

Situation report on discriminations against women in Lebanon

March 2023

INTERNATIONAL AND REGIONAL INSTRUMENTS

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Optional Protocol

1997

Signature

Optional protocol not ratified

Reservations to Articles 9, 16 and 29

Council of Europe Convention on preventing and combating violence against women and domestic violence (known as Istanbul Convention)

Not Applicable

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

Not Applicable

International Covenant on Civil and Political Rights

1972

Acceded

International Covenant on Economic, Social and Cultural Rights

1972

Acceded

MAIN OBSTACLES TO GENDER EQUALITY DE JURE AND DE FACTO



Different Personal Status and Family Laws in Lebanon are applied, based on different religions, discriminating against women in custody, marriage, divorce, nationality and inheritance.



Lack of a comprehensive law protecting women from all forms of violence.



Criminalisation of abortion (except to save the mother's life) and of sexual freedom between people of the same sex.



The Kafala system which discriminates against migrant domestic workers.



Patriarchal mindset of judges leading to unequal treatment of women in divorce and custody cases.



Political representation of women in the parliament.



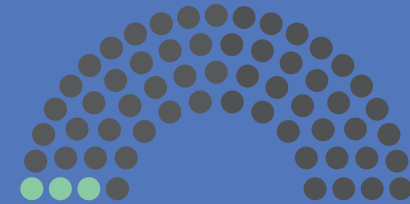
Women's unequal access to the labour market.

Did you know?

RECOMMENDATIONS

- The endorsement of a civil unified personal status law by the Lebanese parliament, applied to all people regardless of their religious beliefs and not depending on religious laws.
- The endorsement of a comprehensive law protecting women from violence by the Lebanese parliament based on the 4 following pillars: Prevention, Protection, Prosecution and Coordinated Policies.
- The creation of a national plan protecting vulnerable members of the community and marginalised populations.
- The abolition of the Kafala System.
- The amendment of the nationality law to give women the right to transfer nationality to their families (husband and children).
- The endorsement of a parity law that ensures equal participation at all levels.
- The decriminalisation of abortion in all circumstances, not only to save the mother's life, and the decriminalisation of sexual freedom between people of the same sex.

4,7%
Proportion of seats held by women in national parliaments



Restricted rights
Inheritance rights for widows and daughters



20,75 %
Female labour force participation



10,40%
Prevalence of gender violence in lifetime (% women)

*Source: Gender global gap report 2022:
<https://www.weforum.org/reports/global-gender-gap-report-2022/>

Legislative framework

International conventions

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

The government of Lebanon voted in favour of and has ratified the Universal Declaration of Human Rights, as well as several international instruments dealing with health and human rights, including the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

Lebanon ratified the specific Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997, but has yet to withdraw its reservations to articles: 9, paragraph 2; 16, paragraph 1 (c), (d), (f), and (g); and 29, paragraph 1. The country is not implementing the convention adequately and many national laws contradict its principles. Women in Lebanon are still facing discrimination related to the country’s Personal Status laws (Articles 1, 2, 15 and 16), violence, trafficking, sexual assault and harassment, and the law continues to discriminate in particular against women married to foreigners.

In 2002 Lebanon joined the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (although controversially the Kafala system¹ is still in use), and the government has amended the law for trafficking under the Penal code to include a section specific to human trafficking. This law was amended in 2011 to fight against the crime of human trafficking, as Lebanon joined the Convention against Organised Crimes in 2005 through the Protocol against the Smuggling of Migrants by Land, Sea and Air.

In terms of international and institutional monitoring, the most recent UPR for Lebanon was submitted before the 79th session of the UN Human Rights Council in 2021.

Constitutional equality

The Lebanese Constitution states that “...Lebanon is a parliamentary democratic republic based on respect ... especially the freedom of opinion and belief, and respect for social justice and equality of rights and duties among all citizens without discrimination”. The constitution includes a specific provision on equality between women and men, and Article 7 further establishes that all Lebanese citizens are equal before the law. They equally enjoy civil and political rights, and assume obligations and public duties without any distinction among them.



