



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
8 April 2008
English
Original: French

Committee on the Elimination of Discrimination against Women

Fortieth session

14 January-1 February 2008

Concluding comments of the Committee on the Elimination of Discrimination against Women

Lebanon

1. The Committee considered the third periodic report of Lebanon (CEDAW/C/LBN/3) at its 819th and 820th meetings, on 22 January 2007 (see CEDAW/C/SR.819 and 820). The Committee's list of issues and questions is contained in CEDAW/C/LBN/Q/3, and Lebanon's responses are contained in CEDAW/C/LBN/Q/3/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its third periodic report which gives a clear and candid picture of the overall situation of women and the challenges towards realizing equality between women and men. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications in response to the questions posed by the Committee.

3. The Committee also expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee that provided further insights into the current situation of women in the country.

4. The Committee commends the State party on its delegation, headed by a member of the Executive Board of the National Commission for Lebanese Women. It regrets that the delegation was composed mainly of members of the National Commission for Lebanese Women and did not include representatives of a number of different relevant ministries and offices.

5. The Committee commends the State party for reporting in a timely manner under the Convention and notes that its third periodic report was submitted only a year after the issuance of the Committee's previous concluding comments in July 2005.

Positive aspects

6. The Committee commends the State party on establishing, through the decree of the Prime Minister in April 2007, a Steering Committee led by the Ministry of Labor to reform the 1946 Labor Law.

7. The Committee commends the State party's post conflict efforts to mainstream the role of women in peace building, decision-making, development and rehabilitation process in ten villages which were heavily affected by the conflict in Lebanon in July and August 2006. It also welcomes the implementation of a project entitled "WEPASS" aimed at empowering women in the conflict-affected regions with a view to capacity building in the main areas of concern covered by Security Council resolution 1325 (2000).

8. The Committee welcomes the signature by the State party of the Convention on the Rights of Persons with Disabilities and its Optional Protocol on 14 June 2007.

Principal areas of concern and recommendations

9. While recalling the State party's obligation systematically and continuously to implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries, to Parliament and to the judiciary so as to ensure their full implementation.

10. While acknowledging the difficulties confronting the State party owing to the consequences of the 2006 conflict, the current difficult political situation and the short period of time between the issuance by the Committee of its previous concluding comments adopted in 2005 (A/60/38, paras. 77-126) and the submission of the State party's third period report, the Committee notes that there has been no progress at all toward implementation of those comments in respect of some concerns raised in the Committee's previous concluding comments. In particular, the Committee considers that its recommendations in paragraphs 95 (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), 98 (to undertake a systematic review and revision of all existing legislation to bring it fully into compliance with the Convention), 106 (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), 108 (to take sustained measures to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life) and 110 (to eliminate occupational segregation, ensure equal opportunities for women and men in the labour market and establish a monitoring mechanism to ensure enforcement of legislation requiring employers to provide equal pay for work of equal value) have been insufficiently addressed.

11. The Committee reiterates these concerns and recommendations and urges the State party to proceed without delay with the latter's implementation.

12. While welcoming the ongoing efforts to address the need of women in the post-conflict period, the Committee is concerned that the promotion of women's human rights and gender equality has not been considered as a priority, in particular in efforts to address the consequences of the conflict and in the peacebuilding and reconstruction processes. It is also concerned about the small number of women in leadership positions in areas connected with the transition process.

13. The Committee urges the State party to ensure that the promotion and protection of women's human rights and gender equality is a central goal of all aspects of the transition process and to raise the legislature's awareness of that important goal. It further urges the State party to devote serious attention to the specific needs of women in the post-conflict period and ensure women's equal participation in decision-making, in conformity with Security Council resolution 1325 (2000) on women, peace and security. The Committee recommends that the State party put in place an action plan for the full implementation of Security Council resolution 1325 (2000), taking into account paragraph 1 of article 4, and articles 7 and 8 of the Convention.

