



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
7 July 2006  
English  
Original: Arabic

---

**Committee on the Elimination of  
Discrimination against Women**

**Consideration of reports submitted by States Parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Third periodic report of States Parties**

**Lebanon\***

---

\* The third periodic report of Lebanon was received by the Secretariat on 6 July 2006.

For the initial report submitted by the Government of Lebanon, see CEDAW/C/LBN/1 which was considered by the Committee at its thirty-third session. For the second periodic report submitted by the Government of Lebanon, see CEDAW/C/LBN/2 which was considered by the Committee at its thirty-third session.

## Contents

	<i>Page</i>
Preface .....	9
I. General framework .....	10
Response to the Committee's comments .....	10
a. Reservations of Lebanon to the Convention .....	10
.....	10
.....	10
b. Incorporation of the Convention on the Elimination of all Forms of Discrimination against Women in the preamble to the Constitution. ....	10
c. Reform of discriminatory legislation. ....	11
.....	11
.....	11
d. The Lebanese religious communities and the personal status laws. ....	12
.....	12
.....	12
e. Optional Protocol .....	15
.....	15
.....	15
f. The Beijing Declaration and Platform for Action, and the Millennium Development Goals. ....	15
g. Dissemination of the Concluding comments .....	16
.....	16
.....	16
II. Bodies working in women's affairs .....	16
1. Bodies working in the public sector .....	16
a. Official bodies charged with monitoring aspects of women's issues. ....	16
b. Newly created bodies .....	16
.....	16
.....	16
2. Organizations working in the non-governmental sector. ....	18
III. Indicators .....	18
1. Population .....	18
2. The proportion of women and the fertility rate. ....	18
.....	18
.....	18

3. Marital status . . . . .	19
4. The elderly . . . . .	19
5. Female heads of household . . . . .	19
6. Deaths in childbirth . . . . .	19
7. Comprehensiveness of insurance systems . . . . .	19
8. Health education . . . . .	20
9. Education . . . . .	20
<b>Article 1: Definition of discrimination against women . . . . .</b>	<b>20</b>
<b>Article 2: The principle of non-discrimination and guarantee of its achievement . . . . .</b>	<b>21</b>
I. The legislative position and principle of non-discrimination . . . . .	21
1. Progress achieved in expanding the scope of international conventions in Lebanon . . . . .	21
2. The treatment of certain family issues by bilateral agreements outside the personal status laws . . . . .	22
3. The stability of positive laws . . . . .	22
4. Progress achieved in administrative decrees and measures . . . . .	23
5. The pursuit of real equality in joint programmes . . . . .	23
6. Difficulties and obstacles to achieving full equality . . . . .	23
II. The judicial system and equality of rights . . . . .	24
III. Progress achieved in judicial provisions and practice . . . . .	24
1. Reactivation of the State Prosecutor's case on responsibility arising from the actions of judges . . . . .	24
2. Adoption of a mechanism to reconsider or withdraw a ruling . . . . .	25
IV. Positive models in the Lebanese judiciary and their monitoring by civil society . . . . .	25

Page

<b>Article 3: General policy</b> .....	26
I. Features of the Lebanese political system .....	26
II. At procedural level .....	27
<b>Article 4: Special interim measures</b> .....	29
I. In Government policy .....	29
II. Governmental and administrative measures .....	30
1. Special interim measure relating to gender .....	30
2. Special measure introducing an element of equality in legal authority over children ..	30
3. Special measure on reproductive health .....	30
4. Special measure on public education .....	30
5. Special measures regarding joint programmes between the Lebanese State and other parties .....	30
6. Special measure giving women a specific level of representation in .....sports federations .....	31
<b>Article 5: Stereotype roles</b> .....	31
I. Structural difficulties in changing gender-based discrimination .....	31
II. Prevailing manifestations of inequality .....	32
1. In the family .....	32
2. In the estimate of society .....	32
3. In relations with other societies .....	32
III. Efforts to eliminate discrimination and violence against women .....	33
1. Efforts of governmental bodies .....	33
a. The Ministry of Social Affairs .....	33
b. The Ministry of Labour .....	34
c. The Ministry of the Interior .....	34
d. The Ministry of Public Health .....	35
2. Efforts of non-governmental organizations .....	36
IV. Progress achieved in combating the culture of violence and discrimination against women	39
1. In the media .....	39
2. At the intellectual level and in research .....	39
3. At academic level .....	39
4. At cultural level .....	40

Page

5. Miscellaneous practices .....	40
V. Challenges .....	40
<b>Article 6: Combating the exploitation of women</b> .....	42
I. The legal position .....	42
II. The reality .....	43
III. Services provided to victims of prostitution and human trafficking and efforts undertaken .....	45
IV. Challenges and the problem of prostitution. ....	45
<b>Articles 7 and 8: Women and political participation</b> .....	45
1. Exercise of the right to vote in parliamentary elections. ....	47
2. Standing in elections. ....	47
3. The media and women candidates in elections. ....	48
4. Lebanese public opinion and women's participation in parliament .....	49
5. Participation in election campaigns. ....	49
6. Participation in political parties and movements .....	49
7. Progress in reaching decision-making positions. ....	50
<b>Article 9: Nationality</b> .....	50
I. The legal position .....	50
II. Efforts to change the Nationality Law to include gender equality .....	50
<b>Article 10: Equality in education</b> .....	51
I. The educational system. ....	51
II. Pre-university education .....	52
1. General education indicators .....	52
2. Enrolment rates: overall indicators .....	52
3. Enrolment by level .....	52
a. Kindergarten .....	53
b. Primary education. ....	53
c. Intermediate and secondary education .....	53
4. Enrolment by province .....	53
5. Failure and drop-out .....	54
6. The educational body .....	54
III. University education .....	54
IV. Vocational and technical education .....	55

Page

1. General enrolment . . . . .	55
2. Certificates . . . . .	55
3. Specializations . . . . .	55
V. Addressing illiteracy . . . . .	56
1. The current situation and the reduction of illiteracy . . . . .	56
2. Efforts undertaken . . . . .	56
VI. Information technology . . . . .	56
VII. Challenges . . . . .	57
<b>Article 11: Equality at work</b> . . . . .	57
I. The legislative position . . . . .	57
II. The economic reality . . . . .	59
III. Migrant female workers . . . . .	60
1. The legal position of migrant female domestic workers . . . . .	61
2. The actual situation of migrant female workers . . . . .	62
a. Relations between the female migrant worker and recruitment offices . . . . .	62
b. The relation between the female migrant worker and her employer . . . . .	62
3. Efforts undertaken . . . . .	63
IV. Obstacles and difficulties . . . . .	64
<b>Article 12: Equality in health care</b> . . . . .	64
I. The legislative position and the health system . . . . .	64
1. Laws relating to public health and social security . . . . .	64
2. Features of the health system . . . . .	65
a. The private and public sectors . . . . .	65
b. Access to health services . . . . .	65
II. Efforts undertaken: health programmes . . . . .	65
1. Programmes implemented by the State . . . . .	65
a. The reproductive health programme . . . . .	65
b. The National AIDS Control Programme . . . . .	65
2. Programmes implemented by non-governmental organizations . . . . .	66
III. The health situation of women . . . . .	66
1. Disease . . . . .	67
a. Chronic diseases . . . . .	67
b. Diseases of the reproductive system . . . . .	67

Page

c. Diseases of the elderly . . . . .	67
d. Cancer . . . . .	68
e. HIV/AIDS . . . . .	68
2. Disability . . . . .	68
IV. The medical body . . . . .	69
V. Progress achieved: review of legislation . . . . .	69
VI. Failures and challenges . . . . .	69
1. Social security and labour . . . . .	69
2. The distribution of health services. . . . .	69
3. Health insurance . . . . .	69
4. The elderly. . . . .	70
5. Disability . . . . .	70
6. Young women's reproductive health . . . . .	70
7. Discrimination against sufferers from HIV/AIDS . . . . .	70
<b>Article 13: Economic and social rights and benefits</b> . . . . .	71
I. The law and policy . . . . .	71
II. Certain economic rights . . . . .	71
1. The right to housing . . . . .	71
2. The right to vocational training and empowerment . . . . .	72
3. The right to work. . . . .	73
4. Grants and assistance for specialization overseas . . . . .	73
III. Women's participation in sporting and social activities. . . . .	73
1. The women's sports movement . . . . .	73
2. Miscellaneous activities . . . . .	74
	<i>Page</i>
<b>Article 14: The rural woman</b> . . . . .	74
I. The countryside and the gradual movement to the capital . . . . .	74
II. The legislative position and prevailing practices . . . . .	75
1. The Labour Code and scope of application. . . . .	75
2. The limits to which rural women benefit from social security provisions . . . . .	76
3. The nature of fealty. . . . .	76
4. The nature of participation in local government. . . . .	76

5. The principle of separation of place of livelihood from place of parliamentary representation .....	76
III. Efforts to advance rural women .....	77
1. Programmes implemented by official departments .....	77
a. Intervention programmes supported by the Ministry of Social Affairs .....	77
b. Programmes adopted by the two social development funds associated with the Council for Development and Reconstruction (CDP) .....	77
2. Lending programmes implemented by foreign organizations and Lebanese associations .....	77
3. Contribution of the Lebanese private sector to addressing rural women's poverty and discrimination .....	79
IV. Progress achieved .....	80
1. In health .....	80
2. In eradication of illiteracy and adult education .....	80
3. In the participation of rural women in political and social activity .....	81
4. In affiliation to independent professional unions .....	82
<b>Article 15: Equality before the law</b> .....	82
I. Equality in respect of legal competence .....	82
1. Competence to contract .....	82
2. Competence to resort to law and equality of the right to prosecute and defend .....	82
3. The testimony of women .....	83
4. Legal aid .....	83
5. Compensation .....	83
6. Freedom of movement and choice of place of residence .....	83
II. An example of the endeavours to achieve equality before the law .....	83
	<i>Page</i>
<b>Article 16: The legal status of Lebanese women in the personal status laws</b> .....	84
I. Areas subject to civil laws and regulations .....	84
1. Civil marriage contracted abroad .....	84
2. Implementation of rulings and decrees .....	84
3. Registration of personal status documents .....	85

---

4. Regulations on the separation of assets . . . . .	85
II. Areas subject to the personal status laws of the religious communities and the position of women therein . . . . .	85
1. Marriageable age . . . . .	85
2. Choice of spouse . . . . .	86
3. The witnessing of the marriage contract . . . . .	87
4. Dowry . . . . .	87
5. The marital relationship . . . . .	88
6. The wife's name . . . . .	89
7. Maintenance of spouse and issue . . . . .	90
8. Parental authority . . . . .	91
9. Custody . . . . .	93
10. Polygamy . . . . .	94
11. Divorce . . . . .	94
12. Spouses' assets in the event of divorce . . . . .	95
13. Right of inheritance . . . . .	95
14. Progress achieved . . . . .	97
References . . . . .	99

## **Preface**

This report, the third official report from Lebanon, comes less than a year after Lebanon's submission of its first and second reports (CEDAW/C/LBN/1 and CEDAW/C/LBN/2) considered by the Committee on the Elimination of Discrimination against Women (hereafter referred to as "the Committee") at its 691<sup>st</sup> and 692<sup>nd</sup> sessions in New York on 12 July 2005 (CEDAW/C/SR.691 and CEDAW/C/SR.692).

This is Lebanon's response to the agenda set for periodic reporting, pursuant to article 18 of the Convention on the Elimination of all Forms of Discrimination against Women (hereafter referred to as "the Convention").

Lebanon witnessed momentous events during 2005, which left their mark upon the political, security, economic and social situation. To a large extent, the work of institutions, including constitutional institutions, was stalled. Nevertheless, some progress was recorded in a number of areas addressed by the Convention, including the cultural frameworks that provide the setting for these areas.

This report reviews the articles of the Convention individually and is preceded by a General Framework which is basically as response to the Committee's comments and sheds light upon new developments within organizations working in women's affairs; it is followed by several indicators.

This report was prepared by the National Commission for Lebanese Women. A committee of its members (the Commission's CEDAW Committee) supervised and contributed to its composition, in collaboration with a group of experts and specialists.

The National Commission for Lebanese Women extends its gratitude to those who assisted in the preparation of the third official report on the Convention on the Elimination of all forms of Discrimination against Women:

Supervisory Committee: Dr. Layla Azuri Jumhuri (Chairperson), Dr. Azzah Shararah Baydun, Prof. Ghada Hamdan Hadib, Dr. Fadya Kiwan and Prof. Jamanah Aburous Mufarraj (Members);

Experts: Dr. Ahmad Baalbaki, Dr. Margaret Hilw, Dr. Fadya Hatit, Prof. Nada Khalifah, Prof. Rana Khuri, Prof. Irma Majdalani, Dr. Hala Nawfal and Dr. Rayn Youssef.

11 March 2006

## **General Framework**

### **I. Response to the Committee's comments**

1. As several comments relate to a number of articles of the Convention at the same time, the following response deals exclusively with these comments. The response to other comments will be included in the review of the articles of the Convention individually.

#### **a. Reservations of Lebanon to the Convention**

2. Having expressed its concern that the Lebanese State continues to have reservations to article 9, paragraph 2 and article 16, paragraphs 1 (c), (d), (f) and (g) of the Convention, the Committee urged the Lebanese State to expedite the necessary steps to limit and ultimately withdraw its reservations to the Convention (paragraphs 17 and 18 of the Concluding comments).

3. The reasons for the continuation of the aforementioned reservations, particularly those relating to personal status, consist in the fact that the Lebanese are not subject to a uniform personal status law. Instead, each Lebanese is subject to the laws, regulations and courts of his or her own religious community. This legislative and judicial pluralism in the area of personal status has a constitutional framework and roots associated with the establishment and stability of Lebanon as a political entity. Accordingly, this subject is extremely sensitive and linked to the broader political and social situation in the country. It is a highly complex situation, made more difficult by the not inconsiderable challenges that Lebanon is currently facing. Because of these considerations (impediments) as a whole, there has been no change in the subject of reservations, especially given that a period of less than a year separates the Committee's comments from the preparation of this report.

#### **b. Incorporation of the Convention on the Elimination of all Forms of Discrimination against Women in the preamble to the Constitution**

4. In paragraph 20 of its comments, the Committee urged the Lebanese State to include in the Constitution or other appropriate legislation, provisions ensuring gender equality, in line with article 2 (a) of the Convention. In this regard, the Committee recommended that consideration be given to incorporating 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.

5. In its reports of 2000 and 2004, Lebanon affirmed that its Constitution establishes the equality of all citizens before the law, without discrimination, and that a number of positive laws, either prior or subsequent to its accession to the Convention on the Elimination of all Forms of Discrimination against Women, include explicit provisions affirming equality or outlawing discrimination on any basis whatsoever, including that of gender. By way of example only, we mention the Law of 1967 relating to the official minimum wage, article 26 of the Labour Code, as amended in 2000, and article 14 of the Social Security Code, as amended in 2002.

6. The explicit inclusion in the Constitution of the Charter of the United Nations and Universal Declaration of Human Rights is extremely important at constitutional level, particularly as the Constitutional Council of Lebanon has resolved to consider

the preamble to the Constitution as an indivisible part of the Constitution, with the principles therein enjoying the same constitutional status as those of the Constitution itself. It is noteworthy that the resolutions of the Constitutional Council of Lebanon also rely upon the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, considering these to be complementary to the Universal Declaration of Human Rights (resolution 2/2001 of 10 May 2001).

7. It remains that consideration of the Committee's recommendation to incorporate the Convention on the Elimination of all Forms of Discrimination against Women in the preamble to the Constitution will require at least a constitutional amendment in accordance with complicated principles and approval of this may be difficult at the present time.

**c. Reform of discriminatory legislation**

8. Having expressed its concern at the ad hoc efforts of the Lebanese State to reform anti-discrimination legislation, the Committee recommended that Lebanon "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" and "take all appropriate measures to ensure that women enjoy de facto equality with men..." (Concluding comments, paragraphs 21 and 22).

9. The observer of legislative development over the last five years of several laws, particularly the Labour Code, the Social Security Code and the regulations pertaining to state employees, will notice a clear desire on the part of the legislature to eliminate discrimination on the basis of gender. This is to be concluded from, for example, Law 483 (12 December 2002), amending article 14 of the Social Security Code, where the words "the male insured" have been amended to "the male and female insured equally, without discrimination", the draft amendment to the Penal Code currently being studied by the Chamber of Deputies, and article 26 of the Labour Code forbidding the night-time employment of women, the previous text of which was cancelled in 2000 and replaced by "The employer shall be forbidden to discriminate on the basis of gender between male and female employees in matters relating to type of work, wage scale, employment, promotion, salary increase, vocational training and uniform."

10. This desire of the legislature is based upon the judgement of the courts and the underlying approach of this judgement, which recognizes international conventions as a source of rights, with priority over domestic legislation, and adopts a firm position in certain issues such as the insistence on recognizing mitigating factors in so-called honour crimes.

11. With the exception of the personal status laws, which are currently outside the framework of discussion, the process of removing from Lebanese legislation the discriminatory provisions against women is proceeding systematically. The elements of current civil legislation and applied regulations that have not yet been amended are limited to certain specific matters that are not problematic. As regards the Penal Code, a draft amendment is under discussion by the competent parliamentary committees.

12. The attempt to place all legislation in one basket may hinder the possibility of amending any at all, considering that, based upon the experience of previous

attempts, certain laws arouse latent sectarian sensitivities within the Lebanese context that cannot be ignored.

