in Service Provision. Available at http://www.annd.org/data/file/files/Policy%20brief_Health%20access%20_15122017_4%20page.pdf

separate social care institutions that perform poorly. These institutions work as boarding schools and provide teaching to children with disabilities. The terms of enrolment into these institutions dictate that children stay there separated from their families, and isolated in the institutions.

According to a study by the Arab NGO Network for Development and the Issam Fares Institute, more than half of PwD survey respondents reported feeling excluded from basic services as well as feeling financially exploited. Other respondents stated that they were discriminated against and had been violated psychologically, physically and sexually. Survey responders mentioned other structural barriers, such as the lack of equipment to accommodate PwDs at health centers and the lack of proper documentation. Furthermore, Lebanese and Syrians who are disabled but who do not have a disability card face significant difficulties in covering healthcare costs.¹⁵⁵ Persons with disabilities also have difficulty accessing GBV programs, due to a variety of societal, environmental and communication barriers, increasing their risk of violence, abuse and exploitation. Women, children and youth with disabilities report a lack of information and awareness on GBV-related activities and how to access case management services, due to both physical and attitudinal barriers to accessing such services.

A needs assessment conducted by Women's Refugee Council and UNICEF in 2018 confirmed that women, children and youth with disabilities in Lebanon and their caregivers are facing a range of GBV-related risks including:

- **Child marriage among girls with disabilities:** GBV actors, women with disabilities and caregivers report that girls with minor disabilities are more likely to be pressured into an early marriage before they are perceived as "less desirable" due to both their age and disability.
- **Exploitation of women and adolescent girls with disabilities and female caregivers:** Women and adolescent girls with disabilities report examples where family members have forced them to engage in begging on the street, which exposes them to the risk of sexual abuse. Additionally, female caregivers (mothers and wives of persons with disabilities) may be seen as "easy targets" for exploitation due to either shifting gender roles (e.g. wives are working out of home in place of husband with a disability) or due to growing economic stress in the household.
- **Intimate partner violence (IPV) against women with disabilities:** IPV was a pervasive problem for women with and without disabilities. Women with disabilities may be more likely to experience IPV because of extreme disempowerment in their relationship.

- **Sexual harassment by male community members:** Women with disabilities report facing constant harassment in the community, often by male taxi drivers or street vendors. They attribute this type of harassment to these men assuming that they did not have husbands or males to protect them, and that there would be less repercussions.¹⁵⁶

The intersection of gender with age aggravates age-associated morbidities and disabilities for elderly women. One cross-sectional study with a randomly selected sample of 905 Lebanese men and women aged 65 years or more who lived in the community in Greater Beirut found that elderly women had worse functional capacities, health, and socio-economic status, compared to men. Old women had significantly more functional disabilities compared to men of the same age group. Among all women, "poor nutritional status, self-perceived health, absence of physical activity, comorbidity, polymedication and depression were significantly higher".¹⁵⁷

Recommendations:

Women and girls with disabilities are subject to multiple discriminations, and in this regard, comprehensive measures should be taken to ensure the full and equal enjoyment by them of all their human rights and fundamental freedoms. A rights-based model where persons with disabilities have the right to equal opportunities and participation in society and which emphasizes that we all have a responsibility to promote, protect and ensure this right, and that persons with disabilities should have capacity to claim these rights should be adopted, while maintaining an intersectional approach to realize the dual discrimination women with disabilities face;

- Develop enforcement and accountability mechanisms of the legal framework on the rights of persons with disabilities and especially law 220/2000 including the right to employment while ensuring an equitable percentage of the reserved jobs to women with disabilities.
- Increase access of women with disabilities, of all ages, to health services while giving special attention to women with mental disabilities who are particularly vulnerable. This entails providing healthcare services to PwDs in full and as needed, and ensuring that those who are not able to reach healthcare organizations still