Civil and familial rights

Personal Status and Family Laws in Lebanon are based on different religions. The country recognises 18 different religious sects for which there are 15 personal status laws which have no civil code. These laws have one thing in common: **their discrimination towards women and undermining of their rights as specified in the constitution**. This is in regard to marriage, divorce, custody, and inheritance. These religious laws are the main obstacle to equality within the family and facilitators in the perpetration of violence against women.

Concerning the key reforms that have been made to Personal Status and Family Laws over the past 25 years, the following reforms or discriminations in the law are worth mentioning:

◇ Regarding **Custody**:

- The “Sunni” sect amended the age of custody. Women can now retain custody of their children up until 12 years old for girls and boys instead of 9 and 7 years old respectively.
- The “Druz” sect amendment today gives custody of boys below the age of 12 and girls under 14 to mothers.

◇ Regarding **marriage**:

- **Legal marriage age**: There is no unified legal marriage age, it differs between religious sects. In fact, it varies between 9 and 18 for girls, and 15 and 18 for boys, thus making the marriage

of minors widely acceptable across sects . However, in terms of reforms, the “Sunni” sect has since raised it to 17 for girls and 18 for boys, but a parental/guardian permission can be given at 15 to either party.

- **Consent for marriage**: It is crucial to emphasise that in all Islamic sects, women need consent from a male guardian to marry, even after reaching the age of majority which is 18 years old in Lebanon.
- **Rights within marriage**: When married, women are legally subjugated by men which is called Ta’a and requires a woman to obey their husband in all ways; if she does not, she is deprived of her rights and considered a “Nashez” (meaning a recalcitrant woman). To call a woman a “Nashez” is an insulting, offensive term used to describe a wife who does not comply to the obligatory obedience she supposedly owes her husband.
- ◇ **Regarding divorce**: Women face huge challenges in obtaining a divorce: at financial level, because of the cost of proceedings; at the civic level, to prove the fulfilment of the conditions for divorce. For example, in the Shi’a religion, which makes up about a third of the Lebanese population, meeting the conditions for divorce for women is unattainable as the right to divorce is reserved exclusively for men.
- ◇ **Regarding inheritance**: Inheritance is a main discriminatory factor between men and women, particularly amongst Islamic religious groups². Islamic law states that the woman is given one share while the man is given two shares in inheritance.

- ◇ Regarding **nationality laws**: The Lebanese Civil Nationality Law discriminates against female citizens by denying the right to pass their nationality to their children if their spouse is not Lebanese (a right which men have).

Political rights

Lebanon is a parliamentary democratic Republic and the **equal right for women and men to vote is guaranteed** under article 3 of a new law passed in 2018: “Any Lebanese man or woman, who has reached the [required] age specified in the Constitution, whether resident or non-resident in Lebanese territory, and enjoying his civil and political rights being not involved in one of the cases provided for in this law, has the right to vote”.

Women have had the right to vote and to run for parliamentary election since 1953, and the first woman to run for election was Emily Fares Ibrahim.

There are no laws on parity and gender quotas in Lebanon. Organisations in Lebanon have been advocating for the quota law for over a decade, but this has not yet resulted in tangible changes.

Sexual and reproductive rights

In Lebanon, **abortion is illegal**. The Lebanese Penal code (1943) prohibits abortion under all circumstances and bans the selling of substances used to induce abortion (arts. 539–546). Under article 541, a woman who has an abortion is subject to imprisonment from

six months to three years, and the person performing the abortion is subject to imprisonment from one to three years (Any woman who, by whatever means, whether utilized by herself or a third person with her consent, aborts herself, shall be punished by imprisonment from six months to three years”).