**d. The Lebanese religious communities and the personal status laws**

13. Given concern at the lack of a unified personal status law and that the Lebanese are subject to the laws and courts of the religious communities, and given the legislative and judicial plurality in the area of personal status, the Committee urged Lebanon to adopt a unified personal status law in line with the Convention and would be applicable to all women, irrespective of their religious affiliation. The Committee also recommended that Lebanon include, in its current report, detailed information on the various religious communities in the country, including information on the various personal status laws which affect women (Concluding comments, paragraphs 23 and 24).

14. Notwithstanding the many complexities of the personal status system in Lebanon, which some Lebanese seek to evade in one way or another, particularly at the level of the institution of marriage, and notwithstanding that Lebanese legislation recognizes civil marriages contracted by Lebanese abroad, attempts to establish a unified personal status civil law, albeit optional, have so far been unsuccessful. The reason for this is that the social structure on which the Lebanese political, administrative and legislative system is built is a composite, based upon a sectarian foundation.

15. The detailed information requested by the Committee given in the section below provides an introduction to the religious communities, laws and courts. Information on the provisions of the personal status laws affecting women form the subject of article 16.

**d. 1. Recognized religious denominations in Lebanon**

16. With the foundation of the modern Lebanese State in 1920 and in the first Lebanese Constitution drawn up by the Lebanese legislature in 1926, the confessional system of the personal status laws in Lebanon was established. Article 9 of the Constitution confirms the affiliation of Lebanese to spiritual families and recognizes the self-administration of each of these families and the right to legislate and pass judgement exclusively in matters relating to personal status. This article also guarantees religious freedoms and the practice of religious rites.

17. Decree 60 L.R. (13 March 1936) of the French High Commissioner, who also exercised the duties of the legislative authority during the French mandate in Lebanon, granted the recognized religious denominations in Lebanon the right to administer their own affairs and the right to legislate and pass judgement in respect of issues of personal status, with the limits of the Constitution, existing legislation and the rules of public order.

18. Decree 60 L.R. and amendments defined the recognized religious denominations as follows:

18.1 Christian denominations: the Maronite Patriarchate, the Greek Orthodox Patriarchate, the Melkite Greek Catholic Patriarchate, the Armenian Gregorian Patriarchate (Orthodox), the Armenian Catholic Patriarchate, the Syrian Orthodox Patriarchate, the Syriac or Syrian Catholic Patriarchate, the Assyrian

(Nestorian) Church of the East, the Chaldean Patriarchate, the Latin Church and the Evangelical Church; in 1996, the Coptic Orthodox Church was added to the foregoing (Law 553 of 24 July 1996);

18.2 Islamic denominations: Sunni, Shi'i (Ja'fari), Alawi, Ismaili and Druze;

18.3 Jewish denominations: the Aleppo Synagogue, Damascus Synagogue and Beirut Synagogue.

19. Each of the above denominations has its own law of personal status, to which its adherents are subject. Two factors, however, reduce the number of laws in practice. The first of these is that several of the denominations included by Decree 60 L.R. are not represented in Lebanon (the Ismaili denomination and the Aleppo and Damascus Synagogues), and the second is that the Catholic denominations (Maronite, Melkite Greek Catholic, Armenian Catholic, Syrian Catholic, Latin and Chaldean) recognize a uniform personal status law applicable to all of them in Lebanon.

#### **d. 2. The personal status laws of the religious communities**

20. Personal status laws for non-Muslims

20.1 Laws pertaining to Catholic denominations: there is one law for the six aforementioned Catholic churches which, in respect of the regulation and effects of marriage, proceeds from *motu proprio* "Crebrae Allatae" (23 February 1949) and is known as the Law of the Sacrament of Marriage of the Eastern Catholic Church. The exception to this is the Latin Church which applies, in respect of marriage, the new law promulgated on 25 January 1983, providing for all adherents of the Latin Church throughout the world. On 1 October 1991, a set of Eastern Church laws came into force which included regulations on the sacrament of marriage and the law of ecclesiastical court procedure, applicable to marriages from the date it came into force. The old law on the sacrament of marriage still applies to marriages contracted prior to implementation of the new law but the law of ecclesiastical court procedure applies to all disputes, even those outstanding prior to date of implementation.

20.2 The laws pertaining to non-Catholic Christian denominations are:

- The law of personal status and the ecclesiastical court procedure of the Orthodox Patriarchate of Antioch and All the East (new law decreed by the Holy Antiochian Synod on 16 October 2003);
- The law of personal status of the Armenian Orthodox Church;
- The law of personal status of the Syrian Orthodox Church;
- The law of personal status of the Assyrian Church of the East (approved by the Lebanese Cabinet under Decree 39 of 9 July 1997);
- The law of personal status of the Evangelical Church in Lebanon (the Evangelical Church recently adopted a new personal status law, coming into force at the beginning of 2006);
- The personal status regulations of the Coptic Orthodox Church.

### 20.3 The law pertaining to Jews

- The law of legal provisions on personal status of the Jewish community

## 21. Personal status laws pertaining to Muslims

21.1 Laws pertaining to the Sunni and Shi'i denominations: the law of 16 July 1962 regulating the Sunni and Ja'fari judiciaries and the Family Rights Law promulgated on 25 October 1917, which is still in force with respect to the Sunni denomination and, in some cases, the Shi'i. In respect of matters not provided for in these two laws, the provisions of the Hanafi school of jurisprudence are applied to Sunnis and the Ja'fari to Shi'is.

21.2 Laws pertaining to the Druze denomination: the law of personal status of the Druze denomination, promulgated on 24 February 1948 and the law regulating the Druze judiciary, promulgated on 5 March 1960; Islamic Shari'a law (Hanafi school) is applied in matters within the competence of a Druze judge not explicitly provided for in the 1948 Law (article 171 of the law of 24 February 1948).

21.3 Laws pertaining to the Alawi denomination: in matters relating to marriage, divorce, maintenance, dowry and inheritance and all matters relating to personal status, Lebanese Alawis are subject to the legal provisions of Ja'fari law (Law 449 of 17 August 1995, amended, on regulation of the affairs of the Alawi Islamic denomination). Alawi courts are subject to Law 450 of 17 August 1995 on the establishment and regulation of Ja'fari Alawi courts which proceeds, in respect of jurisdiction and powers, from the law regulating the Sunni and Ja'fari judiciaries, promulgated on 16 July 1962.

### **d. 3. Powers accorded to the confessions in matters of personal status**

22. The law of 2 April 1952, defining the powers of the religious authorities of the Christian denominations and Jews, determines the matters which are to be decided by the Christian and Jewish authorities. These relate to two basic subjects namely, marriage and children, forming what is known as the Family Code. Issues of inheritance and testamentary disposition do not fall within the scope of this, except in relation to the estate of the clergy, monks and nuns.

23. The law of 16 July 1962 relating to the Sunni, Shi'i and Alawi denominations, and the law of 24 February 1948 relating to the Druze denomination define issues falling within the competence of the Islamic denominations. These also related basically to issues of marriage and children but within wider parameters than those within the jurisdiction of the courts of the Christian denominations. In addition, issues of inheritance and testamentary disposition fall within the jurisdiction of the Islamic denominations.

### **d. 4. Type and composition of the courts of the various confessions**

24. The courts of the Christian denominations, known as spiritual courts, consist of courts of first instance (first degree), courts of appeal (second degree) and, in some cases, court of cassation (among the Armenian Orthodox). The Catholic denominations have, in addition to the local court of appeal, a second court of appeal of a higher degree, the Rota, located in the Apostolic See in Rome. Some denominations permit the appointment of laymen to their courts. This is the case in

the Armenian Catholic Church, whose law of court procedure (article 3) stipulates that both the court of first instance and court of appeal shall be composed of six members who shall be men of experience, married and have reached the age of forty; three shall be clergymen and three, laymen. In the event of failure to achieve a quorum in a given court, the Greek Orthodox Church permits the appointment of lay persons, without discrimination in respect of gender (articles 7 and 8 of the law of court procedure of the Orthodox Patriarchate of Antioch and All the East).

25. The courts of the Sunni, Ja'fari Shi'i and Alawi denominations consist of courts of first instance and a higher Shari'a court, which considers the appeal of judgements issued by the lower courts of first instance. The court of first instance consists of a single judge; the higher court consists of a president and two assessors.

26. The courts of the Druze denomination, known as confessional courts, consist of courts of first instance and a higher court of appeal. The courts of first instance are composed of a single judge; the higher court of appeal consists of a judge and two assessors.

27. Jewish courts, known as rabbinical courts, include a court of first instance (consisting of a rabbi as president and two members) and a court of appeal (consisting of the senior rabbi and two assessors).

28. With the occasional exception among some Christian denominations, the members of the above courts are exclusively men.

**e. Optional Protocol**

29. In paragraph 45 of the Committee's concluding comments, the Committee urged the State party to "ratify the Optional Protocol to the Convention". Although no decision has yet been taken on this subject, all concerned with the issue are in possession of the Committees' comments.

**f. The Beijing Declaration and Platform for Action, and the Millennium Development Goals**

30. The Committee urged the State party to "utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action" (Concluding comments, paragraph 46) and called also 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" (Concluding comments, paragraph 47).

31. In this context, it should be pointed out that, for the first time in Lebanon, a ministerial statement (issued by the present Government in July 2005) contains paragraphs on women and explicit references to the Beijing Platform for Action and Millennium Development Goals. The statement declared that the Government will strive to focus on issues of woman as an essential and active partner in public life by creating the appropriate legal environment to strengthen her role in various sectors, and will lay the foundations for the incorporation of the concept of gender in all fiscal, economic and social policies in line with new international thinking in this respect. The Government will also implement all obligations entered into by Lebanon under the recommendations of the Fourth World Conference on Women (Beijing, 1995). The ministerial statement recognized the need to set an active policy for balanced and sustainable development designed to protect marginalized

sections of society and to work to combat poverty, ignorance and disease. It added that the Government will strive for a new accommodation to bring about social progress by creating an integrated, targeted and proactive social programme focusing on the reduction and eventual elimination of dire poverty, in line with the Millennium Development Goals of the UNDP report on Lebanon.

**g. Dissemination of the Concluding comments**

32. In response to the Committee's request for the Concluding comments to be widely disseminated in Lebanon (Concluding comments, paragraph 49), the National Commission for Lebanese Women produced a special edition of its bulletin, *Echoes*, which included, in addition to the text of the Convention and the Optional Protocol, the review presented in New York by Lebanon and the Concluding comments of the Committee. This issue, with the first and second reports enclosed, was distributed as widely as possible, to government officials, parliamentary committees and civil society organizations, particularly women's and human rights organizations.

**II. Bodies working in women's affairs**

**1. Bodies working in the public sector**

**a. Official bodies charged with monitoring aspects of women's issues**

33. These are:

- The National Commission for Lebanese Women
- The Department of Women's Affairs in the Ministry of Social Affairs
- The Parliamentary Committee on Women and Children
- The Social and Economic Council

**b. Newly created bodies**

34. The CEDAW Committee of the National Commission for Lebanese Women was formed at the end of 2005 and its tasks have included preparation of the third official CEDAW report, planning of the activities associated with preparation and supervision of implementation. Within the context of implementing the tasks entrusted to the said Committee and in response to the recommendations presented by the Committee at the United Nations, the following have been carried out:

34.1 A workshop with the theme, "On the Road to Applying CEDAW" was held, targeting governmental and non-governmental organizations, and public figures concerned with the Convention. A summary of the constructive debate last July between the official Lebanese delegation to the United Nations and the Committee was presented, the Committee's recommendations were reviewed and participants were divided into working groups with themes dealing with aspects of these recommendations in an attempt to join forces with civil society organizations in defining visions and reviewing plans, projects and activities and ways of coordinating between civil society organizations and state institutions within the context of striving for full implementation of the articles of the Convention.

34.2 A week-long specialized workshop was organized for workers in the government sector, in which twenty two government departments participated, together with press and network television journalists. The aim was to reactivate the function of gender focal points in government institutions in the attempt to eliminate discrimination against women from government policies and measures, as required by the substance of the Convention.

35. The Non-governmental Organization Support Unit at the Ministry of Social Affairs training centre:

35.1 In 2003, the Non-governmental Organization Support Unit was set up at the Ministry of Social Affairs training centre with joint funding from the Ministry of Social Affairs and UNDP. The goal of the Unit is to strive to build the capacities of non-governmental organizations in Lebanon and raise the level of internal administration and organization of these organizations.

35.2 A reference book which included the aforementioned subjects was prepared for this purpose. The Unit organized courses on the topics of the book in Beirut, Sidon and Tyre. It conducted Training of Trainers (TOT) from which twenty-five trainees benefited. The Unit has established cooperative relationships with private organizations that are also working to build the capacities of non-governmental organizations, under which it was agreed to offer classes on capacity-building for a nominal fee. This financial arrangement may partially solve the material problems faced by the Unit.

35.3 The other part of the work of the Non-governmental Organization Support Unit is focused on building a network of relationships among civil society organizations, in collaboration with the Council of Development and Reconstruction's social development project and with funding from the World Bank. The Unit strives to help organizations obtain the necessary funding for their activities.

35.4 The Unit also conducts studies on non-governmental organizations to provide a database on civil society organizations and their work and make information about them available. The Unit also gives legal advice to non-governmental organizations, which suffer from numerous material, organizational and management problems, problems of leadership and problems with the Ministry of the Interior. The Unit pays the costs of such legal advice. The possibility that the Unit will make organizations contribute financially to its support activities is currently being studied.

35.5 The Unit has faced material problems and problems related to the lack of qualified staff in non-governmental organizations, making communication difficult. Nevertheless, the success of the Unit's activities has exceeded expectations and, according to the assessment carried out, it has received an evaluation of excellent, to the extent that the training courses delivered within the framework of this programme have begun to cover costs. Since the summer of 2005, the activities of the Non-governmental Organization Support Unit have attracted more than seventy associations, most of them women's associations under the Lebanese Women's Council. With the exception of the classes in management, finance and accounting, most of the beneficiaries of training have been women.

## 2. Organizations working in the non-governmental sector

36. In the fourteen-month period between December 2004 and January 2006, according to the Official Gazette, notice of recognition was accorded to twenty-two women's associations, distributed as follows:

	<i>Beirut and Mount Lebanon</i>	<i>Outside Beirut and Mount Lebanon</i>
No. of associations licensed *	9	13

\* Any association is permitted to practice its activity following the lodging of notice of recognition with the Ministry of the Interior.

37. This shows the increase in women's associations in the places of greatest need, indicating a trend toward a balance between the various regions of the Republic in the availability of civil society activity. The aims behind the creation of these associations are diverse but, with the exception of one which has included within its priorities the goal of making women aware of their political and national responsibilities and the need for participation in national decision-making, the goals of these associations are limited to traditional development and charitable areas.

38. However, it is noticeable that the concerns of these new associations show a tendency toward a response to the needs of women as individual citizens and not only to the needs of women in their traditional social roles. Their stated goals include concerns related to the economic, knowledge, cultural and social empowerment of women. They give prominence to the concepts of training, education and empowerment and to combating violence against women, alongside the traditional activities of charitable work. The aged and the disabled appear among their range of target groups, together with children and the other special needs groups that have traditionally been the most heavily targeted by them. In other words, we are witnessing a change in this area, albeit partial, exemplified by the adoption of contemporary development discourse and the trend toward the adoption of its strategies, and an unprecedented reliance upon modern technologies, means of communication and organization in implementing these.

### III. Indicators

#### 1. Population

39. According to the *National Study of Family Living Conditions 2004-2005*, the resident population of Lebanon was 3,755,035 persons.

#### 2. The proportion of women and the fertility rate

40. At 50.2% of the total population, females represent one-half of Lebanese society. The overall fertility rate is currently estimated at 1.7 children per woman, placing Lebanon on the threshold of the last stage of demographic transformation. However, women across the country do not share the same level of fertility, which is highest in the north (3.4 children) and lowest in the capital and Mount Lebanon (1.7 and 2, respectively).

41. The level of fertility is affected by and is in inverse proportion to a woman's level of education: from 3.2 in the case of illiterate women to 1.4 among women who have had a secondary school education or above. Marriage being the basic common determinant of fertility, the marriage of females witnessed noticeable changes during the last quarter of the previous century. The result of these factors is evident in the rise of the average age of women at marriage, calculated at 28.8 years, compared to 32.8 years for males, according to the results of the *Lebanese Survey of Family Health*, (2004). The increased age at first marriage extends to all regions in Lebanon. The demographic change is reflected in the age structure of the population, with a relative decline in the proportion of the young (0 to 14 years) to 27.2% and relative rise in the proportion of the elderly (65 years and over) to 5.7%, in 2004. At 55%, the proportion of females of child-bearing age occupies special importance.

### **3. Marital status**

42. The results of the *National Study of Family Living Conditions 2004-2005* recorded a rate of 0.1% of marriages of females in the 0 to 14 age group and 5.1% in the 15 to 19 age group. The female divorce rate was 2% in the 35 to 39 age group and 1.6% in the 40 to 44 and 50 to 54 age groups. The rate falls to 0.2% in the 15 to 19 and 20 to 24 age groups. Widows made up 6.9% of the female population.

### **4. The elderly**

43. According to the aforementioned national study, the proportion of residents aged 64 or above was 7.5%, with the proportion of females (3.7%) approximately equal to that of males (3.8%). It should be noted that the proportion of those aged 75 or above was 2.37% (1.2% of females compared to 1.17% of males). Among those working at the time of conducting the study, males formed 5% and females 1.4% of the total workforce.

### **5. Female heads of household**

44. Again according to the *National Study of Family Living Conditions 2004-2005*, the proportion of female heads of household was 6.6% of all resident females. Female heads of household are shown in all age groups, although the percentages differ, the lowest being 1.3% of the age group less than 24 years and the highest, 14.8% , of the 70 to 75 age group, followed by 13.1% of the 60 to 64 age group and 13% of the 65 to 69 age group.