14. While noting that international instruments take precedence over national law and may be invoked before the courts, the Committee is concerned that the provisions of the Convention, including the general recommendations of the Committee, are not widely known in the country and do not seem, so far, to have been utilized in changing discriminatory laws and practices nor in litigation related to discrimination against women.

15. The Committee calls upon the State party to develop and implement awareness-raising programmes and training on the provisions of the Convention, in particular with regard to the meaning and scope of direct and indirect discrimination and about formal and substantive equality, for parliamentarians, government officials, judges, lawyers and prosecutors, so as to establish firmly a domestic legal culture supportive of women's equality and non-discrimination. It also invites the State party to enhance women's awareness of their rights through sustained legal literacy programmes and legal assistance. The Committee further calls upon the State party to widely disseminate the Convention and its general recommendations among all stakeholders, including government ministries, parliamentarians, the judiciary, political parties, the civil society, including non-governmental organizations, the private sector and the general public.

16. While welcoming the intention of the Lebanese Parliamentary Committee to adopt a National Plan of Action for Human Rights which is intended to reform Lebanese laws and policies in accordance with human rights standards to bring the national legislation into compliance with the Convention, the Committee is concerned about the lack of progress towards the elaboration of such a national plan due to the political situation as orally indicated.

17. The Committee urges the Parliamentary Committee to proceed with the elaboration, adoption and implementation of the National Plan of Action for Human Rights without delay and within a clear time frame.

18. The Committee regrets that no steps have been taken towards the adoption of a unified personal status code as recommended by the Committee in its previous concluding comments (CEDAW/C/LBN/CO/2, para. 24). The Committee notes that although some information was provided in the report and oral presentation on the religious communities existing in the country, information on the various personal status codes governing these communities, in particular their scope and impact on women's equality, was insufficient.

19. The Committee reiterates its recommendation that the State party urgently 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 religion. The Committee also reiterates its recommendation that the State party include, in its next periodic report, detailed information on the various personal status codes affecting women, and the impact of these codes on implementation of the Convention.

20. While commending the National Commission for Lebanese Women for its efforts, the Committee notes with concern that the Commission is a semi-governmental body with weak institutional capacity. It notes that it is severely under-resourced and understaffed and does not have the authority or capacity to effectively promote implementation of the Convention, and support gender mainstreaming across all sectors and levels of Government to bring about equality for women and men in all fields. The Committee also notes with concern a lack of awareness on the part of the State party about the importance of a strong and well-resourced national machinery for the practical realization of equality between women and men at all levels and a lack of political will to develop the necessary institutional capacity of such a national machinery in accordance with its obligations under the Convention.

21. The Committee calls on the State party to give urgent priority to the strengthening of the national machinery for the advancement of women, and provide it with the authority, decision-making power and human and financial resources that are necessary to work effectively for the promotion of equality of women and the enjoyment of their human rights. The Committee recommends that the State party institute or revitalize a system of focal points with sufficient expertise in gender equality issues in all sectoral ministries to strengthen the implementation of the gender mainstreaming strategy to ensure the realization of equality of women with men in all policies and programmes. It also recommends that the State party institute a system of collaboration and networking between the national machinery and the focal points.

22. The Committee notes with concern the absence of any temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the State party's apparent lack of understanding of the concept and purpose of such measures.

23. The Committee recommends that the State party use temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, as part of a necessary strategy to accelerate the achievement of de facto equality between women and men. It calls upon the State party to consider using a range of possible measures, such as quotas, benchmarks, targets and incentives, in particular with regard to accelerated implementation of articles 7, 8, 10, 11, 12 and 14 of the Convention.

24. The Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Lebanon, which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life. The Committee is concerned about persistent stereotypes reflected in school textbooks and curricula.