Nonetheless, article 545 stipulates that a woman who has an abortion to “save her honour” would benefit from mitigating circumstances lessening the severity or culpability of the considered criminal act. In October 1969, residential Decree No. 13187 was issued, reaffirming the prohibition of abortion with the exception of therapeutic abortion (needed to save the pregnant woman’s life). Therapeutic abortions are currently allowed based on the conditions specified in article 32 of Medical Ethics Law No. 288 of February 22, 1994.

On another note, **relations before marriage between two adults of a different sex are legal in Lebanon**. They are, however, prohibited when the two adults are of the same sex. This law is enforced by the Lebanese penal code, more specifically article 534, stipulating that: « any sexual intercourse contrary to nature leads to a sentence of prison ... »

Sexual relations between adults and minors are illegal, with the exception of relations within marriage.

Laws on gender-based violence/violence against women

Several laws have been approved to increase the **protection of women and family members in regard to violence in private and public settings**. In 2014, Law number 293 on the Protection of Women and Other Family Members from Family Violence was endorsed. This law was amended in 2020 with law number 204 filling previous legal gaps.

At the same time, law number 205/2020 concerning the **criminalisation of sexual harassment** which compensated for the deficiency of the penal code in handling sexual violence. A reservation is that this law is not gender sensitive. Like law number 293, which every member of the family is entitled to benefit from, law number 205 tackles harassment without specifying that the victims are often women. In addition, this is one of the first laws in the region to include cyber harassment.

On another level, in 2011 the National Commission for Lebanese Women started to work on the launch of the National Strategy for Women in Lebanon (2011-2021) and the National Action Plan (2013-2016) in order to monitor its implementation a (which has not been done effectively). A subsequent National Action Plan for the years 2017-2019 was drafted and validated, and a 10-year National Strategy for Women has since been elaborated with a vision from 2019 to 2029 on fighting violence against women in all forms.

Economic and social rights

The primary instrument that governs employment in the private and mixed sectors in Lebanon is the Labour Law of 1946. In principle, the Labour Law prohibits any discrimination that prejudices equal opportunity employment and equal access to jobs. However, Art. 52 of the Labour Law controversially **prohibits women and minors from working in certain jobs** such as the production of alcohol, working with animal carcasses, and work related to melting, refining and firing mineral products. Art. 52 of the Labour Law does protect pregnant workers, making it illegal for them to be fired. However, there are no provisions on nursing breaks or accommodations for breastfeeding mothers. In practice, some employers do give such breaks and/or provide private rooms for nursing mothers.

Lebanon's healthcare system is largely dependent on private institutions. In matters relating to the **right to health**, the Lebanese laws grants it without gender-based discrimination (for the most part). Noticeably, after the economic collapse, access to women's healthcare services has become more restricted with the absence of a healthcare policy or official regulations unifying the prices for medication and necessary procedures.

With regard to **maternity leave**, Articles 28 and 29 of the Lebanese Labour Law were amended on April 15th, 2014, extending maternity leave to ten weeks. This modification has been made in accordance with Article 26, paragraph (1) of the Social Security Law.

In addition, based on the provisions of the social security law, a woman cannot include her husband in her National Social Security

Funds (NSSF) profile unless: 1) the husband is over 60 years old; 2) or is unable to work due to a physical or mental disability. On the contrary, every working man is entitled to guarantee his wife if she is unemployed.

The NSSF law is also lacking in regard to the deprivation of wives – in polygamous marriages- from benefiting from their husband's social security. Based on the provisions of the social security law, sickness compensation is only provided to the first wife.

Lastly, migrant domestic workers are subject to human rights abuses due to the Kafala system, wherein most workers are women who are under control of their sponsors and thereby excluded from national labour laws. This is therefore considered a modern slavery system.

Vulnerable and/or marginalised populations.