### **6. Deaths in childbirth**

45. Average deaths in childbirth are estimated at approximately 88.38 per 1,000 live births, according to the results of the *Lebanese Survey of Family Health* (2004). Note that these results are based upon cumulative data going back twelve years prior to the Survey and on observed cases. Consequently, they should be treated with caution. It is anticipated that this average will decline to 20 per 1,000 live births by 2015, in line with the Millennium Development Goals.

### **7. Comprehensiveness of insurance systems**

46. Lebanon lacks comprehensive insurance systems for all its people, not more than 44% of whom are covered, according to the initial results of the *National Study*

of *Family Living Conditions 2004-2005*. This proportion varies considerably from region to region.

## **8. Health education**

47. The results of field studies shows that, notwithstanding the increased level of awareness of the means of AIDS transmission, young people still hold mistaken ideas about the means of transmission, highlighting the need for more information on sexual matters. Outside the schools and universities, young people lack a clear conception of the problem, awareness of how the disease is transmitted and knowledge of basic preventive measures. They experience difficulty obtaining and using protection.

## **9. Education**

48. Primary education indicators in Lebanon show a reduction in the gender gap at national level. The education of females does not run up against actual obstacles but enrolment levels vary by region (administrative districts and provinces). The poorest and most marginal regions thus experience a relative deficit in the enrolment of girls at both free and fee-paying schools. Females represent more than 70% of the total educational body.

49. One of the most significant and positive aspects in education is the curriculum review, which has been ongoing since 1997 as a result of the Educational Recovery Plan, under which the educational system as a whole has been subject to review and restructuring and new curricula approved. Although this latter still faces many challenges at all levels, it represents a fundamental point of strength, helping to change the concept and direction of education in Lebanon. Studies have shown that these curricula have had a positive impact upon school results. A major defect in the educational system is that it has been slow to incorporate the perspective of gender in textbooks.

## **Article 1: Definition of discrimination against women**

50. In its second report (2004), Lebanon reviewed the general legal framework and constitutional guarantees of equality between man and woman, affirming that the Lebanese Constitution contains no provision that discriminates against women but, indeed, enshrines the equality of all citizens before the law, without discrimination. In Lebanon, equality between man and woman is a general principle with constitutional value and the stipulations of any law passed that fails to observe this equality will be annulled by the Constitutional Committee.

51. The Lebanese legislature has not provided a specific definition of the term “discrimination against women”. However, Lebanon’s commitment to the Convention on the Elimination of all Forms of Discrimination against Women and its constitutional commitment to the Universal Declaration of Human Rights and Charters of the United Nations, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights makes the definition incorporated in these international documents the one adopted in Lebanese law, noting that international charters and conventions supersede or, at least, have priority over, any other stipulation in ordinary law.

52. The observer of legislative development in Lebanon will notice that a major reason for review of existing legislation is to bring positive law into line with

international rulings and conventions. The consistent judgement of the courts in recognizing international conventions as a source of rights, with priority over domestic legislation, supports this objective.

**Article 2: The principle of non-discrimination and guarantee of its achievement**

53. Lebanon ratified the Convention on the Elimination of all Forms of Discrimination against Women on the basis of Law 572 (24 July 1996), without reservation to article 2 of the Convention. The Lebanese Constitution thus contains no provision discriminating against women and, indeed, enshrines the equality of all citizens before the law, without discrimination. For the first time in Lebanon, a government has undertaken, in a ministerial statement (July 2005), to focus on issues of woman as an essential and active partner in public life by creating the appropriate legal environment to strengthen her role in various sectors.

**I. The legislative position and principle of non-discrimination**

54. Aside from the above review of the substance of the Lebanese Constitution and the preamble added thereto in 1990, the observer of the subject of discrimination and the manner of addressing it, where it exists, in the areas dealt with by the Convention, will notice that, while decisions have been taken and efforts made to advance the process of eliminating discriminatory provisions from legislation, these efforts have, at times, faced difficulties and obstacles.

**1. Progress achieved in expanding the scope of international conventions in Lebanon**

55. In 2005, Lebanon acceded to the following international conventions and protocols:

- United Nations Convention against Transnational Organized Crime (Law 680 of 24 August 2005);
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Law 681 of 24 August 2005);
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Law 682 of 24 August 2005).

56. Accession to the aforementioned conventions and protocols was followed, in October 2005, by the launch of draft measures by the Lebanese Ministry of Justice of to prevent and combat trafficking in persons, with technical assistance from the United Nations Office on Drugs and Crime. These draft measures are designed essentially to support the mechanisms of the Penal Code in combating trafficking in persons in accordance with the spirit of the Convention and Protocols by bolstering local legislative capability, adopting measures to protect the victims of trafficking, coordinating between local and international networks at judicial, police and civil society levels and creating professional investigation and judicial monitoring teams, supported by a media and awareness campaign.

## **2. The treatment of certain family issues by bilateral agreements outside the personal status laws**

57. As mixed marriages sometimes give rise to a number of problems, the Lebanese State has been prompted to conclude bilateral agreements with a number of states. The most recent of these is the agreement concluded on 5 January 2006 (under Statute 16102) between the Lebanese Republic and the Swiss Confederation, providing for the formation of a joint committee to cooperate in arriving at amicable settlement in cases relating to the rights of children and the rights of custody and visitation, when these concern children holding the nationality of or normally residing in the territory of one of the States parties. This agreement was preceded by a consular understanding between Lebanon and the United States of America (Statute 13454 of 25 September 2004) on contact between parents and children, and an agreement of cooperation between Lebanon and Italy (Statute 13477 of 28 September 2004) on certain family matters.

58. Given that they adopt the principle of equality of rights between both parents, these agreements have made positive inroads into the personal status laws in force in Lebanon. The most recent agreement, between Lebanon and the Swiss Confederation, affirms that the task of the joint committee is to focus upon the following principles:

- The generally accepted principles of international law, the principles of fairness and the right of every child to live with his or her parents with an equal division of affection;
- The right of the child who is separated from one or both parents to maintain a regular personal relationship with both and continue to have direct contact with both, except in special cases incompatible with the child's higher interests;
- Respect for the right accorded to the parent denied the right of custody to visit the child.

59. The agreement with the Swiss Confederation adds that, where applied for in respect of judicial proceedings aimed at respecting existing rights to custody or visitation, legal aid may not be refused on grounds of religion, nationality, gender, ethnicity or age.

## **3. The stability of positive laws**

60. The period between the 2004 report and present report was relatively short and no notable changes occurred to positive law. However, the observer of legislative development during the last five years, particularly in respect of the Labour Code, Social Security Code and regulations on state employees, will notice a clear desire on the part of the legislature to eliminate gender-based discrimination. This is to be concluded from, for example, Law 483 (12 December 2002), amending article 14 of the Social Security Code, where the words "the male insured" have been amended to "the male and female insured equally, without discrimination", and article 26 of the Labour Code forbidding the night-time employment of women, the previous text of which was cancelled in 2000 and replaced by "The employer shall be forbidden to discriminate on the basis of gender between male and female employees in matters relating to type of work, wage scale, employment, promotion, salary increase, vocational training and uniform." This desire of the legislature is based upon the

judgement of the courts and the underlying approach of this judgement, which recognizes international conventions as a source of rights, with priority over domestic legislation.

#### **4. Progress achieved in administrative decrees and measures**

61. A number of decrees and positive measures have been passed in recent years, of which the following might be mentioned as examples:

- The measure making the acquisition of their own passports by minors subject to the compulsory agreement of both parents, where previously the agreement of one parent had been sufficient;
- The statute permitting the Director of Public Security to grant discretionary residence for a period of three years, renewable, to the children of a Lebanese mother married to a non-Lebanese man;
- Decree 70/1 (17 July 2004) of the Ministry of Labour regulating the procurement of foreign domestic servants, and Decree 1/1 (3 January 2005), amending Decree 117 (6 July 2004) on compulsory insurance for foreign labourers and servants.

#### **5. The pursuit of genuine equality in joint programmes between the Lebanese State and other state or regional parties**

62. Women have a powerful presence in these programmes and there is a serious effort to remove obstacles to fair participation by females and males which will lead, inevitably, to advances in genuine equality. For example, the funding agreement between the Lebanese Republic and European Union for the integrated programme in support of small and medium-sized enterprises, ratified by Lebanon under Law 656 (4 February 2005) states that, at all stages, special attention shall be given to the principle of equality of treatment and opportunity between females and males. It similarly states that the Government of Lebanon shall undertake to assist beneficiary body to identify and remove obstacles in order to permit equitable participation in the programme by females and males. In 2002, Lebanon concluded the Euro-Mediterranean Agreement establishing an association with the European Union and its Member States (Law 474 of 12 December 2002), the goals of which include, specifically, promoting the access of women to education, including technical and higher education and vocational training, “promoting the role of women in the economic and social development process” and engaging in a dialogue “on all aspects of mutual interest, and particularly on social problems such as unemployment, rehabilitation of the less able-bodied, equality of treatment for men and women...”.

#### **6. Difficulties and obstacles to achieving full equality**

63. Aside from the Nationality Law and personal status laws, Lebanese women suffer discrimination in several provisions of the Penal Code, despite the adoption by the courts of a firm position on certain issues such as the insistence on recognizing mitigating factors in so-called honour crimes.

## **II. The judicial system and equality of rights**

64. With the exception of recourse to the Constitutional Council, which is not granted to citizens (the right of recourse to this Council, in matters relating to the constitutionality of laws, belongs to the President of the Republic, the Speaker of the Parliament, the Prime Minister, to any ten members of parliament, as well as to the heads of the legally recognized denominations in respect of matters concerning personal status, freedom of belief, exercise of religious rites and freedom of religious education), Lebanese law guarantees the equality of citizens before the judiciary, without discrimination between men and women. Under article 7 of the Code of Civil Procedure, each Lebanese and foreign natural or corporate person has the right to initiate proceedings and the right of defence. In Lebanon, women, like men, become fully legally competent upon reaching eighteen years of age. Likewise, it is established opinion that no responsibility arises from exercise of the right to initiate proceedings and the right of defence before the law, unless this right has been abused or used arbitrarily, in accordance with article 10 of the Code of Civil Procedure.

65. Lebanese law grants the right to apply for legal aid to each man and woman, without discrimination, at all stages of the proceedings and under the same terms. If one of the litigants is unable to pay the costs and fees of the proceedings, that person may apply for legal aid (article 425 of the Code of Civil Procedure). Legal aid is granted to Lebanese natural persons and to foreigners ordinarily resident in Lebanon, conditional upon reciprocity (article 426 of the Code of Civil Procedure). Legal aid may be applied for in order to initiate legal action or to defend against it, at all stages of the proceedings (article 427 of the Code of Civil Procedure).

## **III. Progress achieved in judicial proceedings and practice**

66. There has been general progress, the consequences of which have not been restricted to ensuring the rights of women per se but have extended to the protection of human rights in general, contributing to the spread of justice and inducing a sense of confidence among litigants.

### **1. Reactivation of the State Prosecutor's case on responsibility arising from the actions of judges**

67. This is the "indictment of judges" action, which had not been used since the 1930s. When used again for the first time in 1991, it was accepted in principle but rejected as a general rule. In 2001, however, the General Panel of the Court of Cassation of Lebanon took a major step toward the acceptance of this action in principle and as a general rule (ruling 16/2001 of 29 June 2001) and it is likely that this step will be followed by others as, in 2005, an initial ruling was recorded (no. 5 of 27 May 2005) on the basis of which the General Panel of the Court of Cassation ruled to accept the claim of State responsibility because the court had not established its competence.

68. The failure of a judge to examine the legal basis thoroughly, his disregard of it or application of it in contradiction to its explicit provisions, his failure to base judgement on legal principles or legislative stipulations or passing of judgement in an arbitrary or capricious manner are all acts that represent, in the opinion of the General Panel of the Court of Cassation, gross misconduct on the part of the judge

and justify action against the State for responsibility arising from the actions of judges.

## **2. Adoption of a mechanism to reconsider or withdraw a ruling**

69. This exceptional mechanism, a product of legal reasoning, may be successfully resorted to, if three conditions are satisfied namely, that a procedural error occurred, that the source of this error was not the litigants (meaning, in practice, that its source was the court itself) and that the error influences the outcome of the dispute. If other ordinary or extraordinary methods of review are available, these must be pursued before resorting to application for withdrawal of the ruling. As such, it is an exceptional mechanism, the importance of which lies in the fact that it gives the judge, in the event that the court has made a procedural error, an opportunity to correct the error and remove the injustice done to the litigant. Between upholding a flawed ruling, simply in order not to prejudice the credibility and force of established rulings, and annulling the damage done to the litigant, a judge who accepts the withdrawal of his ruling chooses the second option. This was the bold action of the Third Criminal Chamber of the Court of Cassation in issuing, on 25 April 2001, two rulings withdrawing two of its previous rulings. These were followed by a third ruling, in 2002 (by the Southern Mount Lebanon Sequestration Appeal Committee) and a fourth, in 2003 (ruling 855 of 9 June 2003 of the Beirut Civil Appeal Court). This shows that the period after 25 April 2001 marks a watershed in terms of the willingness of the Lebanese courts to consider the withdrawal of rulings.

## **IV. Positive models in the Lebanese judiciary and their monitoring by civil society**

70. Rejection of tact immunity: In July 2005, in a ruling which was the first of its kind in Lebanon, the prosecuting authority in Beirut overturned the ruling of the investigating magistrate preventing the prosecution of a group of hospital doctors and ruled that the defendants had to be tried before a single criminal judge in Beirut for causing the death of a woman following a caesarean section.

71. Uphold equality without racial or class discrimination, the Beirut criminal Appellate Court declared forcefully and firmly that a domestic servant has his/her dignity and respect as a person, just like any human being, and that neither international laws and conventions nor the Declaration of Human Rights concedes any discrimination between a servant and others, regardless of social or political status and the type of work they do (ruling 1/98 of 6 January 1998).

72. Anticipating amendment to the Penal Code, the Lebanese judiciary is urging a narrowing of the range of honour crimes. For some ten years, legal opinion has held that personal motive is not an honourable motive and that, for example, a brother's killing of his sister does not constitute the honourable motive provided for in the Penal Code, being not without selfishness and personal considerations and thus may not be used by the perpetrator to claim mitigation (Criminal Appellate, ruling of 23 December 2003).

73. In a new measure aimed at garnering the support of civil society for sound judicial practice and rulings at a time when judges are called upon to defend society yet society often does not defend judges, the Lebanese Foundation for Permanent Civil Peace, in cooperation with the US initiative for a Broader Middle East and

North Africa Partnership, launched, at the beginning of 2006, an “Observatory for monitoring the judiciary in Lebanon”. The Observatory seeks to support pioneering judicial rulings on essential rights and its programme consists in the daily monitoring of these, which are discussed then published, with comments, in book form. The rulings mentioned in the preceding paragraphs are examples of those that will be included in the 2006 volume.

### **Article 3: General policy**

74. The Committee’s comments clearly emphasize the inadequacy of simply removing the forms of discrimination against women that may exist in legal and regulatory provisions. Indeed, there is an explicit call for proactive measures to promote women’s rights and fill the gap in a number of areas as a result of the historical accumulation of cases of discrimination against women. This means that it is necessary to adopt a positive policy.

#### **I. Features of the Lebanese political system**

75. Since independence in 1943, Lebanese political life and the course followed by government have been characterized by the search for compromise and harmonization between different and sometimes contradictory positions and views on certain issues, by consideration of the nature of the historical social fabric of Lebanon, with its religious and confessional pluralism. This has prompted adoption of a democratic political system based on consensus rather than a majority-based, Westminster-type democratic model.

76. Given this system, there are four bases for political organization and public activity:

- The formation of coalition governments that include the different components of Lebanese national society;
- Proportional representation of the different groups;
- Acknowledgement of the right of veto of the different national groups on certain issues they consider vital;
- Acknowledgement of the independence of each in specific areas which, in Lebanon, are the establishment of schools and the administration of personal status at confessional level, in addition to freedom of belief and practice of religious rites.

77. As regards political practice, the consensus-based system has led to an aversion to adopting joint, common positions on controversial issues between the religious denominations or on issues requiring a re-examination of the structures of influence upon which national political society is based. Consequently, there are a number of issues and national strategic options that are not on the table for discussion at national level. Of course, policies and resources are among these.

78. The subject of women is one that, by its very nature, regularly stirs confessional controversy, on the grounds of the need to respect freedom of difference of opinion and confessional freedom. Under the pretext of freedom of belief and the confessional freedoms guaranteed by the Constitution, an anomalous situation has been connived at namely, the various personal status regulations of the religious communities that entail perpetual discrimination, albeit with variations,

against women in the areas of personal and family life. Whichever denomination she belongs to, a Lebanese woman is a victim of gender discrimination in her contact with the personal status laws.

79. This explains the tardiness of official interest in women's issues, which have been anticipated by private and civil organizations for several decades. After Lebanon's inevitable, official absence from the stage of international relations and international conferences from the mid-1970s to the early 1990s, due to the events that shook the country, the Government of Lebanon has, since the early 1990s, begun to show an interest in this issue. It formed a Lebanese delegation to participate in the Fourth World Conference on Women (Beijing, 1995) and prepared a national report on the position of women in Lebanon. Since then, it has been possible to talk of the subject of women as falling under the spotlight in Lebanese political life but not yet as an issue on the agenda of any of the political forces or of the government, until the summer of 2005. It is interesting that the present Government, formed in the summer of 2005 after the parliamentary elections, inserted a paragraph on women's issues in the ministerial statement, on the basis of which it received the confidence of the Chamber of Deputies. This ministerial statement said that the Government will strive to focus on issues of woman as an essential and active partner in public life by creating the appropriate legal environment to strengthen her role in various sectors and will lay the foundations for the incorporation of the concept of gender in all fiscal, economic and social policies, in line with new international thinking in this respect. The Government will also implement all obligations entered into by Lebanon under the recommendations of the Fourth World Conference on Women (Beijing, 1995).

