



اللجنة الأهلية لمتابعة قضايا المرأة
Committee for the Follow-Up on Women's Issues



الهيئة اللبنانية لمناهضة العنف ضد المرأة
THE LEBANESE COUNCIL TO RESIST VIOLENCE AGAINST WOMAN

CEDAW Secretariat
Office of the High Commissioner for Human Rights (OHCHR)
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva 10
Switzerland

2015

Re: Information on Lebanon for Consideration by the Committee on the Elimination of Discrimination against Women at its 62nd Session (26 Oct. - 20 Nov. 2015)

Dear Distinguished Committee Members,

We respectfully submit this letter to supplement the fourth and fifth periodic report submitted by Lebanon, scheduled for review by the Committee on the Elimination of Discrimination against Women (the Committee) during its 62nd session taking place 26 October-20 November 2015. Committee for the Follow-Up on Women's Issues (CFUWI) and the Lebanese council to resist violence against women (LECORVAW) in Lebanon are writing to express our concern about human rights violations faced by women and girls in Lebanon. This letter focuses on Lebanon's obligation to address under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) discrimination in the law and other issues with regard to nationality, personal status law, Penal Code, labor and social security law, violence against women, women in decision making and political participation, Economic participation, trafficking in human beings, women in sex industry and domestic workers, women and conflict, refugee women, education and Health.

The Committee for the Follow-Up on Women's Issues (CFUWI) is a Lebanese nongovernmental organization working, since 1996, to develop the participation of women at all levels of social, economic and political aspects of life, also to revise the role of women and to eliminate all types of discriminations against women.

The Lebanese council to resist violence against women (LECORVAW) is a Lebanese nongovernmental organization looks towards a society free of all forms of violence governed by democratic relations between the family members and within the society as a whole, a society that

ensures equality, justice and dignity to all its citizens where all members of this society can live equally in a democratic environment free of all forms of violence and discrimination

I. List of issues

- Nationality

The Lebanese citizenship law issued in 1925 and amended on 11/1/1960 still discriminates the Lebanese women, as it explicitly states that women are not capable of granting their citizenship to their children: “A person is considered Lebanese if born to a Lebanese father.”

The legal discrimination against women in the Citizenship Law appears clearly in the blatant rejection of the Lebanese government to acknowledge an equivalent right to women and men at this level. As such the Lebanese official reservation towards clause (2) of Article 9 of the Convention is still persistent. The only government initiative in this direction was the formation of the ministerial committee to discuss this law. This committee has only convened three times and almost “secretly”, where the Committee issued afterwards decision n° 46 a very discriminating decision against women in which it rejected the draft law concerning the granting of nationality by a woman to her children and her husband. Instead, the Committee elaborated some procedures that are likely to ameliorate the condition of children of the woman married to a foreigner. As for those initiatives which enabled the children and the husband to obtain long residencies (3 years) and the labor decree issued on September 28, 2011 which allows the work of the children and husband of a Lebanese woman, we believe they are insufficient, even if they have facilitated to a certain extent the life of many families.

- Personal Status Law

Nothing has changed in this regard. The reservations expressed by Lebanon towards Article 16 of CEDAW convention are still in effect. Marriage, divorce, custody, inheritance, in Lebanon are still subject to the laws of the 18 different confessions and sects, constituting flagrant discrimination between both genders. Also the child marriage is still recognized in Lebanon, and texts do not provide for an age that is in conformity with Lebanon’s commitments in the Child Rights Convention which sets it at 18 years of age.

Nevertheless, a slight change took place in the efforts of women movements in Lebanon. For the first time, the Parliament receives a draft law on personal status. Yet, this law has not been discussed so

far. However, the women's movement started working in this direction despite all the religious obstacles erected by the confessional society in Lebanon. The achievement made on 1-10-2012 where the first civil marriage took place in Lebanon, was dedicated by registering this marriage on 25 April 2013. Although this marriage is a victory to the civil movement, but still need a lot of work in order to issue a civil law for personal status.

The women's rights network led a coalition for the women's movement to amend the custody age in all confessions. So far, it achieved the amendment of the custody age in three sects, the Sunni: until 12 years for males and females; the Orthodox: 14 years for males and 15 years for females; the Evangelical: 12 years for males and females. However, this age did not change in other confessions. This is regarded as an achievement, even if not sufficient, due to the fact that these laws have never been amended for more than 50 years.

- **Penal code**

Article 562 "Honor Crime" of the Penal Code pursuant to Law No. 162, on 2011, was abolished, also article 618, 523, 527, 547, 559 was amended according to the law "protecting women and family from domestic violence" that was approved by the parliament on 2014, also according to this law articles 487, 488, 489 of the penal code were amended.