¹⁵⁶ Women's Refugee Commission [WRC], & UNICEF. (2018). Disability Inclusion in Child Protection and Gender-based Violence Programs. Guidance on Disability Inclusion for GBV Partners in Lebanon: Case Management of Survivors & At-risk Women, Children and Youth with Disabilities. Available at <https://reliefweb.int/report/lebanon/disability-inclusion-child-protection-and-gender-based-violence-programs-guidance>

¹⁵⁷ Mitri, R., Boulos, C., & Adib, S. M. (2017). Determinants of the nutritional status of older adults in urban Lebanon. *Geriatrics & Gerontology International*, 17(3), 424–432. Available at <https://onlinelibrary.wiley.com/doi/abs/10.1111/ggi.12732>

¹⁵⁵ Baroud, M. (2017, December). Improving Healthcare Access for Persons with Disabilities in Lebanon: Together for Justice in Service Provision. Available at http://www.annd.org/data/file/files/Policy%20brief_Health%20access%20_15122017_4%20page.pdf

receive the care they require either through in-home, or residential services or by providing healthcare services through mobile clinics.

- Integrate the PwDs in all development policies and plans while taking into consideration the compounded vulnerability of women with disabilities resulting from the intersection of disability and gender
- Impose stringent mechanisms to protect disabled women from exploitation, violence and abuse
- Increase knowledge on the broad range of risks to mental health to which women are disproportionately susceptible as a result of gender discrimination, violence, poverty, armed conflict, dislocation and other forms of social deprivation

Rural Women

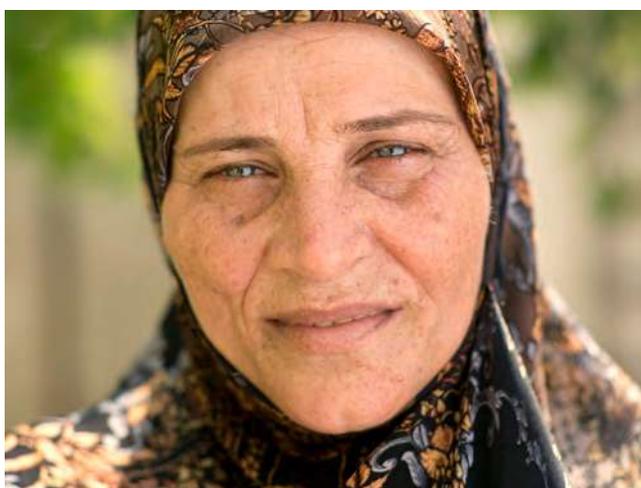


Photo: UN Women/Joe Saade

Rural women are among the most vulnerable groups of the population, marked by an increased incidence of poverty. Rural women still face a number of constraints (legal, cultural, socio-economic) and challenges in rural development, emphasized by gender bias in the delivery of rural services. The Lebanese labor law does not include any specific legislation or provisions that protect and regulate rural women's (or men's) work especially those working in informal employment and are unprotected, deprived from the benefits of the National Security Social Fund (NSSF). Rural women and girls suffer from limited and poor health and social services and the dominance of private sector education which has particular implications for female students with public education being the first (and often only choice) for poor families in rural areas, when it comes to their daughters¹⁵⁸.

Rural women in Lebanon do not constitute a homogenous group: their position varies according to social position, qualifications, the choices available to them and their

¹⁵⁸ Avis, W. (2017). Gender equality and women's empowerment in Lebanon. K4D Helpdesk Report 175. Brighton, UK: Institute of Development Studies.