## **II. At procedural level**

80. This governmental concern found expression through the search for a formula to activate the participation of women in political life and was accompanied by growing activity from pressure groups formed by several civil activists and official decision-making circles, including the National Commission for Lebanese Women. This positive climate vis-à-vis women's issues has widened the spotlight on the need for the participation of women and, in 2004, forced the political community to appoint women ministers, for the first time in Lebanon's history. However, it is worth pointing out that this appointment was not linked directly to a portfolio associated exclusively with women's issues.

81. In the draft electoral law which the Government charged a special consultative committee to draw up in 2005, there is a trend toward a consensus on allocating 20% of the seats to women on the electoral lists in parliamentary elections, which will be conducted on the basis of a proportional system. However, this draft has not yet been completed.

82. The Government's positive approach, giving greater concern to women's issues, is exemplified by Lebanon's conclusion of an agreement setting up the Arab Women's Organization in 2003 and undertaking to organize a regional Arab forum on "Women and Armed Conflict".

83. Women clearly have a special place in any review of public policy in the areas of society, welfare and health. Women benefit by law from the resources allocated in all these areas. However, this falls within the context of the general endeavour and is not accompanied by measures overtly and exclusively concerned with women.

84. Reviewing the items of the general budget, it is noticeable that there is an absence of funds allocated to institutional mechanisms or programs exclusively for women.

85. Absence from the budget does not mean a lack of interest in promoting opportunities for the participation of women, as such participation has increasingly become a feature of the prevailing Lebanese culture, from which official and governmental circles will not withdraw. It is worth noting that, in 2004, the Ministry of the Interior endeavoured, while engaged in drawing up a draft electoral law, to amalgamate the views of women's organizations in such a way as to enhance the participation of women in political life and decision-making. The views of women's organizations on this subject, however, were not coordinated.

86. It may be thought that there are numerous indicators of government options on gender equality in respect of rights, particularly if special measures are explored, such as the imposition of a temporary quota or affirmative employment action for women, in cases where there is equal ability, or by allocating resources in one or more spheres of activity to enhance the capacities of women and enable them to enjoy genuine equality with men or by designing and implementing special programmes that include a range of activities designed to raise awareness, enhance capacities, or empower women to overcome the disparity. Without doubt, a fact that cannot be overlooked is the gradual evolution of the official Lebanese position from one of initial indifference to one that is positive and active.

87. At the beginning of the 1990s, indifference and the total absence of the issue from the political arena changed to a position of positive neutrality on the part of the Government, which began to deal with the issue with some measure of concern, although without allocating resources or troubling itself with specific measures.

88. After the Beijing +5 international conference, public discussion intensified and waves of pressure mounted – following Lebanon's ratification of CEDAW – for the lifting of the reservations to several of its clauses. This coincided with the growing, Arab public concern since the First Arab Women's Summit – attended by Arab first ladies and official and civil women's leaders – and subsequent conclusion of the agreement establishing the Arab Women's Organization and its institutions, the start of its activity and allocation of the budget contributions of the Arab States. The Government of Lebanon engaged with, committed to and supported this process but did not include the topic on its political agenda.

89. The years 2004 and 2005 brought a qualitative transformation in terms of the change from embarrassed concern with women's issues and initial participation in the joint Arab effort to a certainty among politicians that the participation of women in decision-making had now become one of the accepted rules of the game at popular and international level. Women's issues appeared on the Government agenda in the summer of 2005. The 20% quota of women on the electoral lists of candidates for general elections, if eventually established in law, will be the first measure of positive discrimination in the sense discussed in article 3 of CEDAW.

90. The mounting efforts to provide a regular budget for the National Commission for Lebanese Women will, if adopted, confirm the allocation of resources in the service of gender equality. These resources will allow the implementation of programmes prepared by the National Commission for Lebanese Women, which it

normally seeks to implement in simultaneous collaboration with general directorates, government agencies and private organizations.

91. Mention must also be made of the many indicators of change from a policy of positive neutrality to positive discrimination, to the point where the Lebanese parliament has seen the creation of a Parliamentary Committee for Women and Children. This Committee has begun opening files on cases of discrimination against women, the most recent of which was in the spring of 2006 regarding the right of a Lebanese woman married to a non-Lebanese man to confer nationality on her children.

92. The Committee's comments having given a powerful boost to the many calls for adoption of special interim measures, the Lebanese authorities concerned have now moved directly to set up awareness and empowerment programmes whereas, in the past, they mostly dealt with the issue of equality and the genuine exercise by women of their rights as a part or aspect of wider social issues and not as an issue in itself.

93. The National Commission for Lebanese Women is implementing a programme to publicize CEDAW and conducting sector-based training courses designed to bring about a qualitative transformation in the approach to women's issues. It should be noted that Lebanon has made progress in setting up national gender-based databases.

94. We may be certain that the last two years have brought about a positive change in terms of the priority given to the issue of equality of rights between women and men on the agenda of most non-governmental organizations. The plethora of programmes that have started to be implemented in the last two years initially reflected the approach of the funding bodies and, subsequently, of the organizations implementing the programmes, of primary focus on the role of women as a key link in the solution to wider social problems such as sustainable development, environmental protection and the consolidation of democratic practice.

95. In summary, when we consider the range of initial positions on gender equality, the reality in Lebanon shows a gradual shift involving four of these positions:

- Negative and dismissive;
- Indifferent;
- Positive and sympathetic;
- Positively committed, through adoption of ongoing, positive discrimination measures.

#### **Article 4: Special interim measures**

##### **I. In Government policy**

96. A positive initiative vis-à-vis women in the ministerial statement:

96.1 In the ministerial statement of 25 July 2005, the present Lebanese Government promised greater participation of Lebanese women in economic construction by giving women more opportunities in the leadership of public organizations.

96.2 The Lebanese Government likewise pledged and committed itself to focus on issues of woman as an essential and active partner in public life by creating the appropriate legal environment to strengthen the role of women in various sectors. The Government will incorporate the concept of gender in all fiscal, economic and social policies in line with new international thinking in this respect. The Government will also implement all obligations entered into by Lebanon under the recommendations of the Fourth World Conference on Women (Beijing, 1995).

## **II. Governmental and administrative measures**

### **1. Special interim measure relating to gender**

97. Pursuant to Statute 10955 of 17 September 2003, allowing the Director General of Public Security to grant residence permits to certain categories, including the children of a Lebanese mother, the Directorate General of Public Security instituted a measure requiring the granting of residence permits free of charge for a period of three years, renewable, to the children of a Lebanese mother, whatever the nationality of the husband.

### **2. Special measure introducing an element of equality in legal authority over children**

98. To safeguard the unity of the family, the Directorate General of Public Security instituted a measure requiring the mother's as well as the father's signature for the issuance of a passport for a minor child.

### **3. Special measure on reproductive health**

99. The inclusion of reproductive health within the primary health care system (Statute 9814 of 2 March 2003) is an example of a measure discriminating positively in favour of women.

### **4. Special measure on public education**

100. The adoption of the National Action Plan for Education for All (2005–2015) affirms the need to take measures leading to interim positive discrimination in favour of women in order to fill the gender gap in education and study. This step involves a guarantee by the State to provide a desk for every pupil. Considering the fact of gender-based discrimination in favour of males, exemplified by the priority given to expenditure on male education, the Government's guarantee of a desk for every pupil (the slogan of the aforementioned Action Plan) will primarily benefit females. In the same context, a decision has been taken to exempt the pupils of public schools in public education and pre-university vocational education from academic fees and family contributions to school funds.

### **5. Special measures regarding joint programmes between the Lebanese State and other parties**

101. The promotion of women's access to education, the strengthening of women's role in the process of social and economic development and the removal of obstacles to equality of treatment between men and women are goals affirmed clearly by joint programmes between the Lebanese State and other parties, such as the Support

Programme for Small and Medium-Sized Enterprises concluded in 2005 between Lebanon and the European Union.

**6. Special measure giving women a specific level of representation in sports federations**

102. In 2000, the International Olympic Committee issued a ruling requiring that women occupy 20% of the positions in the administrative bodies of local Olympic committees, sports federations and associations. Lebanon has endeavoured to apply this ruling with the support of the Government, in the form of the Ministry of Youth and Sports.

103. In line with the above, we find that women's involvement in the administrative bodies of sports federations is high in relation to their overall number, with women participating in 21 out of a total of 36 federations.

**Article 5: Stereotype roles**

**I. Structural difficulties in changing gender-based discrimination**

104. There are mounting efforts in Lebanon to arrive at gender equality but the road to full equality is paved with difficulties. In what follows, we present some of these difficulties:

104.1 Several discriminatory practices are to a large extent invisible, given that they are rooted in customs and cultural traditions, making them appear normal and complicating the process of highlighting and judging them as discriminatory.

104.2 Given the prevalence of the culture of shame and concealment of offences committed within the family, the disclosure by a woman or girl of this discrimination exposes her to social sanction, whether symbolic, moral or physical. This hinders male or female researchers from documenting discriminatory practices against women in the family accurately and extensively.

104.3 The nature of the Lebanese peculiarity which subjects individuals to denominational and confessional laws and legislation in the area of personal and family status prevents people from uniting to reject expressions contrary to the principle of equality as this affects women, considering these to be the business of confessions other than their own and, therefore, no concern of theirs. Discrimination against women in one community is met with general silence, as a result of the consensus among confessions to respect and accept each other's characteristics.

104.4 There is a weak tradition of research in general and, in women's matters, implicitly. Furthermore, research and statistics on women is incomplete, disordered and in need of consolidation and focus (this is currently being done by the National Commission for Lebanese Women). There are disparate efforts to include gender in university curricula and colleges of health in particular but the recognition of courses in women's studies in Lebanese universities is still either at the preparatory stage in some or at the start of implementation in a few.

## **II. Prevailing manifestations of inequality**

### **1. In the family**

105. Women assume many responsibilities both inside and outside the family but much of what they do remains out of sight and without material recompense. A woman's partnership with a man in marriage and home-building, her work in her husband's or family business and the labour of rural women are all examples of this. There is an exaggerated recognition in common tradition of the extent of the importance of the role played by woman as wife and mother that often makes her bear the responsibility of building the home, the welfare of the family and the success of its members. However, as long as there is no documentary proof, the house and its contents, the small business or agricultural concern are all the property of the husband

106. A mother, the unpaid head of the household whose primary responsibility is the raising of children, finds no material or social security in old age as a reward from the society for which she has striven all her life and so leaves her affairs to her sons who are themselves increasingly likely to emigrate or face unemployment.

### **2. In the estimate of society**

107. The bars to women taking on leadership roles are many and high and much of the effort expended by the various social organizations, given its invisible nature, benefits men. This is due to the prevalent culture in society that celebrates the values of social prominence, competitiveness and leadership. What happens in the shadows is not deemed worth considering.

### **3. In relations with other societies**

108. Lebanon is a country with an impulse to emigration and the endeavour of émigré Lebanese to preserve their cultural identity is sometimes restricts the life choices of girls. An example of this is the attempt by the family to force a girl into marriage with a Lebanese man, under threat of being ostracized by her family. There is also the attempt by some Lebanese men married to foreign women to return to Lebanon with their children without the mother's knowledge or agreement in order to evade foreign laws giving the mother the right to custody of her children. The Lebanese State has been prompted to address these problems by concluding bilateral agreements with other states, the most recent of which is the agreement concluded on 5 January 2006 (under Statute 16102) between the Lebanese Republic and the Swiss Confederation, providing for the formation of a joint committee to cooperate in reaching amicable settlement in cases relating to the rights of children and the rights of custody and visitation, when these concern children holding the nationality of or normally residing in the territory of one of the States Parties. This agreement was preceded by a consular understanding between Lebanon and the United States of America (Statute 13454 of 25 September 2004) on contact between parents and children, and an agreement of cooperation between Lebanon and Italy (Statute 13477 of 28 September 2004) on certain family matters.

### **III. Efforts to eliminate discrimination and violence against women**

#### **1. Efforts of governmental bodies**

##### **a. The Ministry of Social Affairs**

109. The Ministry of Social Affairs arranges joint programmes with non-governmental organizations to disseminate a culture of opposition to violence against women, shelter victims of violence and provide psychological intervention and legal counselling (see Annex 1). The most prominent services provided by the Ministry of Social Affairs to women subjected to violence are:

109.1 The provision of the necessary medical advice, free of charge, in the Ministry's health centres to women subjected to violence and other women in difficult social situations;

109.2 Collaboration with specialized civil organizations or specialists to offer free psychological and legal counselling and services of listening and guidance for women subjected to violence;

109.3 The formation of the Child Protection Committee, under the Higher Council for Childhood, to protect children from ill-treatment; work is currently underway to draw up a strategy to combat violence against children;

109.4 Contracting with specific private and specialized associations to provide them with material support so that they can undertake the necessary raising of awareness, training, rehabilitation and guidance, in addition to providing a refuge for girls who have been subjected to violence and others wishing rehabilitation and reintegration in society. Each association contracting with the Ministry can receive between 25 and 50 girls and women at the Ministry's expense. During 2005, the Ministry contracted with the following association: House of Hope, which helped 85 women and 16 minors; the Mary and Martha society, which accepted 20 ladies; the Message of Life, which accepted more than 60 cases, of which 12 were adults; the Young Women's Christian Association, which cared for 20 ladies of different nationalities; and the Sisters of the Good Shepherd, where 54 cases were looked after and monitored at the Order's Suhaila Centre and 35 cases at its Ain Saadeh Centre. The Ministry also supports seven private organizations in their mission with juveniles (both boys and girls) within the framework of preventing delinquency.

109.5 The provision of free legal advice to women subjected to violence; in this context, a project to develop women and children's rights through information technology was implemented, in collaboration with UNDP and the Lebanese Council to Resist Violence against Women. The project decided to issue a compact disc containing legal items pertaining to women in Lebanese law, particularly the personal status laws, in addition to a list of resources that women subjected to violence or others may refer to (forensic doctors, etc.), as well as the most important measures that can be taken. Social workers were trained how to use this compact disc and how to convey the information to the women concerned.

**b. The Ministry of Labour**

110. Legislation: As the Lebanese Labour Code excludes domestic servants from its provisions, the Ministry of Labour took the initiative of issuing a number of provisions, in the form of decrees and ministerial memoranda, aimed at regulating the relationship between the owners of domestic servant recruitment offices, heads of households and domestic servants. The last of these was decree 70/1 of 17 July 2004, regulating offices that recruit foreign female domestic servants. It is noted that the draft amendment to the Labour Code provided for regularization of the circumstances of groups excluded from the Labour Code. This has been submitted to the Cabinet, prior to referral to the Chamber of Deputies for debate and assent. In its preparation and most of its provisions, the draft amendment was guided by Arab and international labour agreements and recommendations, as well as established legislation and legal opinion.

111. To this end the Ministry of Labour, in collaboration with international bodies and national associations (the International Labour Organization (ILO), the United Nations Development Fund for Women (UNIFEM), Caritas Lebanon and the Office of the United Nations High Commissioner for Human Rights (OHCHR)), organized a workshop on raising awareness of the situation of migrant female domestic workers in Lebanon, from 28 to 30 November 2005. The workshop produced ten recommendations, the most important of which were the need to form a national committee, develop standard employment contracts, compile statistics, establish an office in the Ministry of Labour to assist migrant female domestic workers, issue leaflets and pamphlets to help workers in the performance of their duties, organize an information campaign on the rights of female workers, including the right to retain personal documentation (identity papers), the right of freedom of movement, the right to privacy, etc., and to provide the General Directorate of Public Security and internal security forces with the powers to protect certain rights of female workers.

**c. The Ministry of the Interior**

112. Legislation: The internal security forces of the Ministry of the Interior are responsible for combating the forms of violence stipulated in law and their powers and duties are defined by the law regulating these forces (Law 17 of 6 September 1990). These include the protection of persons and property, the protection of freedoms within the framework of the law, vigilance in applying the law and regulations they are entrusted with and the task of law enforcement; this latter includes the prosecution of acts of violence. However, it should be noted that the Lebanese Penal Code does not define the concept of violence and makes no provision for a specific, punishable crime of violence.

113. Statistics: The number of crimes recorded, disclosed and reported exceeded some 2,844 cases of violence in 2005, distributed as follows:

<i>Crime</i>	<i>Year total</i>	<i>Crimes with female victims</i>
Rape	31	14
Intimidation	592	119
Causing bodily harm	21	-
Deprivation of liberty	9	1
Deprivation of liberty or kidnapping	76	22
Kidnapping of children	19	5
Kidnapping of children by relatives	8	1
Kidnapping for marriage	60	22
Slander and abuse of non-employees	311	-
Affray	402	59
Battery and causing injury	1,053	170
Murder	85	7
Attempted murder	177	14
<b>Total</b>	<b>2,844</b>	<b>434</b>

114. Comparing the number of crimes over a three-year period (2003, 2004, 2005) in which one of the victims was female, it is clear that the numbers have declined (586, 509, 434, respectively) due, perhaps, to the spread of a culture of opposition to violence against women, one of the results of which has been to deter violent individuals.

115. Obstacles: Officials complain of several obstacles to the work of the security forces, for example:

- The absence of a special area in police stations to receive women who have been subjected to violence;
- Poor intensive training for those concerned with the issue, especially the police, given that they are the first to receive reports and complaints and the first to deal with these;
- The lack of a female element to carry out special investigations;
- The absence of explicit legislation on gender-based violence;
- Occasionally, the lack of protection for the victim to enable her to press charges against her assailant and remain safe from retaliation.