Still penal code Article 522 is still in force, whereby this article exempts the abductor and the rapist from punishment in case he concluded a "true" marriage contract with the victim.

The Penal Code still incriminates homosexuality, and punishes it as per Article 534, being an "unnatural" sexual activity. Furthermore, there is no acknowledgement of unmarried mother status in Lebanon.

From the socio-cultural aspect, the Lebanese government has not adopted any procedure to amend the erroneous concepts that are socially prevalent regarding the concept of "honor." Moreover, the Lebanese law discriminates against women in the fulfillment of the conditions of adultery, and in the sanction and also in the articles from 503 to 522 relevant to rape, adultery, assault and harassment.

- **Labor and social security law**

The Labor Code was amended regarding women just once, in 2000 as follows (article 26-28-29 and 52), including:

- Prohibiting the employer to discriminate on the basis of sex between a male and female worker

regarding the type of work, employment, promotion. However, it did not set a sanction when this article is violated.

- Modifying maternity leave from 40 days to 7 fully paid weeks, and she may not be laid off during maternity leave and during pregnancy (banning used to be from 5th month), knowing that the labor code set protection measures for women and children in one chapter.

However, practices on the ground are in violation of the principle of equality, especially in the private sector in terms of: wages, promotion, advancements, advanced and repeated vocational training.

Also there is still discrimination in the procedural laws and in their implementation, including but not limited to:

- This law excluded some categories such as domestic workers and wagers in agricultural institutions.
- Benefit of the husband of the insured women from social security benefits when he is not employed or insured by any other party.
- Benefit of the insured women on behalf of her husband regarding family benefits if he is unemployed, just like her male colleague.
- The law punishes women for being pregnant, as she does not benefit from the fund unless she has subscribed for 10 months at least.

It is noteworthy that the implementation of laws is still dependent on the prevalent culture. Every text that is likely to be interpreted is explained according to the discretion of the Social Security Fund alone and in contradiction with the law against the interest of the working woman and her family.

- **Violence against women**

The Lebanese State made some progress by acknowledging the problem of violence against women, where the Lebanese Parliament studied the draft law on Domestic Violence submitted by the civil associations, but this law was generalized the law to include all members of the family instead of being a law for women only.

also the law that was approved by the parliament on 1 April 2014, amend some articles of the penal code, but it changes the concept of marital rape and turned the article from incriminating rape to incriminating the use of threats, abuse and harm to get “marital rights” as they have been described, instead of incriminating the act by itself, and this is what made the law lose its efficiency in this regard, where sexual harassment is still not incriminated.

- **Women in decision-making and political participation**

Women's participation in decision-making and in politics is still a problem that hampers women's empowerment and advancement, as well as their consideration as a full partner in the administration of the State and society. Now there are 4 women out of 128 in the parliament, and 1 woman out of 24 ministers in the government as for the municipality women rate is 4.7% only.

Women are still excluded from first rank positions and senior cadres in official institutions and in international representation. The government does not have any policies to enhance women's presence in this regard.

Women's participation in political parties is still very weak, and men still dominate the leadership of parties despite the remarkable interest of women in politics.

As for women's participation in syndicates, it is slight in general even if it is high in some unions. However their presence in leadership commissions is almost lacking despite the election of the first woman as president of the Bar in 2009. We also notice that women are absent from leadership commissions in the Chamber of Commerce and Industry, as well as the executive office for the General Labor Confederation despite the presence of one woman in its executive board.

- **Women Economic participation**

The prevalent culture and the acute division of stereotyped roles according to gender in the Lebanese society hamper any remarkable progress in women's participation in the economic field. According to the national study of house hold livelihoods, females constitute 24.7% of the total labor force, compared to 75.3%, which clearly indicates the disparity between the participation of females and males in the economic life despite the increase in working women by around 1.4% compared to 2004. The largest share of women's jobs is concentrated in the services sector (mainly in the health, educational, banking and tourism sectors), which is an extension of a woman's traditional role. Moreover, the working hours in this sector is more adequate with a woman's capacity to coordinate between her work and family duties which are completely laid on her shoulders.

The percentage of women occupying high posts at work and their participation in jobs that are traditionally considered as men's jobs is very low, compared to the educational qualifications they have, according to National Study for Household Livelihoods in Lebanon it reached 4.1% for women and 14.4% for men, noting that the labor force in Lebanon has decreased significantly

compared to year 2004 due to the political crisis which reflected negatively on the economic side, raising the unemployment rate and prompted young people to emigrate.

- **Trafficking in human beings, women in sex industry and domestic workers**

Trafficking in persons and women in the sex industry remain among the taboos and part of the society deals with it carefully, trying to neglect it at one time and deny it at other times.