access to productive resources and suitable opportunities. The hurdles that are faced when assessing the position of rural women in Lebanon, stem from the difficulty of defining rural areas because of the increasing overlap between "urbanization" and "ruralization". Eastern and southern areas have witnessed a migration toward the capital, Beirut, and northern areas toward the city of Tripoli. A second reason is the lack of accurate, detailed and up-to-date statistical data on women's resources, particularly regarding land ownership and on their involvement in the agricultural sector which represents a main source of income in rural areas. According to the Ministry of Agriculture, women represent 8.6% of the total holders, they control only 4% of the overall agricultural land¹⁵⁹. However, women represent 80% of the seasonal workforce in West Bekaa and 62% in Akkar governorates. This limited access to land is caused by discriminating cultural beliefs and unequal inheritance laws portraying women as 'unrightful' for property. Women access to land, farm inputs, markets and marketing services in addition to appropriate technology and extension services is weak. Most of the land parcels cultivated by women are fragmented, the technology transfer in rural areas is generally not geared towards women's needs and concerns; and the lack of access to credit is one of the most important challenges facing rural women. Women are involved mainly in the production of dairy products, food preserves and subsistence farming.

The contribution of Lebanese rural women to the development process is rather underestimated and undervalued as a result of cultural, legislative, social, economic and regional policy biases. A study on the perception of students in rural areas towards women found that the majority of both students and mothers recognized the limited role of the Lebanese woman in the rural communities and that they are unaware of the challenges she is facing (early marriage, limited access to social organizations, lack of work opportunities, cultural and religion constraints, etc.). According to the majority of the interviewees, women's empowerment requires an improvement in the educational and social skills and self-esteem of the woman in her rural society.¹⁶⁰

Besides the recommendations discussed throughout the report that apply to all women in Lebanon, specific recommendations concerning rural women include:

- Strengthen laws, policies, governance and institutions, which reduce the risks of exploitation to women and girls working in rural areas, enhance protection and ensure equal pay for equal work.

¹⁵⁹ RESULTATS GLOBAUX DU MODULE DE BASE DU RECENSEMENT DE L'AGRICULTURE 2010 LIBAN 2012

¹⁶⁰ Alawan, N., & Maddah, D. (2017). The Perception of Students towards Women and the Perception of Women Themselves about their Role and Status in Lebanese Rural Communities. Knowledge is Power (KIP) Project. Olayan School of Business American University of Beirut

- Training and skills development to promote women's entrepreneurship and productive employment, including through cooperatives
- Mainstream gender in agriculture, which will increase the ability to design and scale out agricultural innovations that reduce gender inequality on the ground and contribute more effectively to poverty reduction, improved food security, nutrition and environmentally sustainable livelihoods.
- Ensure provision of social and health services that are accessible for women in rural areas.
- Adopt ex-ante diagnostic methods to integrate gender analysis and equity in research targeting rural areas as a crucial step to identify gender constraints that must be overcome to enhance rural development. The integration of gender in the research stage will shed light on the poverty trends and the gender dimensions.

Women in prison

In December 2015, and Out of 6,502 prisoners, there were 286 female prisoners constituting 4.4% of the total number and percentage of prisoners¹⁶¹. And in 2017, women prisoners accounted to 4.7% of the total prisoners¹⁶². According to the Lebanese Centre for Human Rights (LCHR), More than half of them were tortured, and were sexually abused by investigators and guards. Even though all security services have female staff, yet, interrogations, surveillance and searches are conducted by male guards¹⁶³. In 76% of the documented cases, the Internal Security Forces and police stations would be responsible for torture. Several women alleged having been subjected to torture by men in civilian clothes from the army or the police intelligence services, or by militia men outside the official places of interrogation.¹⁶⁴

Untried prisoners are not separated from convicted prisoners, and perpetrators of minor offences are placed with criminals. Foreigners, especially Palestinians, are at the bottom of the hierarchical ladder and are exploited. However, they are better off than people convicted of sexual offences, prostitutes, lesbians, gays, bisexuals, transsexuals and intersexuals (LGBTQI).