#### **d. The Ministry of Public Health**

116. Through the National Reproductive Health Programme, the Ministry of Public Health provides a variety of services in its primary health care centres. These include the raising of awareness, counselling, preventive services, safe motherhood services, treatment services, fertility regulation and fertility treatment.

117. The Ministry of Public Health joined with the Ministry of Social Affairs and the United Nations Population Fund (UNFPA) in organizing a workshop on the inclusion of social violence in planning and development and in the National Reproductive Health Programme, between 20 November and 2 December 2005.

## 2. Efforts of non-governmental organizations

118. The following table shows the efforts of non-governmental organizations, individually or in collaboration with state institutions, to eliminate gender-based discrimination and violence, raise awareness and provide information and training.

118.1 Efforts to educate, raise awareness and provide training in the area of combating violence against women:

**Table showing the breakdown of projects to combat violence against women in Lebanon in 2005–2006, and their components, by implementing body**

<i>Name of implementing body</i>	<i>Project/aims</i>	<i>Activities</i>	<i>Beneficiary group</i>	<i>No. of beneficiaries</i>	<i>Comments</i>
Ministry of Social Affairs (in collaboration with the Lebanese Council to Resist Violence Against Women (LECORVAN) and the Lebanese School for Social Training (Jesuit))	Project to develop the capacities of workers in development services centres on the subject of prevention of family violence; sensitization to the dangers of violence to family members and adoption of alternative, non-violent means of communication	Training and sensitization; campaigns to raise awareness; media campaigns	Male and female social workers; fathers, mothers, teachers, young people, newly married couples, service providers in hospitals	56 male and female social workers; 1,042 individuals (840 women, 202 men)	The project will be implemented across Lebanon in nine stages; 7 have been implemented; a press conference was held to review and assess the project
Ministry of Social Affairs (in collaboration with the Lebanese Women Democratic Gathering)	To develop the capacities of social workers; to disseminate a culture of opposition to violence against women	Training, sensitization, raising of awareness, monitoring, intervention, listening sessions, engagement, coordination, documentation	Centres: development services centres, the Lebanese Women Democratic Gathering, civil associations, students, cultural clubs	27 female social workers, 239 women	The project will be implemented in three stages, of which two have been implemented and the third is currently being implemented; a booklet will be issued in the third stage of the project; research and response form (currently being prepared)
LECORVAN	Project for economic empowerment; acquisition of vocational skills; sensitization	Training	Victims of domestic violence	23 women	Programme held annually

LECORVAN	Support for listening centres dealing with victims of violence	Training	Female social helpers	15 women	
LECORVAN	Programme to sensitize and disseminate a culture of resistance to violence against women	Forums; meetings; lectures; media	Students, women's groups, heads of households, media figures, internal security officers, nurses / front-line workers	20 internal security officers, 12 social auxiliaries; 52 front-line workers and nurses; 82 students; 35 women's groups	
LECORVAN	Publication of reference guide; practical approach to the issue of gender-based violence	Documentation	Male and female social workers and health care officials		
Lebanese Committee for the Follow-up of Women's Issues	Building the capacity of women to confront family violence / resist violence	Training	Staff of the association	35 women	Ongoing training
Lebanese Women Democratic Gathering	Psychological, social and legal guidance and help	Reception of victims of violence; referral	Victims of violence	200 women	Throughout the provinces
Lebanese Women Democratic Gathering	Field studies on the victims of violence; comprehensive definition of violence	Documentation	Researchers in governmental and non-governmental organizations		To be published
KAFA (enough) Violence and Exploitation	Provision of psychological and legal support	Consultation	Women and child victims of violence	16 women and children	
KAFA (enough) Violence and Exploitation	Raising awareness of violence against women and children	Exchange sessions	Volunteers; children from Palestinian refugee camps; mothers of children from the camps; Palestinian adolescents	97 volunteers, 350 children, 50 mothers, 37 adolescents	
KAFA (enough) Violence and Exploitation	Raising awareness	Campaigns to train in the use of compact discs containing personal status laws	University students	10 universities across Lebanon	
KAFA (enough) Violence and Exploitation	Human capacity-building	Training	Social workers, workers in administration	16 workers in administration; 50 social workers	
KAFA (enough) Violence and Exploitation, in collaboration with Amnesty International	Solidarity and raising awareness	Workshops and forums	Artists, actors, filmmakers, media figures, critics, etc.		Mobile exhibition of wooden figures of women victims of honour crimes

## 118.2 Efforts to support and shelter marginalized women and women subjected to violence:

**Features of shelters for women victims of violence and discrimination, by society**

	<i>Target groups</i>	<i>No. of beneficiaries</i>	<i>Support activities</i>	<i>Support team</i>	<i>Type of support</i>
Good Shepherd Society	Girls subjected to violence; unmarried mothers (with children) of all confessions	89 women	Eradication of illiteracy; training programmes	Legal assistant, psychologist, psychological specialist	Psychological, social, educational and legal follow-up
Light of Life Centre	Girls subjected to physical abuse (violence, sexual exploitation) or family neglect, homelessness, delinquency, between the ages of 7 and 18 years	28 women	Intervention, visits, interviews, provision of "alternative families", recreational and cultural activities, vocational courses	Social workers, health advisors	Various aspects of rehabilitation in order to reintegrate into the family and social environment
Message of Life Society	Women in emergency situations	20 women	Educational groups; training in manual work	Social advisors	Temporary or permanent
Mary and Martha Society	Women subjected to violence women in a situation of marital conflict and women entering into prostitution, from the age of 18 and above	16 women	Day care	Psychiatric advisor; Social counsellor; spiritual counsellor; psychiatrist; gynaecologist	Social and psychological rehabilitation, social integration

## 118.3 Examples of the actions of non-governmental organizations to eliminate discrimination against women in the period from 1 January 2005 to 1 April 2005

<i>Society</i>	<i>Activity</i>
Lebanese Women's Council	<ul style="list-style-type: none"> <li>• Launch of a project for the inclusion of a quota in the new election law (27 January 2005)</li> <li>• Implementation of training and educational courses on the election law</li> </ul>
Lebanese Women's Network	Launch of a campaign to amend the Penal Code; training courses for activists organizing the campaign; raising of awareness (25 July 2005)
National Forum on the Elimination of Discrimination Against Women	Launch of the national campaign to achieve gender equality by amendment of the Nationality Law (25 August 2005)
Lebanese Committee for the Follow-up of Women's Issues	Project to draft the second document on the abolition of all forms of discrimination in Lebanese law. The project includes:

	<ul style="list-style-type: none"> <li>• Review of Lebanese laws to measure their compliance with CEDAW, with support from AMIDEAST;</li> <li>• Proposal of amendments to current laws or creation of new laws;</li> <li>• Review of results of research into the gender analysis of school textbooks, with support from the Office of the Minister of State for Administrative Reform (OMSAR), on identifying discrimination in Arabic textbooks and national and civil education at primary level in Lebanon, at a press conference on 27 January 2006</li> </ul>
Lebanese Women's Network and Collective for Research and Training on Development – Action (CRTD-A)	Launch of campaign “My nationality is my right and that of my family”, on 8 November 2005
Nour Arab Women Association	The Nour Arab Women Association is currently publishing a book / manual on old age, focussing on elderly women and those caring for the elderly and dealing with various health, economic and social aspects of old age (in 2004, the Association published a psychological health guide for Arab women)
Arab NGO Network for Development	National Seminar on Gender Equality, 13 October 2005
Movement for Family Rights	Campaigns to lobby religious authorities to raise the age of the mother's custody of sons to 13 and daughters to 15
Ajyalna Society	Consciousness raising for girls

#### **IV. Progress achieved in combating the culture of violence and discrimination against women**

##### **1. In the media**

119. The percentage of women is increasing in all areas of the media and media items are being produced that challenge traditional gender stereotypes. This is exemplified by the production of a number of advertisements depicting men as being concerned with family income and children, which were previously the exclusive concern of women. A number of television programmes are being produced that deal with the issue of equality between spouses and with family issues, including gender-based violence. Newspapers are publishing an increasing number of investigations into the situation of women and are also showing concern with women's activities that are aimed at removing discrimination against women.

##### **2. At the intellectual level and in research**

120. Studies on women, designed to give greater prominence to women's issues in the public consciousness and to women's point of view in various issues of daily life, are increasing.

121. The number of children's books that take gender into account and strive to change the prevalent stereotype forms by constructing social concepts favourable to the idea of gender equality is increasing.

##### **3. At academic level**

122. The Faculty of Law of the Lebanese University, in collaboration with the Arab Institute for Human Rights (AIHR), the Arab Council for Childhood and Development (ACCD) and the Faculty of Legal, Political and Social Sciences of the University of 7 November at Carthage, Tunisia, and with support from UNICEF, has instituted a Master's Degree in the Rights of the Child (2005–2006). The curriculum

includes a unit on the family environment, alternative care and international human rights charters, including CEDAW.

#### **4. At cultural level**

123. At the higher cultural level, there has been an increase in productions designed to give prominence to the extent to which traditional gender roles have been superseded and to the struggle against the ideologies driving these traditional roles. In theatre, cinema, television series and novels we have seen, according to the critics, an unprecedented female daring in public and personal expression.

#### **5. Miscellaneous practices**

124. Public awareness of the prejudice faced by women is increasing and it is noticeable that the spiritual courts have occasionally departed from the compass of inflexible texts and ruled in line with the principles of equality, guaranteeing a woman her rights, the exercise of her responsibility as mother and the management of her family and material affairs. We might mention, by way of example, a preference for giving trusteeship to the mother upon divorce or the death of the father until the children reach the age of majority, abolition of the principle of obedience to the husband, guarantee of the wife's financial rights in respect of maintenance or other means of restitution (bank guarantee, preventing the husband from travelling, etc.) and the tendency toward the principle of equality in the current reviews of the personal status laws of several confessions which, it is hoped, will extend to others.

#### **V. Challenges**

125. In 2005, a number of meetings, workshops, lectures and forums were held in Lebanon which either addressed directly the subject of combating violence and discrimination against women or approached the issue in one of their themes. These meetings produced a number of recommendations/challenges, summarized as follows:

126. At research level:

126.1 The need to produce statistical data to accompany the formulation of preventive and treatment strategies for the problem of gender-based violence;

126.2 Conducting qualitative studies to clarify understanding of the violence practised in many sectors of Lebanese society;

126.3 The standardization of classifications and definitions used in conducting quantitative studies on data, attitudes and practices;

126.4 Conducting quantitative studies among the various sectors affected by violence: male and female doctors and nurses, the security forces and legal profession, social workers and media figures;

126.5 The establishment of a monitoring system, relying upon public and private sources of information, and preparation of periodic reports on the phenomenon of social violence from the sources concerned: internal security forces, welfare and health institutions, etc.;

126.6 The regular dissemination of information and reports in ways easy for the concerned parties to use in the development of the discourse and intervention in respect of violence;

126.7 The need to evaluate the programmes implemented in order to examine their impact upon the target groups.

127. Collaboration, coordination and partnership:

127.1 The need to coordinate the work of the various organizations working to combat violence against women to avoid duplication and to integrate programmes and activities;

127.2 The need to create mechanisms for liaison and coordination between civil society organizations and the National Commission for Lebanese Women, the latter representing an all-embracing, national umbrella for the policy and activities of opposition to violence against women.

128. Legislation and the implementing bodies:

128.1 Amending the law to include a law pertaining to domestic violence and violence within the family (between spouses, between parents and children, and between heads of households and domestic servants);

128.2 The sensitization of front-line workers in cases of violence (the security forces, for example) and the development of physical and humanitarian conditions in police stations; staff in police stations must be provided with legal guidelines and clear orders in this area.

129. The media, education, culture and public discourse:

129.1 The need to deal with the commercial media as an objective reality and work to produce interesting and appealing media items to publicize the culture of equality and non-violence by countering programmes that adopt a position of inequality;

129.2 The creation of a mechanism to monitor the phenomena of exclusion, violence and implicit and explicit inequality in upbringing, the media, school textbooks, etc;

129.3 The use of unambiguous, not equivocal, language, at least in the discourse of experts and activists on violence against women and sexual violence in all its forms, and the inclusion of female migrant workers and prostitutes among the groups of women likely to be exposed to violence;

129.4 Placing the violence practised against women within the wider cultural context by:

- Research into the role of parental upbringing in strengthening the culture of violence and legitimizing its practise against women in particular and its acceptance by children;
- The inclusion within educational curricula of the theoretical and philosophical bases for a balanced vision of gender;
- Striving to spread the culture of non-violence, training in techniques of negotiation, and conflict and anger management.

## Article 6: Combating the exploitation of women

### I. The legal position

130. Lebanese legislation deals with the subject of prostitution in the law to safeguard public health and in the Penal Code under the heading: Exhortation against debauchery and risks to morality and public decency.

131. Lebanese law forbids clandestine prostitution and punishes those who engage in it. The opening of brothels and *maisons de rendez-vous* is subject to specific conditions, both in relation to the licence to open such houses or in relation to the madam. The security authorities are able to raid suspect, unlicensed locations and close them indefinitely. The law likewise punishes those who live off the earnings of prostitutes and imposes a stiff penalty on pimps and those who live off the earnings of prostitutes, if related to the woman or exercise legal authority over her, such as father, husband or manager at work. However, the law provides no punishment for the customer. In general, the judiciary tends to allow the woman mitigating circumstances for intimidation and difficult social and economic conditions (ruling of single criminal judge at Ba'abda on 16 April 2003) or if the woman has no previous convictions (ruling of single criminal judge at Ba'abda on 14 May 2004). Although there is no specific law in Lebanon pertaining to violence against women, the provisions of the Penal Code relating to rape cover prostitutes, without discrimination.

132. In Lebanon, there are no laws protecting women and adolescent girls from employment agencies engaged principally in trafficking. However, the State is endeavouring to protect them by signing and ratifying international agreements relating to this issue and significant progress has been made. After acceding to ILO Convention No. 182: Worst Forms of Child Labour Convention (1999), on the prohibition and elimination of the worst forms of child labour (Law 335 of 21 August 2001) and to the Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography (Law 414 of 5 June 2002), Lebanon acceded in 2005 to the following international agreements and protocols:

- United Nations Convention against Transnational Organized Crime (Law 680 of 24 August 2005);
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Law 681 of 24 August 2005);
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Law 682 of 24 August 2005).

133. In implementation of the above agreements and protocols, the Lebanese Ministry of Justice introduced, in October 2005, draft measures to prevent and combat trafficking in persons, with technical assistance from the United Nations Office on Drugs and Crime. These draft measures are designed basically to support the mechanisms of the Penal Code in combating trafficking in persons, in accordance with the spirit of the Convention and its Protocols by: supporting local legislative capability, adopting measures to protect the victims of trafficking, coordinating between local and international networks at judicial, police and civil

society levels and creating professional investigation and judicial monitoring teams, supported by a media and awareness campaign.

134. The organizational structure of the Directorate General of Public Security provides for an Office of Media Affairs to deal with violent films and films and magazines that promote sexual violence. Its printed materials section censors material that has been published in Lebanon or brought into the country, in line with moral and social standards, to ensure that it does not violate public decency or cause public offence. The audiovisual section censors audiovisual material and the entry of all material that conflicts with moral and social standards is forbidden, including that which promotes sexual violence.

## II. The reality

135. The Lebanese authorities have suspended the granting of new licenses for the establishment of brothels and *maisons de rendez-vous* because the State is currently preparing a review of existing legal provisions.

136. The Directorate General of Public Security is concerned with controlling the entry and exit of persons to and from Lebanon. In this way, it monitors the movement of foreigners as does every state with sovereignty over its own territory. It detains and departs all who violate the law, particularly those relating to public order and public decency.

137. There are cases of prostitution in Lebanon and it appears from the figures of the Directorate General of Internal Security Forces that this phenomenon has not yet abated, although the number of crimes in the last three years was less than in the preceding three-year period.

**Table 1**  
**Breakdown of crimes from 2000 to 2005 where perpetrator was female**

Type of crime	Year						Total
	2000	2001	2002	2003	2004	2005	
Facilitating prostitution	101	110	21	19	24	7	282
Facilitating and practising prostitution	4	8	113	25	46	33	229
Incitement to debauchery and committing indecent acts	1	0	2	0	2	0	5
Practising prostitution	69	107	110	60	70	69	485
<b>Total</b>	<b>175</b>	<b>225</b>	<b>246</b>	<b>104</b>	<b>142</b>	<b>109</b>	<b>1,001</b>

Source: Directorate General of Internal Security Forces, General Staff, Information Technology Division.

Table 2

## Breakdown of crimes from 2000 to 2005 where perpetrator was a female minor

Type of crime	Year						Total
	2000	2001	2002	2003	2004	2005	
Facilitating prostitution	4	4	3	0	2	0	13
Facilitating and practising prostitution	1	0	4	1	2	1	9
Incitement to debauchery and committing indecent acts	0	0	0	0	0	0	0
Practising prostitution	7	6	0	2	1	6	22
<b>Total</b>	<b>12</b>	<b>10</b>	<b>7</b>	<b>3</b>	<b>5</b>	<b>7</b>	<b>44</b>

Source: Directorate General of Internal Security Forces, General Staff, Information Technology Division.