Nevertheless, NGOs succeeded in highlighting the problem of human trafficking, while sex industry in Lebanon is still covert behind the double standard policy, secret and hidden debate on the legislation and regulation on one hand or incrimination and condemnation on the other hand.

As a result of the pressure, efforts and perseverance of many civil society organizations and some interested politicians in this regard, added to the Lebanese Penal Code was the third chapter on human trafficking under No.164 on 24/8/2011.

Despite the many reservations towards Law No. 164, it gives clear legal framework for the condemned crime of trafficking. Therefore, the Lebanese State, with all its official institutions, cannot pretend it is not there anymore.

As for domestic workers, they are excluded from the Labor Code and the Social Security Law. In addition, migrant workers are subject to the non-humanitarian guarantee system, which is a group of administrative regulations and practices that link the residence of the migrant domestic worker and her work permit with one employer during the period of the contract. Such system is considered as unjust for the female worker and the employer as well because it seems as if he is paving the way for a relationship of slavery.

- **Refugee Women**

The refugee woman in Lebanon suffers, regardless of her background, from accumulating discrimination on the basis of her refugee status and the resulting social and economic uncovered status, in addition to gender-based discrimination. What marks the status of the refugee woman in Lebanon is the violation of her civil rights as a result of not applying the Casablanca Protocol which provided for non-discrimination between refugees and citizens in civil rights. What marks the status of refugees is the plurality of references concerned with their status, in terms of security protection and services protection. Also a large percentage of the refugees “Syrian

refugee women”, suffer from the limited budgets allocated for providing health, educational and relief services, in addition to the spread out of domestic violence as well as child marriage.

- **Women and conflict**

Lebanon is still a victim of traditional wars taking place across the borders in light of Israeli occupation of Lebanese territories. Moreover, conflicts between groups have not ceased until now (May 7, 2008). Therefore, there is an urgent need to legally and culturally institutionalize Resolution 1325.

On the legal level, there should be legislations that protect women in particular. We are talking about legislations inside the national borders as the International Humanitarian Law and the Human Rights Law cover the needs of women in cases of armed conflict. Hence, this law provides women with important protection, whether as individuals taking part in hostilities or as civilians.

The main issue is integrating women at all levels of decision-making (decisions of war, peace, conflict resolution issues and post-conflict resolutions) and look at them based on gender.

- **Education**

The annual statistics published by the Educational Center for Research and Development clearly reveal that the school enrollment rates still suffer from inequality especially in private schools, where discrimination in the numbers of those enrolled in private education appears: 51.6 % for males and 48.4% for females.

Though the statistics bulletin for 2011 does not indicate any percentage of school drop-out, we believe that this percentage is increasing given the hard economic situation that Lebanon is passing through, especially with the lack of any serious implementation for the Law on the Rights of the Child and Ban of Child Labor.

The UNESCO report points out that Lebanon is among the countries threatened by not attaining the objective of elementary education by 2015. Moreover, Lebanon is at risk of not achieving equality in education between both genders and of not decreasing the percentage of illiteracy among the mature by half. The average rate of illiteracy increased to 9.3 according to the 2007 report, while illiteracy rate among women remained double that of men, scoring 12.4 compared to 6.0 among men.

Though the gender gap is in favor of females in intermediate and secondary education, as well as in high education, the problem of girls' choices of their majors still reflects the society's conceptions and expectations of the roles of each of them. The government is still far from realizing the meaning of this issue, and it has no orientations to put an end to it.

- **Health**

Health care is an important pillar in the advancement of women due to the inherence of health with different capabilities that a woman needs in order to fulfill all of her roles.

First, we have to point out that paragraphs 1 and 2 of Article 12 are not implemented, even if accepted, as studies reveal that 51.3% do not benefit from any health service, compared to 48.7 who do. This is a very low percentage compared to the enormous government spending on health, as well as the wide array of services provided by the private sector. This means that women cannot access the services as they are not available. This requires more of advocacy so that the State meets its health commitments towards its citizens.

Although "family planning services" and reproductive health are available in an acceptable manner, and they meet the needs of women in all Lebanese regions, reproductive health services still mainly rely on the civil sector.

II. Suggested Questions for the State Party

We would respectfully urge the Committee to raise again with the Lebanese government the following questions with regard to violations of the Covenant addressed in this letter:

- What are the government's plans and steps to amend the nationality law to ensure that women citizens have the same rights as men to pass their nationality to children and foreign spouses?
- What are the steps taken by the State party to lift reservation off paragraph 2 of Article 9 of the CEDAW convention?
- What are the government's plans and steps to issue Civil personal status Law that is applicable equally to all women and men, regardless of their religion?
- What are the steps taken by the State party to lift reservation off Article 16 of the

CEDAW convention?