25. The Committee requests that the State party enhance the training of teaching staff on gender equality issues and revise educational textbooks and curricula to eliminate gender-role stereotypes. The Committee urges the State party to disseminate information on the Convention through all levels of the educational system, including through human rights education and gender-sensitivity training, so as to change existing stereotypical views and attitudes about women's and men's roles. The Committee calls upon the State party to further encourage diversification of the educational choices of boys and girls. It also urges the State party to encourage a public dialogue on the educational choices girls and women make and their subsequent opportunities and chances in the labour market. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.

26. The Committee remains concerned about the persistence of violence against women and girls, including domestic violence, rape and crimes committed in the name of honour and about the lack of a comprehensive approach to address violence against women. It also reiterates its concern about article 562 of the Lebanese Penal Code, which allows mitigation of the penalty for crimes committed in the name of honour and which continues to be in force. It is further concerned about other discriminatory provisions in the Lebanese Penal Code, in particular article 503 which tolerates marital rape, article 522 which allows for charges to be dropped in cases of rape.

27. In accordance with its general recommendation No. 19 recognizing that violence against women is a form of discrimination against women and thus constitutes a violation of their human rights under the Convention, the Committee urges the State party to place high priority on establishing and implementing comprehensive measures to address all forms of violence against women and girls. The Committee calls upon the State party to enact, without delay, legislation on violence against women, including domestic violence, so as to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee calls upon the State party to amend, without delay, applicable provisions in the Penal Code to ensure that perpetrators of honour crimes are not exonerated, that marital rape is criminalized and that marriage to the victim does not exempt a sexual offender from punishment. The Committee recommends that the State party also introduce and implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health service providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women are unacceptable. The Committee requests the State party to

provide detailed information in its next report on the laws and policies in place to deal with violence against women and the impact of such measures.

28. While noting the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee is concerned that trafficking in women and girls is growing in Lebanon and that the State party has neither enacted legislation on trafficking nor established a comprehensive plan to prevent and eliminate trafficking in women and to protect victims. It is further concerned that women and girls who have been trafficked for the purpose of sexual exploitation and forced domestic labour may be prosecuted and penalized under immigration laws and are therefore subject to revictimization. The Committee is also concerned at the lack of systematic data collection on this phenomenon.

29. The Committee urges the State party to intensify its efforts to combat all forms of trafficking in women and girls, including by enacting specific and comprehensive legislation and by putting in place programmes for the repatriation and reintegration of victims of trafficking. The Committee further calls upon the State party to increase its international, regional and bilateral cooperation with countries of origin and transit so as to address more effectively the causes of trafficking, and improve prevention of trafficking through information exchange. The Committee urges the State party to collect and analyse data from the national, regional and international police and other sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls, including protective measures and legal assistance. The Committee urges the State party to ensure that trafficked women and girls are not subject to prosecution of immigration laws and have adequate support to be in a position to provide testimony against their traffickers.

30. The Committee is concerned at the abuse and exploitation of women employed as domestic workers in Lebanon. The Committee expresses concern that article 7 of the Labour Law excludes domestic workers from its scope of application thereby depriving them of a range of critical labour protections and making them vulnerable to all forms of exploitation.

31. The Committee recommends that the State party speedily enact the draft law regulating the employment of domestic workers which is currently being considered by a steering committee established in April 2007 to address the situation of women migrant workers and to supervise its compliance by employment agencies and employers. It also recommends that the State party establish procedures to monitor and safeguard the rights of women domestic workers and adequately prosecute and punish abusive employers. The Committee calls upon the State party to provide domestic workers with viable avenues of redress against abuse by employers. The Committee further urges the State party to undertake efforts to ensure that domestic workers are aware of their rights and legal protections and have access to legal aid. It requests the State party to include information on the steps and measures taken, and on their impact, and data on the prevalence of violence against women domestic workers in its next periodic report.

32. The Committee notes with concern that discrimination against women in the area of taxation as married women are considered as single in matters of taxation and do not receive the same tax allowance as married men or heads of household.

33. The Committee calls upon the State party to take adequate measures to eliminate discrimination against women in the area of taxation.