Table 3

## Breakdown of crimes 2000 to 2005 where perpetrator was female, by nationality

Type of crime/ nationality of perpetrator	Year						Total
	2000	2001	2002	2003	2004	2005	
<b>Facilitating prostitution</b>							
Lebanese	42	67	12	6	12	5	144
Arab	42	24	8	13	12	2	101
Foreign	13	18	1	0	0	0	32
Unspecified	4	1	0	0	0	0	5
<b>Facilitating and practising prostitution</b>							
Lebanese	3	6	58	13	28	21	129
Arab	1	1	38	11	16	10	77
Foreign	0	0	16	1	2	2	21
Unspecified	0	1	1	0	0	0	2
<b>Incitement to debauchery and committing indecent acts</b>							
Lebanese	0	0	1	0	0	0	1
Arab	0	0	1	0	2	0	3
Foreign	1	0	0	0	0	0	1
Unspecified	0	0	0	0	0	0	0
<b>Practising prostitution</b>							
Lebanese	36	47	49	26	25	35	218
Arab	18	34	38	22	32	16	160
Foreign	14	26	20	12	13	18	103
Unspecified	1	0	3	0	0	0	4
<b>Total</b>	<b>175</b>	<b>225</b>	<b>246</b>	<b>104</b>	<b>142</b>	<b>109</b>	<b>1,001</b>

Source: Directorate General of Internal Security Forces, General Staff, Information Technology Division.

### **III. Services provided to victims of prostitution and human trafficking and efforts undertaken**

138. Investigation shows that most of its victims turned to prostitution because they had been raped or suffered from social problems such as violence or addiction. Accordingly, the Ministry of Social Affairs, while not intervening directly to provide specific assistance to victims of prostitution, contributes by providing services to women subjected to violence and other women. The most important of these were noted in the review of article 5 of the Convention, under the heading “Efforts to eliminate discrimination and violence against women”. Notice that the House of Hope Society mentioned in article 5 has been working since 1970 primarily in the field of the rehabilitation of girls and women who are victims of prostitution. However, this society does not have the capacity to provide shelter and so refers these women and girls, as necessary, to the Good Shepherd and Mary and Martha societies, on a temporary basis only, as the principal goal is to help them reintegrate them into society. The Mary and Martha Society receives, comforts and rehabilitates, day and night, any girl or woman who has been subjected to domestic violence, social violence (the commercialization of her body), circumstantial prostitution (due to economic or social circumstances or pressures), as well as unmarried mothers (with children). The period of shelter and rehabilitation lasts from three months to two years, according to the situation of each woman. From October 2002, the date the first reception centre was opened, to October 2005, the number of women benefiting from rehabilitation by long-term residence at the Mary and Martha Society was 134, with 33 children.

139. To protect the victims of trafficking in persons, the Government of Lebanon is making efforts that include:

- Distributing awareness-raising pamphlets and strengthening cooperation between private associations and the embassies of countries supplying the workforce;
- The signing of a memorandum of understanding with two international, non-governmental organizations to manage a shelter for foreign workers who have fallen victim to exploitation;
- Allowing the International Organization for Migration to open a representative office in Lebanon;
- Allowing government social workers to accompany the victims of exploitation when questioned by the Lebanese immigration authorities.

### **IV. Challenges and the problem of prostitution**

140. The change of prostitution to a clandestine profession increases the difficulty of control and monitoring. Additionally, great efforts are required to treat the causes that drive women to prostitution, and to empower women professionally.

#### **Articles 7 and 8: Women and political participation**

141. In the preamble and articles 7 and 12, the Lebanese Constitution provides for full equality between all Lebanese in respect of rights and duties, including full political rights and the right to occupy public positions. The political rights of women were established by Statute 37 (18 February 1953).

142. The period from November 2004 to March 2005 saw a perceptible rise in the number and stridency of demands for amendment to the Electoral Law to ensure a more genuine representation of all sections of society and guarantee equal opportunity among candidates by the organization and funding of election campaigns and organization of election publicity and information, and to encourage the participation of young people in the political process by reducing the voting age from 21 to 18. Women's organizations and associations and several civil society organizations supportive of women benefited from this climate to press their demand for adoption of an interim quota system for women to ensure that women reach decision-making positions at national and local level.

143. To address these demands, the Ministry of the Interior, in 2004, called upon everyone with proposals or plans for a new electoral law to provide it with a copy. However, no new draft law was issued and, consequently, the 2005 elections were held on the basis of the 2000 law that makes no provision for any special arrangement for women.

144. The Government formed after the parliamentary elections set up the National Commission on Parliamentary Electoral Law (Statute 58 of 8 August 2005) and charged it with preparing a new draft electoral law within a period of five months.

145. The Commission requested those concerned with this issue to submit their proposals within a fixed period of time, at the end of which it received 121 proposals, more than 85% of which made no reference to the representation of women in any form. At the direction of the Government, the Commission sought to discover the position on, *inter alia*, the representation of women of those who had made the proposals, by distributing a form for this purpose. The results of this opinion survey (the sample included 121 persons, 6 of whom were women) related to the adoption of a female quota to ensure the representation of women in parliament, and were as follows:

- |  |       |
|--|-------|
| • Against any form of quota for women (candidate lists or seats) | 35.9% |
| • In favour of a quota of 30% of parliamentary seats             | 16.3% |
| • In favour of a quota of 10 – 20% of parliamentary seats        | 5.4%  |
| • In favour of a candidate quota only                            | 23.9% |
| • No opinion on the subject                                      | 18.5% |

It should be noted that the supporters of a candidate quota were only in favour of a system of closed lists and proportional representation, while those who called for a quota of seats were divided over a number of options. It is worth noting that the proportion of supporters in favour of a quota for women, with different scenarios, was almost 46% of the total.

146. It is worth noting that the National Commission for Lebanese Women submitted a plan proposing adoption of a candidate quota for women.

147. So far, it appears that the National Commission on Parliamentary Electoral Law is tending toward adoption of a female candidate quota of 20%. However, the fate of the draft electoral law will depend on the position of the Cabinet and, subsequently, the Chamber of Deputies, which will be responsible for approving or amending it.

148. The events of 2005 showed the extent of the awareness of Lebanese women of their political role, through their broad participation in the demonstrations, sit-ins and various forms of mass expression that characterized the period.

### 1. Exercise of the right to vote in parliamentary elections

149. Observation of the participation of women in the parliamentary elections of 2005 shows an absence of any significant change in voting patterns among women or in the cultural, social, political and economic determinants of the voting behaviour of Lebanese women. Statistics show that there is no significant distinction at gender level: the percentage of female votes was similar to that of male votes, with a total difference of not more than 0.05%. The general elections of 2005 showed no change in the patterns of voting behaviour among Lebanese women or toward women.

### 2. Standing in elections

150. The figures in the following table show a reduction from 18 to 14 of the numbers of female candidates in the parliamentary elections of 2005 compared to those of 2000. Female candidates formed not more than 3% of the total number of candidates. This reduction in the number of female candidates may be attributable to the conviction among women of the futility of standing as a candidate and the burden of election costs, as there is no acceptance of their candidacy on the part of the political leaders who draw up the electoral lists.

**Table of female candidates for the Chamber of Deputies 1953–2000**

<i>Election</i>	<i>No. of female candidates</i>	<i>No. of withdrawals</i>	<i>No. of successful candidates</i>
1953	1	1	Zero
1957	1	1	Zero
1960	2	Zero	Zero
1963 (by-election)	1	Zero	1 (endorsement)
1964	2	1	Zero
1965 (by-election)	1	Zero	Zero
1968	2	1	Zero
1972	4	2	Zero
1991 (appointment)	-	-	1 (appointment)
1992	6	Zero	3
1996	11	1	3
2000	18	1	3
2005	14	Zero	6

151. Review of the papers and declarations from the start of 2005 until prior to the end of the period for nomination shows the names of many women seeking to stand as candidates. However, the controversy over adoption of the 1960 election law (with electoral districts based on administrative districts) and subsequent reversion to the 2000 law (on the basis of province) upset the criteria and affected the preparedness of candidates, particularly the independents. Perhaps the focus of the election contest on current and pressing political issues caused the subject of women's candidacy to lose importance in the scale of political priorities.

Nevertheless, the last parliamentary elections brought six women into the Chamber of Deputies, three of them re-elected and three entering for the first time. Two ladies won by endorsement, while the remainder fought the contest on competitive lists.

152. The continuing active influence of traditional factors (family allegiance, services, client networks, family or partisan political legacy) in determining the chances of women's success is clear.

153. It is worth noting that three ladies currently chair three out of a total of 16 parliamentary committees.

### **3. The media and women candidates in elections**

154. One of the things that female candidates, independent candidates and candidates not belonging to politically influential families, particularly complained of was the lack of equal opportunity in the media. There are many reasons for this, including the fact that most of the media, particularly television and the press, are owned by influential political players. Consequently, television stations, radio stations and newspapers have become tools in the hands of the owners to further their electoral goals, despite repeated legislative attempts to regulate media campaigning and ensure equal opportunity for all candidates, male and female. Several studies on the role of the media in the 2005 elections have shown that women candidates received a much smaller share of election coverage than male candidates. Monitoring of the coverage given by seven television stations in their news bulletins and coverage of the election period (from 15 May to 20 June 2005) showed news coverage of female candidates as follows: the National Broadcasting Network 9%, Future TV, Arabic News Broadcast and Al-Manar 7%, New Television 5% and the Lebanese Broadcasting Corporation and Télé Liban 2% of total electoral coverage.

155. The results of monitoring the coverage given by five daily newspapers during the same period are as follows: Al-Mustaqbal 6% and Al-Balad, Ad-Diyar, An-Nahar and As-Safir each at 5%.

156. If we consider that female candidates formed not more than 3% of all candidates, these levels of coverage are acceptable. Regarding the quality and content of coverage, the following was observed:

156.1 There was no distinction in principle between the quality of the news coverage given to male and female candidates; coverage included all sorts of news programmes, statements, visits, sponsorship of events, participation in festivals, speeches, photographs, meetings with supporters, declaration of lists, etc;

156.2 No newspaper devoted space in its pages exclusively to female candidates; news coverage of female candidates was included under general political and electoral news;

156.3 Photographs of several female candidates appeared as part of the coverage of electoral news or beside election analysis articles but without mention of their names and with no news about them in the body of the article;

156.4 The greatest discrepancy was in the news coverage of the female candidates. While the movements of four female candidates received almost complete coverage, the remainder received only limited coverage (confined

simply to an announcement of nomination, photographs or report of a visit to a holy shrine or a political leader). It is clear that media interest in female candidates (and male candidates) still depends upon their political affiliation and place in the ranking of each political group, in addition to their degree of proximity to the media outlet itself.

157. Hiya TV (a station devoted to women's issues) allocated limited space among its programmes over a one-month period to the subject of women and the elections, conducting interviews with several female candidates and holding discussions on the position of women ("The woman candidate and voter") and the rights and social aspects of women's participation in politics.

#### **4. Lebanese public opinion and women's participation in parliament**

158. Opinion surveys conducted at the end of 2005 revealed the extent of society's respect for women and its desire for women to play a role in the public arena. In one survey, 76% of the sample supported the nomination of women for parliamentary seats, 81% supported adoption of a quota for women in the Chamber of Deputies and 73% supported a specific quota for women in municipal assemblies. Similarly, 91% were in support of women working in associations and 80% were in support of women working outside the family. Some 50% of the sample believed that the election of women would promote social justice.

#### **5. Participation in election campaigns**

159. The parliamentary elections of 2005 witnessed wide participation by women in the election campaigns, confirming the pattern which began to appear at the beginning of the 1990s. In addition to what was stated in the previous report on the scale and nature of this participation, and which remains true in its entirety, new factors have played a part in the growing involvement of all Lebanese women, particularly the young. These are the conditions prevailing in the country following the assassination of former Prime Minister Al-Hariri and the series of explosions and assassinations, the nature of the electoral contest, the basic issues around which the campaigns focused and the feeling among Lebanese that, for the first time in a long time, they have regained the right to freedom of opinion and expression.

#### **6. Participation in political parties and movements**

160. Accurate information is still unavailable on the numbers of women members of political parties, their proportion of the total membership and the positions they occupy inside the party. One political party is headed by a woman because her husband is in political detention but, at the same time, the women's organization within this party was abolished on the grounds that there was no longer a need for a special organization because women are able to participate in all bodies. Another political party is led by the woman whose husband, the party founder, was assassinated. However, it is certain that, the further up the ladder of the party structure, the number of women diminishes. It is rare to find more than one woman at most in the leadership councils of a small number of the larger parties that are active on the Lebanese scene. Nevertheless, it should be pointed out that, in 2005, a woman took over as general secretary of one political party and there are three women out of a total of 12 members on the central committee of a recently formed party.

## **7. Progress in reaching decision-making positions**

161. It should be noted that 2006 saw remarkable progress in terms of women reaching decision-making positions. A woman assumed the duties of Deputy Director General of Lebanese Public Security (Statute 16734 of 13 April 2006) and memoranda were issued by the Director General of the Internal Security Forces on the recruitment of male and female specialist officers.

### **Article 9: Nationality**

#### **I. The legal position**

162. Lebanon has made reservations to article 9 paragraph 2 relating to granting women equal rights with men in respect of the nationality of their children. In its Concluding comments, the Committee expressed concern at the continuation of this reservation by Lebanon and urged it “to expedite the necessary steps to limit and ultimately withdraw its reservations to the Convention” (paragraph 18 of the Concluding comments).

163. It will be recalled that there are three points in the current Lebanese Nationality Law that discriminate against women:

- The impossibility of a Lebanese mother granting her nationality to her children;
- The impossibility of a Lebanese wife granting her nationality to her non-Lebanese husband;
- Discrimination between a Lebanese mother by origin and a foreign mother who has acquired Lebanese nationality, since the latter has the right to grant her nationality to her children, if she remains alive after the death of her husband, while the woman of Lebanese origin is denied this right.

#### **II. Efforts to change the Nationality Law to include gender equality**

164. Within the context of the endeavour to withdraw the reservations to article 9 paragraph 2 of the Convention, the non-governmental organizations affiliated to the Lebanese Women’s Network launched, in the autumn of 2005 and at the initiative of the Collective for Research and Training on Development – Action, the “My nationality is a right for me and my family” campaign, aimed at changing the provisions in the Lebanese Nationality Law that discriminate between the sexes.

165. The legal aspect of the campaign was based upon:

- The need to remove the contradiction between what the Lebanese Constitution states about equality among citizens and Lebanese laws that are prejudicial to women by preventing them from granting their nationality to their husbands and children;
- The de facto commitment to the international charters to which Lebanon is a signatory and the need to withdraw the reservations to CEDAW;
- Examination of the situation of Lebanese women married to foreigners and resident in Lebanon and monitoring of the consequent wrong done to them by denying the rights and duties of citizenship to their families.

166. The campaign was launched simultaneously with a broader regional project, in coordination with similar Arab campaigns, several of which (Egypt, Tunisia) met with some success. The campaign included the following activities:

- Approaches to decision makers on the parliamentary Administration and Justice Committee and Woman and Child Committee in the Lebanese Chamber of Deputies;
- Media activities, including a press conference to launch the campaign that was given wide coverage by the media;
- Participation in the Beirut Marathon (500 women carried the campaign's slogans);
- Training and sensitizing activities targeting male and female activists and university students across the country to introduce the substance of the campaign and call for support (the distribution of stickers, information and booklets and the collection of signatures in support, etc.).

167. The work of the campaign was based upon the following:

- Qualitative studies dealing with the laws relating to nationality in Lebanon and other, statistical, studies showing aspects of the situation of husbands denied the nationality of their Lebanese wives;
- The preparation of a draft law amending provisions relating to Lebanese nationality to make these equitable;
- Partnership and coordination with Arab agencies and bodies working to remove discrimination against women from laws relating to nationality.

168. It is assumed that the campaign will shortly be evaluated.

## **Article 10: Equality in education**

### **I. The educational system**

169. Since the end of the war in the early 1990s, the educational system in Lebanon has been subject to continuing review, as represented basically by the Educational Recovery Plan (1994), the National Action Plan for Education for All (2005) and the initial version of the Strategy for Education in Lebanon (2006). The Action Plan was adopted within the framework of the specific goals of the World Education Forum (Dakar, 2000) which aspires to offer equal access to a good quality education for all children in society and provide the conditions to pursue a primary education without external hindrances. Its goals include enabling all children to obtain and complete a good quality, free education, with particular emphasis upon girls and children in difficult circumstances, achieving a 50 per cent improvement in levels of adult literacy by 2015, particularly for women, and achieving gender equality in education by 2015, with a focus on ensuring full and equal opportunity for girls.

170. One of the main deficiencies of educational curricula and materials is the flawed representation of girls / women and gender stereotyping. Analytical studies of the discourse on gender in school textbooks continue to affirm the existence of discrimination against women, despite a variety of efforts to incorporate gender sensitivity in education policy. Such discrimination includes the male dominance among authors of textbooks, the topics and textual and pictorial content, frequency

of appearance, and the depiction and characterization of roles, positions, activities, professions, relations and associated values.

## II. Pre-university education

### 1. General education indicators

171. In Lebanon, 63.2% of students at all levels are enrolled in the private education sector (50.7% in the fee-paying private sector and 12.5% in the free private sector), while 36.82% of students are enrolled in the free, public sector. In academic year 2004-2005, the total male and female student school population was in excess of 916,600.

172. Examination of the distribution of female students between the public and private sectors shows that the enrolment of girls in the public sector exceeds enrolment in the private sector (53%, compared with 48.2%), suggesting a tendency among families to spend more on the education of males than on the education of females.

### 2. Enrolment rates: overall indicators

173. The overall enrolment rate at primary level is 103.4% (the 100% is exceeded by boys at this level – UNESCO Institute for Statistics, 2006), despite the fact that compulsory education has not yet been fully applied. However, this high rate does not necessarily mean that the goal of primary education for all has been achieved. In fact, it is attributable to other reasons and factors, such as the number of pupils who remain at primary school after reaching the official age, those who fail and repeat the same year or those who enrol in a later year.