- What are the steps taken by the State party to lift reservation off Article 29 of the CEDAW convention?
- What steps is the government taking to amend the Penal Code to be in conformity with what Lebanon committed to and with paragraph (f) of Article 2 of CEDAW?
- What are the steps taken by government to amend all the unjust texts in Labor Codes and social security laws?
- What are the steps taken by the government to include rural women and domestic workers in Labor and Social Security Laws and abolishing the guarantee system for domestic workers and migrant workers?
- What are the steps taken by the government to amend the Domestic Violence law and to include a definition that includes all forms of violence against women?
- What are the steps taken by the government to adopt policies of protective measures for the women exposed to violence?
- What are the steps taken by the government to promote the participation of women in politics and decision making and to overcome the challenges and obstacles faced by the women?
- What are the government plans and strategy to amend the parliament and the municipality Electoral Law to include the quota principle which the Lebanese state agree on according to Beijing Declaration, i.e. 33% of seats, and as per the provision of Article 4 of the CEDAW?
- What are the steps taken by the government to facilitate the access of women in the labor market and to ensure equality between women and men?
- What are the government strategy to issue laws to protect refugee women, female migrant workers, as well as laws for the protection from human trafficking and sexual exploitation?
- What are the government steps to integrate Resolution 1325 in the legal and legislative policies of the State and promulgating laws and legislations to protect women during armed conflicts and post-conflict?
- What are the steps taken by the government to develop policies to abolish the alphabet illiteracy and the technological illiteracy as well, and having mandatory and free elementary education and amending curricula to enhance the images of equality

between both genders?

- What are the steps taken to adopt strategic policies to improve health and social services to be in conformity with what Lebanon committed to and with Article 12 of CEDAW?
- What are the steps taken to ratify the optional protocol of the CEDAW convention?
- What are the steps taken to adopting measures, including legislative ones, to raise awareness towards the necessary amendment of stereotyped laws and traditional standards regarding the roles and responsibilities of each of men and women in households and work, and the stereotyped roles in society?
- What are the steps taken to insure that budgets are developed based on gender equality?

III. Suggested Recommendations to the State Party

We also urge the Committee to consider the following recommendations to the government of Lebanon:

- Amend the nationality law to allow Lebanese women to transfer their nationality to their children and spouse on an equal basis with men.
- Lift Reservation off paragraph 2 of Article 9 of the CEDAW convention.
- Issue civil personal status Law that is applicable equally to all women and men, regardless of their religion.
- Lift Reservation off Article 16 of the CEDAW convention.
- Lift reservation off Article 29 of the CEDAW convention
- Amending the Penal Code to be in conformity with what Lebanon committed to and with paragraph (f) of Article 2 of CEDAW.
- Amending all the unjust texts in Labor Codes and social security laws
- Including rural women and domestic workers in Labor and Social Security Laws and abolishing the guarantee system for domestic workers and migrant workers.
- Amend the Domestic Violence law and to include a definition that includes all forms of violence against women
- Insure and adopt policies of protective for the women exposed to violence

- Implementing preferential treatment or quota to expedite the mainstreaming of women in different fields of work; and facilitating her access via this route to elected bodies.
- Amending the Electoral Law to include the quota principle which the Lebanese state agree on according to Beijing Declaration, i.e. 33% of seats, and as per the provision of Article 4 of the CEDAW.
- Adopt policies to facilitate the access of women in the labor market and to ensure equality between women and men.
- Issue laws to protect refugee women, female migrant workers, as well as laws for the protection from human trafficking and sexual exploitation.
- Integration Resolution 1325 in the legal and legislative policies of the State and promulgating laws and legislations to protect women during armed conflicts and post-conflict?
- Drafting literacy policies among women, not only to abolish the alphabet illiteracy but the technological illiteracy as well, and having mandatory and free elementary education and amending curricula to enhance the images of equality between both genders.
- Adopting strategic policies to improve health and social services to be in conformity with what Lebanon committed to and with Article 12 of CEDAW.
- Ratify the optional protocol of the CEDAW convention.
- Adopt measures, including legislative ones, to raise awareness towards the necessary amendment of stereotyped laws and traditional standards regarding the roles and responsibilities of each of men and women in households and work, and the stereotyped roles in society.
- Insure and develop budgets based on gender equality.

Perhaps what sums up the general standpoint in Lebanon towards women is not the minimal progress only, but also the lack of intention and will together in lifting off the reservations towards CEDAW. There is no policy that helps move forward towards full equality between men and women

Thank you very much for your kind attention, and please do not hesitate to contact us if we can provide further information.

Sincerely,

Dr. Fahima Charafeddine
President
CFUWI

Mrs. Laurice Sfeir
President
LECORVAW