Many existing laws do not make special provisions for the most vulnerable categories of women. On the contrary, they can sometimes be tougher on marginalised populations. For instance, the Lebanese Code of Labour excludes domestic and agricultural workers from its protection., In May 2000, the Lebanese Parliament approved new legislation, Law No. 220, which secures disability rights. The rights of the disabled were however not further implemented. ,

The situation of migrant domestic workers is especially critical.

An estimated 250,000 migrant domestic workers, the majority of them women from African and South-East Asian countries, work in Lebanon. They are excluded from Lebanon's Labour Law protections, including requirements for a minimum wage, limits on working hours, a weekly rest day, overtime pay, and freedom of association.

Their status in the country is regulated by the **Kafala system**³ – a restrictive immigration regime of laws, regulations, and customary practices – that ties migrant workers' legal residency to their employer. Workers cannot leave or change employers without their employers' consent, placing them at risk of exploitation and abuse. Those who leave their employers without "permission" risk losing their legal residency in the country and face detention and deportation.

Concerning the LGBTQI+ population, they are not protected by the Lebanese law as sexual relations between people of the same sex are interpreted as those "contrary to nature". This renders sexual relations between same-sex individuals illegal in most cases.

De facto discrimination

Civil and familial rights

In civil and familial rights, **existing discriminatory personal status laws are implemented**, and sanctions are accordingly applied in religious courts, which are highly influenced by a patriarchal system. In most cases, religious courts' judges rule in favour of the man instead of considering a woman and her children's interests.

Many examples of this can be cited, some of which happened in cases in which the feminist organisation KAFA provided legal support. For instance, sometimes, even though the mother has the right to legal custody of her children, in cases where the father also expresses a desire to have custody, judges might try to pressure her

to give custody over in exchange for a divorce. The woman's financial situation can serve as an excuse to convince her and validate the patriarchal judge's point of view. Other judges also set the alimony or financial support that one is obliged to pay their spouse after a divorce so low that the mother is indirectly forced to drop her claim to custody because she cannot afford the needs of the child(ren).

Judges also use divorce as a "reward" when asking a woman to give up her bride-dowry (which she legally has the right to take back when divorce is caused by the husband's actions). Facilitating the evasion of alimony or dowry payment, decision-makers often put all responsibility on women, depriving the wife of having the whole amount or any percentage of her bride-dowry repaid.

Recently, the Islamic courts of the Jaafari and Sunnye, made it possible for newlyweds to make a prenuptial agreement with the aim of protecting women from the aforementioned discriminating circumstances such as her right to a divorce and the prohibition of polygamy. Nevertheless, these measures have not been widely announced nor implemented as they do not incorporate this template in the writing of such contracts. This indicates that positive legal changes with regard to gender discrimination need to be ratified in practice as well.

Concerning Lebanese Nationality Laws, the present gender discrimination perpetuates statelessness. Consecutive Lebanese governments have refused to amend the provisions of the aforementioned laws citing the threat of naturalisation and resettlement of Palestinian and Syrian refugees as the main reason.

Political rights

Despite the existing legal framework against discrimination and the ratification of several international conventions on the topic, **representation in politics remains an issue**. Although the Lebanese government created the Ministry of Women's Affairs in 2016, the first minister appointed was a man and the ministry now no longer exists. There is a gender equality gap in politics since Lebanon has never had a woman as head of state and 95%⁴ of parliament are men. Consequently, organisations keep asking for the establishment of a quota for women in the parliament.

Sexual and reproductive rights

Because abortion is illegal in Lebanon, if a woman terminates her pregnancy (except for the purpose of saving her own life), she faces prison life. In practice, a number of doctors still do the procedure illegally when asked.

On another hand, **sexual rights in Lebanon are still restricted**. Aside from homosexuality being illegal in the country, sexuality as a concept is considered taboo in the Lebanese community which is why it is at the same time the result and the cause of sexual education still not being included in the school curriculum for children and young adults. Today, in a turn of events, some judges have started ruling against the criminalisation of homosexuality arguing that the legal text stipulates "any sexual intercourse contrary to nature" which doesn't necessarily include same-sex intercourse. However, none of those judgments have been issued by the supreme court, the

highest court whose decisions can form a doctrine to follow, and no formal amendment has been made. That being the case, people caught practicing homosexuality are still incriminated.