174. The net rate of enrolment at this level is 90.6% (UNESCO Institute for Statistics) or less, according to the Educational Center for Research and Development. The discrepancy between the overall rate of enrolment and net rate of enrolment indicates the existence of several problems at this educational level (pupils older than six enrolling in primary grade one).

### 3. Enrolment by level

175. The following table shows the developing proportion of female students during the last decade at the pre-university level:

<i>School year</i>	<i>Percentage of females at kindergarten level</i>	<i>Percentage of females at primary level</i>	<i>Percentage of females at intermediate level</i>	<i>Percentage of females at secondary level</i>
1995/1996	48	48.1	52.6	53.3
1996/1997	48.1	49	52.4	54.3
1997/1998	48.1	48	52.4	54.8
1998/1999	48.5	48.0	52.3	55.5
1999/2000	48.3	47.9	51.8	55.3
2000/2001	48.3	49.5	53	51.8
2004/2005	48.3	48.3	52.8	55.8

Source: Educational Center for Research and Development: *Primary Statistics, 2005*.

**a. Kindergarten level**

176. Progress achieved: Kindergarten education in Lebanon witnessed significant progress over the last decade. In 1991 and 1992, the enrolment rate was 68% (*The Development of Education in Lebanon: National Report, 2001*) and the proportion of infants currently enrolled in kindergarten is 83% (with no difference between the sexes), which exceeds the average pre-primary school enrolment in the Arab States and equals that recorded in North America and Western Europe (82%) (*Men and Women in the Arab States: Education*).

177. Deficiencies: It is, however, necessary to point out the variation between regions. Beirut records the highest proportion of children between the ages of 3 and 6 enrolled in educational institutes (92.8%), while the province of North Lebanon records the lowest (80.8%) (Multiple indicator cluster survey 2). On the other hand, the public sector is weak in this area, taking only 22% of children enrolled at kindergarten level (Educational Center for Research and Development, 2005).

**b. Primary education**

178. The rate of enrolment in compulsory primary education is practically 100% and does not suffer from gender discrimination. The indicators show a higher presence of girls in the higher grades of primary education but secondary education does not reflect their proportion according to the demographic data (National Action Plan for Education for All (2004–2015), National Centre for Educational Research). It should be pointed out that 91% of the new intake to primary grade one has taken part in organized pre-school education programmes, which is encouraging.

**c. Intermediate and secondary education**

179. The general trend is that the percentage of female students begins to rise at intermediate level. A closer look at the proportion of female students enrolled in secondary year two reveals that students are distributed across the different fields of study, as follows: literature and humanities 81.6%, social sciences and economics 55.8%, life sciences 52.5% and general sciences 26.4%. In other words, the proportion of female students enrolled in general sciences is low in comparison with the proportion enrolled in literature and humanities, and life sciences.

180. It is interesting that the proportion of female students begins to rise in the intermediate level to form more than half the student population. This trend has remained stable from 1995 to 2005 and is attributable to male drop-outs who “disappear” from school records to reappear in data on child employment. They exceed the proportion of females many times over.

**4. Enrolment by province**

181. The province of North Lebanon has the highest number of public sector schools (12.5%), while Beirut records the lowest (2.5%). The Beirut suburbs contain the highest number of fee-paying private schools. The highest percentage of private sector schools is in Mount Lebanon (and the Beirut suburbs) and the lowest in Nabatieh.

182. The Ministry of Education is working to establish schools in the suburbs of the cities and surrounding areas which have become overcrowded as a result of emigration from the countryside. Schools in several rural, agricultural areas are

taking special measures such as the adoption of flexible education programmes that take into consideration that pupils at pre-university levels are required to take part in certain events of the agricultural season (the harvest, for example). These programmes help them to continue at school and prevent academic drop-out. As such, the State's concern with disadvantaged regions represents positive discrimination in favour of females who have a higher level of attendance at the free, public schools than males in these regions.

### **5. Failure and drop-out**

183. Statistics show that the rate of advancement and continuity is, at the primary school level, in favour of females: the female drop-out rate ranges from 1% to 2%, while the male drop-out rate ranges from 1% to 5%. The gender gap continues to widen in favour of females at intermediate level ranging, as grades advance, from 6% to 17% among females and 11% to 23% among males (*Bulletin of Statistics, Academic Year 2004/2005*, Educational Center for Research and Development). Education experts attribute the widening of the gap to the transfer of males at this level to technical and vocational education.

### **6. The educational body**

184. The proportion of women in teaching is rising, as it has traditionally been considered a "women's speciality". Female teachers form 70.2% of the total educational body in Lebanon and male teachers only 29.8%. In the public sector, the proportion of female teachers is 65.8% of the total, against 85.5% in the free, private sector and 72.5% in the fee-paying schools. These percentages fall as the educational level advances (primary, secondary, university).

185. Teacher training programmes remain weak at government level, involving training associated exclusively with new curricula. Between 1998 and 2000, this type of training involved 45,829 teachers.

186. The policy of incorporating gender into the official curricula has been adopted but the training of teachers in gender sensitivity is still limited to initiatives by civil society organizations.

## **III. University education**

187. Enrolment in universities and institutions of higher education: the total number of universities, colleges and institutes of higher education in Lebanon is 38, most of which are located in Beirut and the surrounding area. In academic year 2004/2005, a total of 14,179 students were enrolled in universities and institutes of higher education; 53.8% of these were female. It is worth mentioning that the number of female students at the Lebanese University is more than double that of male students, noting that the Lebanese University is a government institution that does not require student quotas, merely the registration fee. While this indicator would appear to be favourable to girls, closer examination of fields of specialization shows that, traditionally, there are some specializations for males (such as engineering and the sciences) and others for girls (languages, teaching, nursing, etc.). The figures indicate that a disparity exists in favour of males in enrolment in the specializations of technology, engineering, computers and business administration. It is also striking that enrolment in colleges of theology and religious institutions is almost entirely confined to men. This trend is not associated with any declared policy

directive. Indeed, officials in pre-university educational guidance centres, in both the public and private sectors, clearly state that there is a gender-neutral guidance policy.

#### IV. Vocational and technical education

##### 1. General enrolment

188. The number of students of both sexes enrolled in vocational and technical education in 2004/2005 was 96,882, and the number of teachers and administrative staff of both sexes was 17,068. The proportion of females in both categories and by sector was as follows:

	<i>Public vocational and technical education</i>	<i>Private vocational and technical education</i>
Female students	46.7%	46.3%
Female teachers and administrative staff	45%	46.2%

Source: Primary Statistics, *Statistical Bulletin, Academic Year 2004/2005*, Educational Center for Research and Development.

189. Technical and vocational schools are spread throughout the six provinces, with the capital and its suburbs, given the density of population, having the largest share at 50.5% of students in 165 schools and institutions in both the private and public sectors, out of a total of 441 schools and institutions (76 in the public sector and 365 in the private sector).

##### 2. Certificates

190. In academic year 2004/2005, the breakdown by certificate of female students in vocational education was as follows:

<i>Name of certificate</i>	<i>Percentage</i>	<i>No. of females</i>	<i>Percentage of females to males</i>
Vocational proficiency	3.1	73	7.7
Vocational intermediate	9.9	1,732	26.7
Vocational secondary	1.5	150	18
Technical baccalaureate	52.5	18,070	44.7
Higher technical diploma	28.7	10,057	48.6
Technical licence	3.9	1,220	37.4
Technical educational licence	0.4	85	23.1
<b>Total</b>	<b>100</b>	<b>44,053</b>	<b>45.5</b>

Source: Primary Statistics, *Statistical Bulletin, Academic Year 2004/2005*, Educational Center for Research and Development.

##### 3. Specializations

191. In vocational education, the gender gap appears to be sharper and to correspond to traditional stereotyping. Thus females are completely absent from fields of study and specializations considered “masculine”, such as all branches of

mechanics and electronics, industrial informatics, medical technologies, plumbing, welding, turnery, carpentry, and heating and cooling systems, while males are absent from nursery education, special education, beauty treatment, dressmaking, child services, social services, hotel services, etc.

192. As regards the “neutral” professions, (accountancy, hotel trades, computer, interior decoration, languages, typing, etc.), the proportion of females to males varies between one-quarter and three-quarters, according to situation.

## **V. Addressing illiteracy**

### **1. The current situation and the reduction of illiteracy**

193. Illiteracy, both generally and among women, is in constant decline. In 1980, the general illiteracy rate was 27.6%, according to the *National Study of Family Living Conditions 2004-2005*, with 8.8% above the age of ten. In general, illiteracy is more widespread among women than men, with 5.6% of men illiterate compared to 11.8% of women. The illiteracy rate among females in the 10 to 34 age group varies from 0.5% to 2.2%. The gender gap favours males after the age of 34, when it increases to 54% among women compared to 23.8% among men in the 65 to 69 age group. The spread of illiteracy varies according to region, being lowest in the capital at 5.5% and ranging in the provinces from 8.5% in North Lebanon to 14.6% in the Bekaa, according to the *National Study of Family Living Conditions 2004-2005*, (Central Statistics Administration).

### **2. Efforts undertaken**

194. The Ministry of Social Affairs and civil society organizations are working to eradicate illiteracy through specialized programmes in all regions of Lebanon. Data on the pattern of benefit and the beneficiaries of these programmes indicates that women benefit the most, with numbers amounting to 1006 compared to 241 men (National Committee for the Eradication of Illiteracy, Ministry of Social Affairs, 2006).

## **VI. Information technology**

195. In Lebanon, there are less than 40,000 subscribers to the internet, representing approximately 4.5% of the population. However, there are internet cafes across most of the country and use is relatively inexpensive. Statistics on the pattern of internet use do not show a significant gender gap (*National Study of Family Living Conditions 2004-2005*). Although pre-university curricula include information technology, the failure to apply this in public schools due to a lack of human and material resources has created laxity in the private sector. Statistics show that 17% of public schools, 42% of free, private schools and 58% of fee-paying private schools actually teach information technology as part of the curricula (*Strategy for Education in Lebanon, 2006*). This low percentage in public schools affects disadvantaged groups and females who attend such schools more than more fortunate groups and males. Several non-governmental organizations provide training courses in information technology for women and girls.

## **VII. Challenges**

196. A pressing need has emerged in Lebanon to apply the principle of compulsory education. The Educational Center for Research and Development has drawn up a plan, the various parts of which are designed to achieve the goals of the Education for All Action Plan (Dakar, 2000) (National Action Plan for Education for All (2005–2015), Educational Center for Research and Development). This plan is based on the following elements:

196.1 Implementation of compulsory education and development of the role of the local community: the implementation of compulsory education, guaranteeing the enrolment of all affected children (currently the 6 to 12 age group, with work underway to expand this to include the 6 to 15 age group) in school and ensuring their continuation to graduation requires the appointment of a monitoring body to be in direct contact with parents;

196.2 Preventive treatment of school drop-out: the development of academic support and pastoral care; the most important element in the treatment of this problem is the establishment of specialized, model centres to promote school attendance;

196.3 Provision of pedagogic services in infancy: the provision of pedagogic services in infancy, starting from age 3 in economically and socially disadvantaged areas, in addition to being a basic development factor for these areas, should ensure 100% enrolment of children in primary education subsequently, during implementation of the plan;

196.4 Development of ways of accepting students in the third cycle of primary education: the development of accepting students in the third cycle of primary education is designed to ensure the appropriate conditions for implementing compulsory education until the end of the three cycles of primary education (until the age of 15);

196.5 Provision of means to teach information technology in primary schools;

196.6 Treatment of alphabetic illiteracy: giving support to programmes to treat alphabetic illiteracy among young people, in collaboration with the concerned bodies and ministries, and making use of available means, opportunities and resources in integrated programmes to eradicate alphabetic, IT and vocational illiteracy;

196.7 Those with special needs: continuing to provide those with special needs with opportunities to enrol in school, providing appropriate educational programmes and materials and ensuring the pedagogic support of the concerned bodies and ministries.

### **Article 11: Equality at work**

#### **I. The legislative position**

197. Lebanese law does not discriminate between men and women in respect of the right to work, opportunities or conditions of employment, salary or permanence of work. In 2000, the provisions of the Labour Code forbidding the night-time employment of women in certain jobs and industries were replaced by a new provision explicitly prohibiting discrimination on the basis of gender between male

and female employees in matters relating to type of work, wage scale, employment, promotion, salary increase, vocational training and uniform (new article 26 of the Labour Code). Article 34 of the Labour Code discriminates positively by giving women one hour's rest every five hours while men are given the same right every six hours.

198. The law does not discriminate negatively regarding the training of women. Indeed, governmental and non-governmental social organizations give considerable attention to the training of women in various jobs and occupations, particularly those not normally practised by women.

199. The provisions protecting women from discrimination due to marriage or maternity and reviewed in the previous report are still in force. The most important of these are that the Lebanese legislature has increased the period of maternity leave from forty days to seven weeks with full pay, the employer is forbidden to dismiss a woman from service during pregnancy and maternity leave and a woman's maternity leave shall not affect her right to paid annual leave. Lebanese law does not, however, recognize paternity leave or give serious attention to support services for working mothers, such as child care and the establishment of nurseries. This causes conflict between family and professional responsibilities, compelling a woman to absent herself from work to attend to her family, if necessary.

200. The right of the male or female employee to an official minimum wage has been established in Lebanon since 1941, without discrimination between men and women. The condition imposed upon females in 1965, requiring that they undertake the same duties and work as men, was abolished in 1967. In the private sector, the official minimum wage may be exceeded by agreement between the two parties or in accordance with the provisions of the organization's internal regulations or the collective contract, if such exists. In the two latter cases, the internal regulations or collective contract may not contain provisions that discriminate against women, as these shall be considered null and void; in all cases, they shall be subject to supervision by the Ministry of Labour. Note that the Labour Code requires all employers employing fifteen or more workers to establish a system of employee regulations to regulate work in his establishment, which must be certified by the Ministry of Labour (article 66 of the Labour Code). This shows that the margin to practice discrimination against women in the matter of salary is limited, at least in the areas covered by the Labour Code. However, there is still discrimination against women in the area of taxation, as a married woman is treated as unmarried and does not benefit from the tax allowance enjoyed by a married man or male head of household. This makes the level of taxation to which women are liable higher than that of men, affecting a woman's net income which, after deduction of tax, becomes less than a man's.

201. Whatever the subject of a contractual dispute between an employer and a male or female employee, and even if the parties to the dispute are from groups excepted from the provisions of the Labour Code, competence to rule in respect of the dispute belongs to labour courts, known as conciliatory labour councils, consisting of a judge as chairman, one member representing the employer and another representing the employee. It should be pointed out that all actions brought before the conciliatory labour councils are exempt from judicial fees and stamp duty. Cases may be brought before the said councils without recourse to a lawyer (Law of 21 October 1980).

## II. The economic reality

202. According to the *National Study of Family Living Conditions 2004-2005*, 23.2% of resident workers are women. The following table shows the breakdown of the actual labour force by age and sex.

**Table 1**  
**Breakdown of actual labour force by age and sex**

Age	Sex		
	Female (%)	Male (%)	Total (%)
10-14	0.2	0.6	0.5
15-19	3.6	4.2	4.0
20-24	17.0	11.1	12.5
25-29	20.0	13.5	15.0
30-34	14.8	13.9	14.1
35-39	11.9	12.5	12.4
40-44	12.0	11.6	11.7
45-49	8.4	9.5	9.3
50-54	5.6	8.0	7.4
55-59	3.2	5.8	5.2
60-64	1.9	4.4	3.8
65-69	0.8	2.6	2.2
70 and above	0.6	2.4	1.9
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

Source: National Study of Family Living Conditions 2004-2005, Central Statistics Administration.

203. The table below shows that female employers and self-employed women represent 11.2% of the female workforce and that 75.5% of the female workforce are workers or employees receiving a monthly salary.

**Table 2**  
**Breakdown of resident workers by employment status and sex**

Employment status	Sex		
	Female	Male	Total
Employer	1.1	6.4	5.2
Self employed and working alone or with the help of family members (paid or unpaid)	10.1	33.9	28.4
Worker or employee receiving a monthly salary	75.5	40.8	48.9
Worker receiving weekly or daily wage or paid piecework	7.7	14.8	13.1
Working for family or relatives, paid or unpaid	4.1	3.1	3.3
Trainee (preparing for trade or profession), probationary or worker (paid or unpaid) with charitable, civil or women's association	1.3	1.1	1.1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

Source: National Study of Family Living Conditions 2004-2005, Central Statistics Administration.

204. As regards the distribution of female workers in Lebanon across economic sectors, the greatest percentage is in the services sector with women in Lebanon tending toward the banking, education, health and tourism sectors. Regarding breakdown by position, few Lebanese women reach senior management posts. With respect to discrepancy in pay, the data for 2000 indicate that the salaries received by women in the non-governmental sector are on average 14% to 20% less than those of men in jobs that do not require advanced educational skills. This discrepancy may now be closing.

205. The following table shows that women make up 28.3% of the unemployed. This low proportion is essentially attributable to the fact that women have difficulty balancing their family responsibilities with an economically active role, which often discourages women from seeking work outside the home.

**Table 3**  
**Breakdown of resident unemployed by sex**

Age: 10 years and above

<i>Sex</i>	<i>Percentage (%)</i>	<i>Number</i>
Female	28.3	27,323
Male	71.7	69,177
<b>Total</b>	<b>100</b>	<b>96,500</b>

*Source:* National Study of Family Living Conditions 2004-2005, Central Statistics Administration.