Major gaps in the prisons' conditions were highlighted in a

¹⁶¹ Prison Insider. Lebanon. Available at <https://www.prison-insider.com/countryprofile/prisons-lebanon?s=vue-d-ensemble#vue-d-ensemble>

¹⁶²World Prison Brief. Lebanon. Available at <https://www.prison-studies.org/country/lebanon>

¹⁶³Lebanese Centre for Human Rights (LCHR). "Women behind bars: arbitrary detention and torture". Lebanon, April 2015. Available at http://www.rightsobserver.org/files/Arbitrary_detention_and_torture_EN_pages.pdf

¹⁶⁴Lebanese Centre for Human Rights (LCHR). "Women behind bars: arbitrary detention and torture". Lebanon, April 2015. Available at http://www.rightsobserver.org/files/Arbitrary_detention_and_torture_EN_pages.pdf

survey by Lebanese Women Democratic Gathering (RDFL) in particular regarding exclusive treatment of pregnant inmates, children born in detention, and personal hygiene. The study concludes that the situation of women's prisons in Lebanon is very complex. In particular is the absence of a standardized treatment of prisoners. With the lack of clear gender-based components in the law governing prisons in Lebanon, treatment of women prisons remains under the complete discretion of the prison administration leading to disparities in conditions from one place of detention to another.¹⁶⁵

Also, women who are arrested and suspected of taking drugs, or of prostitution, are subjected to further sexual violence, from rape to sexual intercourse, in exchange for favors such as cigarettes, food, or more comfortable cell conditions¹⁶⁶.

While the issues of prisons are in headlines at every riot perpetrated by imprisoned men, and the public embracing and political attention to issues of arrested men and claiming to hasten their trial, the women prisons are not included in the public interest. Marginalization and victimization continue to be the most common characteristics shared among prisoned women. Detention conditions in the prison facilities are very problematic. The cells are overcrowded, poorly ventilated and poorly lit. Drinking water is limited and medical care is lacking.

The Lebanese law does not provide or mainstreaming any gender-related matter within the prison:

- No reference to the importance of providing primary services to meet more complex health needs and related to reproductive health and sexual health needs of women. Lack of reference to the need to provide psychological health services.
- All matters related to pregnancy, children born in prison, nursing, medical care, housing and children's needs are not addressed.
- Where Lebanese and foreign women have little and poor protection, they should be considered as particularly vulnerable and at risk of serious violations of Human rights, the Lebanese law does not provide for any matter related to the status of foreign female prisoners, stateless women or refugee women.
- Lebanese law does not adequately address the issue of rehabilitating women prisoners through education and employment

¹⁶⁵Lebanese Women Democratic Gathering, "Assessing the Reality of Women's Prisons in Lebanon", March 06, 2015 available at <https://www.rdfwomen.org/wp-content/uploads/2015/03/final-book-2.pdf>

¹⁶⁶"It's Part of the Job". Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations. Available at <https://www.hrw.org/report/2013/06/26/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations>

- There is a huge disregard for the mental health component among prisoners who have to face crowd, stress, exposure to others with no psychological or emotional support. Additionally, most of the services are provided by social workers belonging to NGOs and not to an official entity. A number of Lebanese ministries and humanitarian agencies provide healthcare services among others for women in prisons. The governmental entity that is mostly responsible for such services is the Ministry of Social Affairs.

Recommendations:

- Amend law of prisons and rules taking into account the special needs of women as, (a) the right to health in terms of comprehensive health examination, as well as sexual, reproductive, preventive and psychological health of female prisoners, (b) right to healthy food taking into consideration pregnant and breastfeeding women prisoners, and (c) right to personal hygiene in terms of providing the necessities of women prisoners such as hygienic pads, towels, clothes and others
- Enforce the Lebanese legislation concerning the prevention of torture. Judges must play a crucial role to put an end to such violations
- Provide trainings and gender awareness on a regular basis to train female/male prison staff (guards, nurses and doctors) to adopt human rights and gender approaches.

Migrant Domestic Workers

Domestic workers are excluded from the protections of the Labor Code, which makes female domestic workers (most of whom are migrants) more vulnerable to abuse and domestic servitude. The Lebanese labor law, legislated in 1946, explicitly excludes domestic workers, whether Lebanese or a migrant, farmers and agricultural workers from its provisions as per Article 7 of it.¹⁶⁷

The Lebanese government, encouraged by various non-governmental organizations, ONHCR, and ILO, to regulate the employment relationship between employer and male or female domestic service worker, enacted decision no. 38/1 of the Ministry of Labor which obliges employer and employee to adopt a special employment contract, with effect from 23 March 2009. This allowed adopting a set of standards to protect domestic migrant workers (Standardized Unified Contract).

In June 2011, Lebanon voted in favor of the ILO's adoption of Convention No. 189 on Decent Work for Domestic Workers, the treaty that protects domestic workers, but has yet to take steps to ratify the treaty or bring itself in compliance. Lebanon has also to ratify ILO Convention No.

87 on Freedom of Association and Protection of the Right to Organize, which states that “workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.”

The contract, which is only signed in Arabic in front of the notary public making it very difficult for the worker to understand her rights, should be signed in the language the concerned worker understands. The contract should emphasize the migrant workers' right to decent living conditions and acknowledges their right to adequate food and clothing. It obliges employers to provide them with a place to sleep where their privacy is respected.

Other terms of the contract include guarantees to a weekly day of rest and annual holidays. The number of working hours per day is limited to ten. Employers are obliged to arrange health insurance for employees in their households. The workers themselves have the right to quit their workplace if they are abused.

However, and despite the enforcement of the SUC, domestic migrant workers continued suffering human rights violations and difficult work conditions. Cases of MDWS facing physical and sexual abuse by their employers were reported, besides cases of being paid late or not at all. Moreover, many MDWs were locked in their workplace and



Photo: UN Women/Joe Saade

¹⁶⁷ Lebanese Labor law

not allowed any free time. The existence of contracts does not guarantee rights, even when the contract specifies that abusive behavior is unacceptable.¹⁶⁸

Limiting the MDWs' freedom of movement, through practices such as confinement or the confiscation of the worker's passport, is still culturally tolerated. The cultural tolerance and the encouragement of the recruiting agencies for the restriction of MDWs' freedom of movement tone down the fact that it is a violation to the workers' human rights and an offense punishable by the law.

In an effort to protect migrant women working in domestic service and to guarantee their rights and reduce their exploitation, the Ministry of Labor initiated several administrative measures aimed at improving their working conditions:

- Decision No. 168/1 of 24/11/2015 concerning the organization of offices for the recruitment of migrant domestic workers
- Develop the Hotline (1740) in the Ministry of Labor to provide the required service to receive communications and complaints from workers and refer them to the relevant departments for follow up.

In 2016, and according to the ILO, there were over 250,000 MDWs working in private households in Lebanon.¹⁶⁹ To respond for the increase demand, private recruitment agencies have expanded. While using the services of a private recruitment agency is not mandatory in Lebanon, most families choose this option because of the complexity of the immigration procedures and the added assurances of having a mediator and guarantor in case of problems.

To be able to settle and work in Lebanon, domestic workers must obtain both a residence permit and a work permit. This is why every foreign domestic worker needs to have a guarantor, notarized by a notary public and with the approval of the GDGS, who is the legal representative of the worker and responsible for his/her presence and work on Lebanese territory. He/she is also the sole employer of the domestic worker and this is commonly known as the kafala or sponsorship system.

Human Rights Watch considers that the Kafala system in Lebanon puts workers at risk of exploitation and abuse¹⁷⁰ and that Lebanon's judiciary fails to hold employers accountable for abuses and that security agencies often do not adequately investigate claims of violence or abuse.