34. While noting the high quality of health services in Lebanon, the Committee is concerned about the dominance of the private sector and geographical disparity in the delivery of services, preventing access to health care for women and girls from poor and rural areas, as well as disabled women.

35. The Committee recommends that the State party put in place mechanisms to make health care services accessible to all groups of women and to ensure that all health policies and programmes integrate a gender perspective in accordance with article 12 of the Convention and the Committee's general recommendation No. 24 on women and health.

36. The Committee is concerned about the situation of rural women, particularly in view of their precarious living conditions and lack of access to justice, health care, ownership of land, inheritance, education, credit facilities and community services. It is especially concerned about the situation of women agricultural workers who are excluded from the protection of the Labour Code and who consequently do not benefit from social security or other benefits.

37. The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes that affect them and have full access to justice, education, health services and credit facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to ownership and inheritance of land. The Committee calls on the State party to ensure that a gender perspective is included in all poverty reduction plans and strategies. The Committee recommends that the State party collect data on the situation of rural women and include such data and analysis in its next periodic report.

38. Considering the series of wars Lebanon has experienced, the Committee is concerned about the number and situation of women with disabilities, as well as women who care for the disabled family members who often suffer from multiple forms of discrimination.

39. The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of disabled women as well as women who care for the disabled family members and to take appropriate measure to protect their rights.

40. While commending the State party for its efforts to host refugees from neighbouring countries, the Committee is concerned that the State party has not enacted any laws or regulations relating to the status of asylum-seekers and refugees, thereby adversely impacting on women refugees and asylum-seekers. The Committee further notes with concern that refugee women and girls and internally displaced women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing and protection from all forms of violence.

41. **The Committee urges the State party to adopt laws and regulations relating to the status of asylum-seekers and refugees in Lebanon, in line with international standards, in order to ensure protection for asylum-seeking and refugee women and their children. It recommends that the State party consider accession to international instruments to address the situation of refugees and stateless persons, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status. The Committee also urges the State party to implement targeted measures for refugee women and girls and internally displaced women and girls, within specific timetables, to improve access to education, employment, health and housing and to protect them from all forms of violence and to monitor their implementation. The Committee requests the State party to report on the results achieved in improving the situation of these groups of women and girls in its next periodic report.**

42. The Committee is concerned about the State party's reluctance to withdraw its reservation to article 9, paragraph 2. The Committee is particularly concerned about the State party's assertion that it cannot, for political reasons, amend its nationality law to allow Lebanese women to pass their nationality to their children and foreign spouses.

43. **The Committee urges the State party to recognize the negative impact of its nationality law on Lebanese women married to foreigners and on the children of those women and, accordingly, revise its nationality law and remove its reservation to article 9, paragraph 2.**

44. The Committee is concerned about the State party's reluctance to withdraw its reservation to article 16, paragraph 1 (c), (d), (f) and (g) of the Convention. The Committee is further concerned about the persistence of discrimination in areas which are not adjudicated by the confessional courts, such as the marital property regime.

45. **The Committee urges the State party to remove its reservation to article 16, paragraph 1 (c), (d), (f) and (g) of the Convention. It calls upon the State party to ensure equality for women in marriage and its dissolution by giving women equal rights to property accumulated during marriage, in light of article 16 of the Convention and the Committee's general recommendation No. 21 on equality in marriage and family relations.**

46. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

47. **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.**

48. **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 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.

49. The Committee notes that States' adherence to the nine 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, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities.

50. The Committee requests the wide dissemination in Lebanon of the present concluding comments in order to make the people, including 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 of women, as well as the further steps that are required in that regard. In particular, the Committee encourages the State party to convene a public forum involving all State actors as well as the civil society to discuss the presentation of the report and the content of the concluding comments. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and 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".

51. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18. The Committee invites the State party to submit its combined fourth and fifth periodic report before 16 May 2014.

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, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities.