



Convention on the Elimination of All Forms of Discrimination against Women

22 July 2005

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Committee on the Elimination of Discrimination against Women

Thirty-third session

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Concluding comments: Lebanon

1. The Committee considered the initial and second periodic report (see CEDAW/C/LBN/1 and CEDAW/C/LBN/2) of Lebanon at its 691st and 692nd meetings, on 12 July 2005 (see CEDAW/C/SR.691 and 692).

Introduction by the State party

2. In introducing the report, the representative stressed the significance of the ratification of the Convention for Lebanon, which, despite reservations entered upon ratification, underlined the Government's commitment to and important achievements in the pursuit of gender equality.

3. Even before ratifying the Convention in 1996, Lebanon had achieved several important milestones towards gender equality, including the granting of political rights to women in 1953, the right of married women to choose their citizenship in 1960, the right of women to be elected to local councils in 1963, the abolishment of the requirement of a husband's permission for travel in 1974, the abolishment of the prohibition on the use of contraceptives in 1983 and the establishment of equal retirement ages and social security benefits for men and women in 1984.

4. The Constitution provided for the equality of all persons before the law. Women participated in electoral processes, and their representation in administrative and legal fields had increased. Lebanese women today enjoyed legal rights on an equal footing with men — they had the same legal capacity to conclude contracts and own property, and in legal proceedings in courts. Women had the same rights to legal services as men. Women also had the same rights as men to acquire, keep or change their citizenship, and marriage to a foreign national did not automatically deprive a woman of her Lebanese citizenship.

5. The representative noted that the labour law did not distinguish between women and men in employment, and that the principle of equal pay for equal work prevailed. Women participated in the political process on an equal footing with men. Education was guaranteed to all without discrimination and there were no barriers to

co-education. The number of women in all educational fields was increasing, and women had entered fields traditionally dominated by men. There had been tangible improvements in women's health indicators, and women made up the majority of health workers.

6. The representative drew attention to the general framework for the protection of human rights in the country and relevant provisions in the preamble of the Constitution. In addition to human rights instruments adopted by the United Nations, including those of particular relevance to women, Lebanon was also party to conventions adopted by UNESCO and the International Labour Organization, all of which enhanced the recognition of women's rights. In 2002, Lebanon acceded to an agreement within the framework of the League of Arab States on the establishment of the Arab Women's Organization, of which it was an active member.

7. The representative stated that Lebanon was unable to withdraw its reservations to article 9, paragraph 2; article 16, paragraph 1 (c), (d), (f) and (g); and article 29, paragraph 1. According to the representative, no uniform personal status law applied to all Lebanese. Instead, each Lebanese citizen was subject to the personal status laws and courts of one of the 18 recognized religious communities regulating matters such as marriage, parenthood and inheritance. Religious pluralism had played a major role not only in the constitution of the Lebanese people but also in the establishment of the Lebanese State and, alongside other economic and political factors, continued to play an extremely important role.

8. While the State party had to address many priorities, women's issues were among the most salient. The efforts of the State and civil society were coordinated in many ways and led to action on issues such as violence against women, resulting in the provision of assistance to victims, legislative initiatives and the punishment of perpetrators. Those efforts had also resulted in increased awareness of gender issues in society. Civil society organizations operated freely in the country.

9. Recent parliamentary elections had resulted in an increase in the number of women in Parliament from three in 2000 to six, even though no quota system was in place. It was anticipated that Parliament would continue to amend legislation, such as the Penal Code, in conformity with the Convention.

10. In conclusion, the representative stressed that wars had obstructed the struggle for women's equality in Lebanon and noted that peace was essential for giving such rights and issues the attention they deserved.

Concluding comments of the Committee

Introduction

11. The Committee commends the State party for ratifying the Convention and expresses its appreciation to the State party for its initial and second periodic reports, while regretting that they did not adhere to the Committee's guidelines for the preparation of reports and that they were overdue. The Committee expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

12. The Committee welcomes the State party's delegation and appreciates the constructive dialogue held between the delegation and members of the Committee.

13. The Committee notes that Lebanon entered reservations on articles 9 (2), 16 (1) (c), (d), (f), (g), and 29 (1) of the Convention.

Positive aspects

14. The Committee appreciates the progress achieved in the area of women's education, particularly in institutions of higher education where, in 2002/03, women constituted 53.9 per cent of the total number of students.

15. The Committee notes with satisfaction the growth in women's representation in the judiciary, where they now constitute 5 of the 37 judges at the Court of Cassation and 71 of the 112 apprentice judges. It also welcomes the fact that in November 2004, for the first time ever, a woman judge was appointed as public prosecutor to the Court of Cassation, thus having the opportunity to enter the High Council of the Judiciary.

16. The Committee welcomes the fact that women's participation in the labour market has increased to 25 per cent and that there have been improvements in women's participation in both the private and public sectors of the economy.

Principal areas of concern and recommendations

17. The Committee expresses concern that the State party continues to have reservations to article 9, paragraph 2, and article 16, paragraph 1 (c), (d), (f) and (g) of the Convention. The Committee considers that the reservations to articles 9 and 16 are contrary to the object and purpose of the Convention.

18. The Committee urges the State party to expedite the necessary steps to limit and ultimately withdraw its reservations to the Convention.

19. The Committee is concerned that the State party's legislation does not contain provisions guaranteeing equality on the basis of sex as required under article 2 (a) of the Convention.

20. The Committee urges the State party to include provisions guaranteeing equality on the basis of sex, in line with article 2 (a) of the Convention, in the Constitution or in other appropriate legislation. In this regard, the Committee recommends that consideration be given to including the Convention on the Elimination of All Forms of Discrimination against Women among the international human rights instruments mentioned in the preamble to the Constitution.

21. The Committee is concerned that the State party's efforts to reform discriminatory legislation so as to bring it into compliance with the Convention have been proceeding on an ad hoc basis. The Committee expresses concern about the State party's limited understanding of its obligations under the Convention, and in particular the State party's focus on formal equality and lack of progress in achieving de facto equality in many sectors, including the absence of time-bound targets.

22. The Committee recommends that the State party put in place a strategy, including time-bound targets, for a systematic review and revision of all

legislation so as to achieve full compliance with the provisions of the Convention. The Committee recommends that the State party take all appropriate measures to ensure that women enjoy de facto equality with men, according to the Convention. It requests the State party to systematically monitor the impact of its legislation, policies and programmes and to provide in its next periodic report information on the impact of these measures and concrete progress achieved.

23. The Committee is concerned that no unified personal status law exists in the country and that each Lebanese citizen is subject to the laws and courts pertaining to his or her religious community in regard to the regulation of personal status. The Committee notes that insufficient information has been provided in the reports and oral presentation on the religious communities existing in the country, including information on the various personal status codes governing these communities, in particular their scope and impact on women's equality.

24. The Committee urges the State party to adopt a unified personal status code which is in line with the Convention and would be applicable to all women in Lebanon, irrespective of their religious affiliation. The Committee recommends that the State party include, in its next periodic report, detailed information on the various religious communities existing in the country, including on the various personal status codes affecting women.

25. While welcoming the efforts of the National Commission for Lebanese Women, the Committee is concerned that the national machinery for the advancement of women does not have sufficient power or financial and human resources to effectively promote gender equality, the advancement of women and implementation of the Convention.

26. The Committee recommends that the State party strengthen the existing national machinery by providing it with adequate power and human and financial resources at all levels so as to make it more effective in the fulfilment of its mandate. It also recommends that a gender perspective be mainstreamed in all policies and programmes in all sectors, including through training and capacity-building measures on gender issues and the creation of gender focal points.

27. The Committee notes with concern that violence against women and girls persists, including domestic violence, rape and crimes committed in the name of honour. The Committee is especially concerned about article 562 of the Lebanese penal code, which allows mitigation of the penalty for crimes committed in the name of honour, and the apparent lack of sensitization efforts in the State party to reject a concept of honour that perpetuates and condones the killing of women.

28. The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address violence against women and girls, taking into account its general recommendation 19 on violence against women. The Committee calls on the State party to amend article 562 of the Lebanese penal code, which allows mitigation of the penalty for crimes committed in the name of honour, and to adopt specific legislation on violence against women, including domestic violence, within a clear time frame so as to ensure that women and girls who are victims of violence have access to protection and effective redress, and that perpetrators of such acts are

effectively prosecuted and punished. The Committee also recommends gender-sensitive training on violence against women for public officials, particularly law enforcement personnel, the judiciary, and health service providers, so as to ensure that they are sensitized to all forms of violence against women and can adequately respond to it. The Committee also calls on the State party to take measures towards modifying social, cultural and traditional attitudes, including the concept of honour, that remain permissive of violence against women.

29. The Committee is strongly concerned about the pervasiveness of patriarchal attitudes and deep-rooted traditional and cultural stereotypes regarding the roles and responsibilities of women and men in the family, in the workplace and in society, thus constituting serious obstacles to women's enjoyment of their human rights and impeding the full implementation of the Convention.

30. The Committee urges the State party to increase its efforts to design and implement comprehensive awareness-raising programmes to foster a better understanding of and support for equality between women and men at all levels of society. Such efforts should aim at modifying stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family, the workplace and in society, as required under articles 2 (f) and 5 (a) of the Convention and to strengthen societal support for equality between women and men.

31. While welcoming that the percentage of women deputies in the National Assembly has doubled from 2.3 per cent in 1992 to 4.3 per cent in 2005, the Committee remains concerned about the very low level of representation of women in decision-making positions, particularly in elected and appointed bodies at all levels, and their representation in the administration and foreign service.

32. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation 25, to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life.

33. The Committee notes with concern that, despite law reform in the field of employment, women remain disadvantaged in the labour market which is characterized by strong occupational segregation, and the persistence of a gender wage gap.

34. The Committee requests the State party to step up its efforts to eliminate occupational segregation and to ensure equal opportunities for women and men in the labour market. It also recommends that the State party establish a monitoring mechanism to ensure the enforcement of legislation requiring employers to provide equal pay for work of equal value. The Committee requests that effective measures be taken to support the reconciliation of family and professional responsibilities and to promote the sharing of domestic and family responsibilities between women and men.

35. While welcoming the incorporation of reproductive health services into the primary health-care system, the Committee remains concerned that not all women have access to such services, especially in the rural areas. It is also concerned about women's deaths resulting from clandestine abortions.

36. The Committee urges the Government to strengthen especially in the rural areas, the implementation of programmes and policies, aimed at providing effective access for women to health -care information and services, in particular regarding reproductive health and affordable contraceptive methods also with the aim of preventing clandestine abortions. The Committee further urges the State party to decriminalize abortion where there are mitigating circumstances. The Committee recommends the implementation of measures to protect women from the negative effects on their health of unsafe abortions, in line with the Committee's general recommendation 24 on women and health and the Beijing Declaration and Platform for Action.

37. The Committee notes with concern the high incidence of HIV/AIDS among women, who make up 18.2 per cent of those infected, and that no special programmes have been designed to protect women from HIV/AIDS.

38. The Committee urges the State party to design and implement comprehensive gender -sensitive programmes and allocate sufficient funds to combat HIV/AIDS, to step up preventive measures, including awareness raising, and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance and treatment.

39. The Committee observes a lack of up -to-date sex -disaggregated data in the reports including in the areas of women migrant workers and violence against women.

40. The Committee recommends the State party to put in place comprehensive data collection that covers all areas of the Convention including the situation of women migrant workers and violence against women, so as to be able to assess trends and the impact of programmes on women, and to include such data and related analysis in its next periodic report.

41. While noting the reduction in the general illiteracy rate of women, the Committee is concerned that the illiteracy rate remains high among rural women. The Committee is also concerned about the insufficient legislative protection of the status of rural women.

42. The Committee encourages the State party to further implement programmes specifically designed to reduce illiteracy rates among rural women and to introduce new laws relating to this group of women so as to ensure the full implementation of article 14 of the Convention.

43. While welcoming the presence of a vibrant civil society, the Committee is concerned about the lack of cooperation of the authorities with non -governmental organizations in the implementation of the Convention. The Committee expresses concern about the apparent lack of understanding on the part of the State party about the obligations of the State and the role of non -governmental organizations in regard to the implementation of the Convention and the promotion of gender equality.

44. The Committee urges the State party to cooperate more effectively with non-governmental organizations in the implementation of the Convention, while assuming full responsibility for fulfilling its obligations under the Convention. The Committee further recommends that the State party consult with non -governmental organizations during the preparation of its next periodic report.

45. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

46. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

47. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

48. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Lebanon to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

49. The Committee requests the wide dissemination in Lebanon of the present concluding comments in order to make the people of Lebanon, including government officials, politicians, parliamentarians and women's and human rights government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

50. The Committee requests that the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention, which is due in May 2006.

Notes

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.