168 Jureidini, R. (2002). Women Migrant Domestic Workers in Lebanon.
169 ILO. (2016). Intertwined - A study of employers of migrant domestic workers in Lebanon / International Labour Office, Fundamental Principles and Rights at Work (FUNDAMENTALS); Labour Migration Branch (MIGRANT) - Geneva

170 Human Rights Watch. (2019). Available at <https://www.hrw.org/world-report/2019/country-chapters/lebanon>

¹⁷¹While Anti-Slavery International believes that the system is one of the major causes of vulnerability of migrant workers¹⁷². The Kafala system means that the sponsor of the migrant domestic worker is legally responsible for the migrant and the state's responsibility for 'alien surveillance' is then passed on to the employer¹⁷³.

In 2014, a research conducted by INSAN association entitled "The Kafala System: When Employers also Accepted to Share their, Perspective" revealed that even the employers themselves feel that it is a burden on them with more than half of the respondents reporting that the kafala system should be changed.

Migrant workers lose their legal status if their sponsor terminates their contract, or if they decide to leave their employer after experiencing violence or abuse. A migrant domestic worker who leaves an employer loses the right to work and faces deportation. Domestic workers may be detained for leaving the home of their employer without permission or violating the terms of their contract. They are subjected to questioning and then deported. Administrative detention does not exist in the Lebanese law. No legal ground can justify the detention of foreign women by the General Security. Administrative detention defines the detention with no legal grounds of foreigners awaiting a decision for regularization or their expulsion.

NGO interventions are premised on one or more theories of change the choice of which is influenced by the organization's institutional mandate, the history of its involvement in a specific problem area, and donor priorities. The work of NGOs with MDWs in Lebanon can be grouped under four big theories of change: (1) NGO programs and services aim to affect change at the level of the person of the MDW; (2) they work to alleviate the adverse living and working conditions of MDWs; (3) they seek to transform the social and economic structures that are unfavorable to MDWs; and finally, (4) they undertake to alter the collective and critical consciousness of MDWs and the Lebanese public. Most NGOs address the problems facing MDWs from two or more vantage points.

In conclusion, the struggle towards achieving the MDWs rights can be divided to two main pillars. The first is the lack of a human rights supportive environment and the second

171 Human Rights Watch. (2018). Lebanon: Migrant Worker's Abuse Account. Investigate Allegations, Retraction After Return to Workplace. Available at <https://www.hrw.org/news/2018/04/06/lebanon-migrant-workers-abuse-account>

172 Anti-Slavery International. (2014). "Into the Unknown" Exploitation of Nepalese migrant domestic workers in Lebanon. Available at https://www.antislavery.org/wp-content/uploads/2017/01/into_the_unknown_report.pdf

173 Pande, Amrita, "The Paper that You Have in Your Hand is My Freedom": Migrant Domestic Work and the Sponsorship (Kafala) System in Lebanon," International Migration Review, 47(2), (Summer 2013): 417

is the rigidity of the laws that govern the MDWs status and work in Lebanon. CSOs have strived during the past years to increase the access of MDWs to justice through advocating for their rights and promoting a human rights supportive environment and providing legal and social support to all the cases that reach out for its services. MDWs arrives to Lebanon without the necessary knowledge on their rights or the available support networks. This is a pressing issue that has been raised by the international community as well as the local NGOs in Lebanon.

Recommendations:

- Raise awareness among women migrant domestic workers of their human rights under the Convention and monitor the work of employment agencies, including by establishing an enforcement mechanism to ensure that the same contracts are used in the State party and in workers' countries of origin;
- Enforce and monitor the effective implementation of all ministerial decrees and all legal obligations related to MDWs in Lebanon. This includes and in not limited

to Labor inspection by the Ministry of Labor, detention and deportation measures.