Laws on gender-based violence/violence against women

Most protection from gender-based violence is offered by NGOs and not by the state. NGOs collect data related to gender-based violence, allowing monitoring at a national level in the place of the government. Furthermore, programs for perpetrators of gender-based violence can only be found in humanitarian organisations such as the CHOICE program in KAFA for the rehabilitation of perpetrators.

NGOs have taken the mission of raising awareness on the subject into their own hands with, for instance, training sessions on family violence, investigation mechanisms with victims and hotlines like 1745. Awareness sessions are also organised to shed light on cyber-violence, cyber-crimes and sexual extortion.

Economic and social rights

Although Lebanon is a signatory of the ESCR and accorded in its national laws, in practice, there is a **lack of implementation of economic and social policies for women**. Based on the World Bank data portal on Lebanon, the labor force participation rate among women was 20.8% while it was 64.3% among men for 2021. Adult literacy in Lebanon is lower among women (93%) than among

men (96%) based on data gathered in 2018. Both phenomena are related to two main issues: 1) a societal misconception that women are meant to take care of the family and therefore do not need education or a paid working position, or the prejudice that women are not able to manage a career while taking care of/having a family; 2) the socio-economic circumstances that foster a legal and social framework whereby women are completely dependent on men.

Adding to this, although maternal mortality in Lebanon is lower than the regional average, women are still facing difficulties accessing reproductive health services, especially during the economic crisis from 2019 onwards. With the absence of coverage from the NSSF, a lot of women find themselves unable to access health services and medication. Continuing on social security law, the extension of maternity leave discourages employers from hiring women as the employer is responsible for providing full payment during leave instead of the social security fund form.

Vulnerable and/or marginalised populations

Following from the above sections, vulnerable populations include Lebanese women, migrant women and people with sexual orientations other than heterosexual.

As a result of lack of protection and/or discriminatory laws and social practices, there is a **prevalence of human trafficking**. This is caused by the absence of any plan or equipped places to support marginalised populations, thus worsening their situation.

Recommendations

To the Lebanese State

- The endorsement of a civil unified personal status law by the Lebanese parliament, applied to all people regardless of their religious beliefs and not depending on religious laws.
- The endorsement of a comprehensive law protecting women from all forms of violence by the Lebanese parliament based on the 4 following pillars: Prevention, Protection, Prosecution and Coordinated Policies.
- Decriminalisation of abortion in all circumstances, not only to save the mother's life, and the decriminalisation of sexual freedom between people of the same sex.
- The creation of a national plan protecting vulnerable members of the community and marginalised populations.
- The abolition of the Kafala System.
- The amendment of the nationality law to give women the right to provide nationality to their families (husband and children).
- The endorsement of a parity law that ensures equal participation at all levels.

To the EU, the UN or other international institutions

- Support projects aiming to lift all reservations on article 16 in CEDAW.
- Support the endorsement of a unified personal status law.
- Support every project advocating for the endorsement of all laws protecting women, such as a comprehensive law protecting women from violence.
- Enforce and/or develop accountability measures against perpetrators, while ensuring transparency in investigations and judicial procedures as per the rule of law.



Endnotes

- 1 The Kafala system is set of restrictive immigration regime laws, regulations, and customary practices – that ties migrant workers’ legal residency to their employer.
- 2 For the most part, Christian sects tend to adhere to or rely more closely upon Lebanese Civil Law.
- 3 See [Lebanon: Abolish Kafala \(Sponsorship\) System | Human Rights Watch \(hrw.org\)](#)
- 4 See World Economic Forum 2022, Global Gender Gap report: <https://www.weforum.org/reports/global-gender-gap-report-2022/>