- Recognize the domestic workers' union and extend labor protections to domestic workers
- Ratify the Domestic Workers Convention, 2011 (No. 189) of the ILO on decent work for domestic workers
- Take concrete steps towards abolishing the Kafala system and ensure the effective access to justice of women migrant domestic workers, including by guaranteeing their safety and residence while procedures are under way;
- Promptly investigate all reports of deaths of women migrant domestic workers from unnatural causes and prosecute and sanction any perpetrators;
- Take the measures necessary to protect the rights of women migrant domestic workers, including by approving the establishment of a domestic workers' union.

10 Data and Statistics

The most obvious problem with our data gap is that we don't have all of the evidence needed to flag important problems, to make good decisions, to evaluate the impact of different policies and programs, or to take action to eliminate life-damaging disparities. The intersection of sex and gender with all other factors must always be accounted for when examining potential social, economic, health and environmental impacts of major programs and projects. Expanding household surveys or labor-force surveys to include questions about GBV will be more cost effective and sustainable as to avoid repeating the socio-demographic collection of data and the training of data collectors. Population based surveys (household surveys) are one of the most reliable methods of obtaining information. In these surveys women are questioned about their experience with violence, regardless if they have reported it or not. The Central Administration of Statistics (CAS) has the capacity of collecting data from all different ministries. The CAS could be the receptor of the different reports

on GBV. CAS, as the governmental body responsible for generating national statistics should foster a dialogue between statistical offices and interested stakeholders, including women's groups, academics, researchers, non-governmental organizations and gender advocates. Such a dialogue can increase the capacity of statisticians to identify and understand gender issues, and to present data in formats that better address the needs of users. CAS's ability to target larger sample sizes, or target specific areas (rural and urban) which will provide more detailed data for users and policy makers should be emphasized and supported.

In addition, it will be useful to identify measurement tools which safely collect information from the partners, such as health providers, Social Development Centers, CSOs, Shelters, to gauge the impact of implemented programs on behavioral changes.

11

The way forward

At the legislative level

- Enacting a civil personal status law that guarantees equal rights for women, and eliminate discrimination based on religion, sex and gender in compliance with Lebanon's international human rights obligations.
- Amending the unjust nationality law to ensure that children and spouses of Lebanese women have the same right to citizenship as those of Lebanese men.
- Unifying the interpretation of Law 293 legal text to encompass all forms of violence, and establishing a unified database for case management and a national fund to assist victims of domestic violence.
- Defining, criminalizing and punishing sexual harassment in the workplace, as well as in educational institutions, health facilities and public places.
- Adopting a quota system for women, a temporary positive discrimination, to confront mentalities and traditions that hindered the participation of women in the reins of government.
- Removing all legal barriers pertaining to access to safe abortion and in particular decriminalize seeking and providing abortion
- Impose the compulsory free education law with firm enforcement and accountability mechanisms while ensuring accessibility to schools and safe transportation especially in Lebanese rural areas.

At the institutional/policy level

- Analyzing the structural mechanisms in reproducing gender inequalities and strengthening institutions in order to be gender responsive and mainstream gender equality in policies and areas.

- Developing a holistic transformative understanding of women empowerment, and adopting an intersectional approach to account for the various needs of different women groups in Lebanon (disabled, rural women, refugees, migrant domestic workers, LBTQI), in order to allow women to challenge patriarchal hierarchies in all structural mechanisms.
- Adopting family-friendly policies allowing women to respond to market's demand of labor force while creating synergies between women labor force and market demand.
- Encouraging Feminist leadership which creates innovative organizational structures and governance practice to bring their transformative agenda by creating spaces and opportunities for other leaders to emerge.
- Integrating pre-college counselling programs targeting female students in secondary schools to expose them to options of STEM programs.
- Encouraging the establishment of spaces for women and girls to build confidence and self-esteem, and develop critical consciousness.
- Ensuring the availability of sex-disaggregated data on all levels.

At the social norms level

- Changing harmful gendered social norms and working on gender at the collective level.
- Promoting positive masculinities and engaging men to be actively committed to redistributing power in both their personal lives and in the public spheres.

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