206. Organizations concerned with women's economic affairs play an important role in empowering women living in difficult social situations. A sample survey conducted by the Arab Women's Organization in 2005 showed that projects to empower women in Lebanon are concerned in 52% of cases with the service sector, 40% with the industrial sector and 6% with the agricultural sector. These projects educate and train women in various fields, such as dressmaking, embroidery and handicrafts and help them to market their products. Training in the technology sector receives special emphasis given the availability of job opportunities in this field. There are also organizations that provide micro-financing to women to assist them launch projects based on personal initiatives. However, these organizations face many problems, the main one being continuity of financing. Additionally, the tightness of the labour market and of the retail market for products limits the success of this initiative.

### **III. Migrant female workers**

207. Foreign labourers began flocking to Lebanon in 1973 and numbers increased to the point where the number of work permits granted to foreigners was 103,339 in 2004 and 109,440 in 2005. The number of advance approvals granted for the recruitment of foreigners was 37,806 in 2004 and 40,654 in 2005. It should be pointed out that the great majority of these workers are women, mostly working in domestic service (86,177 female domestic servants in 2005, compared to 3,617 male domestic servants). Most female workers come from non-Arab, Asian and African countries, particularly Sri Lanka (36,319), the Philippines (27,249) and Ethiopia (16,552). These figures relate to 2005.

## **1. The legal position of migrant female domestic workers**

208. This is a group which is excepted from the provisions of the Labour Code. The relation between foreign female domestic workers and employer are governed by the Code of Obligations and Contracts, the law regulating foreign labour and the practical provisions supplementary thereto. If foreign female workers undertake work other than domestic service (working in a company, for example), they become, as an employee, subject to the Labour Code and Social Security Code.

209. Lebanese law contains no provisions that discriminate on racial or ethnic grounds and the subjection of foreign female domestic workers to the Code of Obligations and Contracts is not evidence of discrimination, since similar female Lebanese workers are subject to the same provisions without discrimination, as the judgement of the Lebanese courts has established.

210. Although they are not subject to the provisions of the Labour Code, domestic workers (Lebanese and migrant) are subject to and benefit from the law on occupational accidents, which does not discriminate between Lebanese and foreigner or between men and women.

211. All disputes arising from a labour contract, whether governed by the Labour Code or other laws are subject to the absolute authority of the conciliatory labour councils. This means that actions brought by domestic workers (Lebanese and migrant) against their employers are heard by these councils. Criminal actions fall within the jurisdiction of the criminal judiciary. Accordingly, if a female worker is subject to beating or any other form of harm, she may submit a criminal complaint, particularly given that the Lebanese Penal Code possesses regional jurisdiction and does not discriminate on the grounds of gender, ethnicity or colour.

212. Pursuant to the law regulating foreign labour, which gives the Minister of Labour the power to regulate this sector, the Minister of Labour has issued, particularly over the last three years, a series of regulatory decrees designed to develop the regulations relating to the recruitment and labour of migrant female workers. Of these decrees, we might mention:

212.1 Decree 5/1 (17 January 2003), amended in the same year by decree 70/1 (9 July 2003), regulating offices that recruit foreign domestic servants. This latter decree stated, *inter alia*, that the head of the household shall undertake to provide clothing, food, medication, an acceptable place for the female servant to sleep and rest, to pay the monthly salary at the end of each month and to provide the necessary assistance for the transfer of her salary abroad, when requested. He shall also undertake to give her adequate periods of rest and not mistreat her, under threat of prosecution. The decree adds that those responsible for, or employees of, recruitment offices are forbidden to beat female servants and, in the event of disputes between them and employers or servants or between the latter two, they must inform the Ministry of Labour of the matter and submit a complaint, if necessary. In all cases, the Department of Labour Inspection in Beirut and the provinces shall be responsible for monitoring the activity of recruitment offices and must submit a detailed report on each office every six months. Complaints and petitions relating to disputes between employers and servants or between one of these parties and recruitment offices must be presented to the Department of Employment in Beirut or the provinces and referred to the competent ministerial authorities for

the necessary decision to be taken. On this basis, eleven recruitment offices were closed down in 2005 for violations of the provisions and stipulations of decrees issued by the Ministry of Labour.

212.2 Three decrees relate to the insurance of foreign servants and workers, the latest of which was issued on 3 January 2005, amended by decree 1/6 (28 January 2005), annexed to which was a compulsory form for the contract of insurance for foreign workers.

213. The Ministry of Labour has reviewed the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which the Committee urged the Government of Lebanon to consider ratifying, but has postponed consideration of accession.

## **2. The actual situation of migrant female workers**

214. Female foreign workers face difficulties associated essentially with dealings with recruitment offices and employers.

### **a. Relations between the female migrant worker and recruitment offices**

215. Most female migrant workers come to Lebanon by means of recruitment offices which secure them work and residence in the country. These offices do not always work in a regulated manner, given that they were established during the civil war period in Lebanon, when official state supervision was weak. Prior to arrival in Lebanon, the female worker pays a sum of money to sign a contract in her own country. For his part, the prospective employee in Lebanon pays a sum of money, which varies depending upon the nationality of the female worker required, to the recruitment office and covers the costs of her travel to Lebanon and the obligatory fees for issuance of the necessary residence card. The female worker remains the responsibility of the office which has guaranteed her arrival for a period of three months; this is, in effect, a probationary period. She signs a second contract that sometimes obliges her to work for a longer period and lower wage than agreed. For this reason, some embassies (those of Sri Lanka and the Philippines, for example) have begun to place conditions requiring that their prior agreement be obtained to contracts signed by their nationals in Lebanon.

### **b. The relation between the female migrant worker and her employer**

216. The exclusion of domestic servants in private homes from the provisions of the Labour Code opens the door to the abuse of female servants and is incompatible with the principles of the International Covenant on Economic, Social and Cultural Rights. Such abuses are specifically associated with hours of work and the provision of privacy for the servant in her employer's house. Servants may also be subject to the violence which some families still find acceptable to practice against women and which, at times, exposes some female domestic servants to violence from their employers. To ensure that the sum paid in advance for the recruitment of the servant and the securing of her residence and work papers in Lebanon is not lost, employers often resort to confiscating the servant's passport to prevent her from fleeing the house in which she works. In view of their weak economic, legal and cultural position, female servants are often afraid to confront their employers and the recruitment offices.

### 3. Efforts undertaken

217. Various efforts to address the situation and working conditions of female migrant workers have been made by governmental and non-governmental organizations and bodies.

217.1 Governmental efforts include a draft law drawn up recently by the Ministry of Labour and put before the Cabinet prior to referral to the Chamber of Deputies, requiring that domestic workers be subject to the provisions of the Labour Code. The draft also invests the Department of Labour Inspection of the Ministry of Labour with the power to oversee the circumstances, working conditions and wage claims of domestic workers. In the same context, the Ministry of Labour has formed a committee consisting of a number of ministries, civil society organizations, international organizations and relevant embassies to propose legal provisions to protect the position and affairs of female domestic servants. This committee has not yet completed its work.

217.2 To regulate, control and raise the standard of work of offices that recruit foreign female domestic workers, the Ministry of Labour has approved the creation of an association of owners of such offices.

217.3 It should be mentioned that, following the tsunami disaster, Lebanon responded by giving an amnesty to all offenders from countries affected and deported them at its own expense without imposing fines or instituting criminal proceedings.

217.4 A number of non-governmental organizations (Caritas, for example) help foreign female workers by providing them with medical assistance and legal counselling free of charge. They also follow up the cases of foreign female workers languishing in Lebanese prisons for violations of the law in order to resolve their problems or have them deported to their own countries. Such organizations are also working to put in place a scheme for a unified contract of employment for foreign workers to avoid any kind of exploitation. Caritas Lebanon, together with the International Catholic Migration Commission, has concluded a memorandum of understanding with the General Directorate of Public Security to implement a project involving the creation of "safe houses" to provide refuge for foreign female workers or foreign women working in prostitution who have been victims of trafficking and wish to stop.

217.5 In June 2005, Caritas Lebanon's Migrants Centre conducted a study to discover the view of Lebanese on the rights and duties of female domestic workers, aiming to examine the current situation prior to creating ways of improving the situation and making recommendations, where required. This study falls within the framework of a programme entitled, "Protection for the Human Rights of Migrant Workers and Asylum Seekers in Lebanon", delivered in collaboration with Caritas Sweden through support provided by European Union Mission.

217.6 In November 2005, the regional office of the ILO, in collaboration with the Ministry of Labour, OHCHR in the Arab countries, UNIFEM and Caritas Lebanon organized a workshop to raise awareness of the situation of female migrant domestic workers in Lebanon, in the course of which the Minister of Labour announced that a comprehensive plan on the issue would be prepared.

#### **IV. Obstacles and difficulties**

218. Family duties are still basically a woman's responsibility and, in the view of society, these take priority over a woman's responsibilities as an active element in economic life. This is an obstacle to the emergence of women as active participants in the national economy. Moreover, the economic value of the functions performed by women within the family is not credited in the gross national product. However, the economic pressures from which Lebanese women suffer and the growing perception among Lebanese women of their economic potential are two factors that are increasingly encouraging the participation of women in a variety of economic sectors.

219. A significant portion of economic activity falls within the marginal sector under which many of the services, light industrial and food-related occupations carried out by women are classified. However, this activity is not credited in the gross national product and women working in the marginal sector do not enjoy the benefits provided by law to workers in the regulated sector.

#### **Article 12: Equality in health care**

##### **I. The legislative position and the health system**

##### **1. Laws relating to public health and social security**

220. There is no explicit legal provision which establishes the right of the citizen to health and to health facilities. Since the early 1960s the State has, however, established legislation enabling broad groups of Lebanese to benefit from social security by virtue of their employment in the public and private sectors. Furthermore, there has been an endeavour to increase gradually the number of beneficiary groups, as with the institution of optional health insurance with effect from 2000. The State also provides health services directly to needy groups through government hospitals and assumes the costs of medical treatment in private hospitals, when necessary. The State provides medicines free of charge to citizens for the treatment of several chronic and terminal illnesses, such as cancer, multiple sclerosis, epilepsy, and drugs for organ transplant and haemophilia. The State also provides drugs for Lebanese HIV/AIDS sufferers and has recently begun to do so for Palestinian refugees.

221. On the basis of the right to health, Law 574 (11 February 2004) on the rights of the sick and informed consent was promulgated. This law is based upon the right of the sick to receive proper and appropriate medical care for their condition in line with modern scientific knowledge. This protection is not restricted to treatment but extends to prevention, rehabilitation and education.

222. Concerning the media, article 30 of Broadcasting Act 3820/94 allows the Ministry of Information to require television and broadcasting companies to broadcast an average of one hour per week of national guidance programmes and educational, health and information programmes, without charge, at times specified in the licensing conditions. Radio stations are required to allocate a minimum of twenty-six hours to health programming, at the request of public, private or government health bodies.

## **2. Features of the health system**

### **a. The private and public sectors**

223. Despite the efforts of the Ministry of Public Health, Ministry of Social Affairs and the private sector to implement the national primary health care strategy by developing a comprehensive network of health centres distributed equally across all regions and incorporating all the elements of primary health care, including reproductive health, the health sector suffers from basic flaws. These take the form of private sector dominance in the provision of health services, the disparity of distribution, both quantitatively and qualitatively, across the different regions of the country, with a strong concentration in Beirut and Mount Lebanon, the increasing investment in treatment capacity and high technology and the predominance of the curative aspect over the preventive and primary health care aspects in terms of government expenditure. In this respect, reference must be made to the rising public expenditure on health, illustrated by the share of the health services of GDP, currently more than 15%, for a health situation no better than that of countries with average human development. This poses the twin problems of the effectiveness and fairness of the distribution of health services.

### **b. Access to health services**

224. Access to health services does not present a problem in Lebanon. The increased rate of urbanization (more than 80% of the population is concentrated in towns and cities), the spread of hospitals (168 secondary and tertiary health care centres) and health centres (850 primary health care centres) have resulted in a high rate of access to health care (95% of the population, with one doctor for every 350 people, widely available high-level medical technology and 80% of the budget of the Ministry of Public Health going to support the treatment of the uninsured).

## **II. Efforts undertaken**

### **1. Programmes implemented by the State**

#### **a. The reproductive health programme**

225. The reproductive health programme launched by the Lebanese State in 1997 through the Ministries of Public Health and Social Affairs, in collaboration with UNFPA, has worked to rehabilitate 430 health centres across the country in order to provide reproductive health services within the primary health care framework. The programme's current plan targets deprived regions and aims, firstly, to increase the availability of an integrated series of high-quality information services relating to reproductive health (Ministry of Public Health) and, secondly, to increase the provision of information and raise young people's level of awareness of issues of reproductive and sexual health (Ministry of Social Affairs, Ministry of Youth and Sports and Ministry of National Education).

#### **b. The National AIDS Control Programme**

226. In recent years the National AIDS Control Programme (NACP), set up by the Ministry of Public Health in 1987, in collaboration with the World Health Organization, has been noted for its vigorous support of private associations and civil organizations and its collaboration and active participation in launching media awareness campaigns. One of the most prominent awareness-raising activities

supported by the Programme is that of peer guidance. In collaboration with civil society organizations and associations, the Programme has put in place a national strategy for 2004-2009. Among its foremost guiding principles are the guarantee of human rights, including gender equality, non-discrimination, the strengthening of the commitment of Government, employers' associations, labour unions and professional groups, such as media workers, lawyers and educators, ensuring the confidentiality of tests and counselling and the compatibility of education, counselling and care with social and cultural circumstances, as well as the building of a partnership between Government and civil society.

## **2. Programmes implemented by non-governmental organizations**

227. The aims of non-governmental health organizations include the provision of health services and awareness-raising through programmes targeting primarily women in the area of reproductive health. The Family Planning Association is the oldest and most widely established on a country-wide basis, particularly in the neediest regions. In 2005, for example, this Association held more than 180 awareness-raising meetings in a variety of locations, including community clinics, the Association's own village centres and army health centres. The target groups were female visitors to clinics and health centres and soldiers' wives. In 2005, the number of such women exceeded 15,000 across the country. The meetings were organized either by the Association alone or in partnership with other Lebanese or international non-governmental organizations, or by the army and were usually conducted by female field workers – women active in local circles with training in population and development issues.

## **III. The health situation of women**

228. The developing health situation indicates that Lebanon has entered an advanced phase in the epidemiological transition, with diseases of the heart and blood vessels representing the major cause of adult death, followed in importance by cancer and accidents. The significance of chronic diseases has also increased, especially among the elderly.

229. The following table shows some of the indicators relating to reproductive health.

**Table 1**  
**Some of the indicators relating to reproductive health**

Average infant deaths per 1,000 live births (2000)	
• Both sexes	27
• Male	30
• Female	24
Average child deaths per 1,000 live births (2000)	
• Both sexes	35
• Male	40
• Female	30
Deaths in childbirth per 100,000 live births (1992)	88.38
Percentage use of contraception per 100 married women (2000)	63
Percentage of deliveries where mother received health care during pregnancy (2002-2004)	96
Percentage of deliveries performed by a qualified health team (2002-2004)	100
Percentage of deliveries where mother received post-natal health care (2002-2004)	52

Sources: 1. League of Arab States, Ministry of Social Affairs, Central Statistics Administration.  
2. Central Statistics Administration; UNICEF, *The Condition of Children on Lebanon (2000)*.

## 1. Disease

### a. Chronic diseases

230. The results of the *Lebanese Survey of Family Health (2004)* showed that some 16% of males suffered from at least one chronic disease, compared with approximately 23% of females. The explanation for the higher percentage of females than males may be due to the greater tendency of females to report the illnesses from which they suffer. It is noticeable that high blood pressure, diabetes, heart disease and stomach ulcers are the most widespread diseases among the population. Although the incidence of women suffering from high blood pressure, stomach ulcers and diabetes is higher than men, the opposite is the case with regard to heart disease, which is increasing more among men.

### b. Diseases of the reproductive system

231. The results of the *Lebanese Survey of Family Health (2004)* showed that 8% of women suffer from prolapse of the uterus, some 6% suffer from incontinence and approximately 9% suffer from inflammation of the urinary tract. A doctor was called in some 72% of cases of uterine prolapse and 52% of cases of incontinence.

### c. Diseases of the elderly

232. In recent years, increasing attention has been paid to diseases of the elderly, due to the increased proportion of the elderly among the population as a whole. The following table shows incidence rates of certain diseases among the advanced in years, by gender.

**Table 2**

**Incidence rates of certain diseases among the elderly, by sex and type of disease**

<i>Disease</i>	<i>Male (%)</i>	<i>Female (%)</i>	<i>Total (%)</i>
High blood pressure	30.0	43.4	<b>36.7</b>
Diabetes	19.1	23.9	<b>21.5</b>
Heart	22.6	23.7	<b>23.1</b>
Arthritis	9.3	17.3	<b>13.3</b>
Incontinence	2.8	3.9	<b>3.4</b>
High cholesterol	6.4	11.0	<b>8.7</b>

Source: League of Arab States, Ministry of Social Affairs, Central Statistics Administration.

**d. Cancer**

233. In 2005, the National Cancer Register was revived and the first report (2003), covering 3,400 cases, shows that approximately 58% of all sufferers are women and that 7% of all cases are below the age of 15. The average age at diagnosis is 55 for women, compared to 60 for men. Among women, 50% of cases suffer from breast cancer, followed by 7% suffering from ovarian cancer. These results are reckoned to be biased and should be treated with great caution, given that they only cover cases registered with the Medication Distribution Office and undergoing chemotherapy. They do not include cases undergoing other treatments.

234. The national campaign to prevent breast, ovarian and cervical cancer continues in October each year with awareness-raising and education, together with simplified procedures for tests and mammography at reduced prices in health centres throughout the country.

**e. HIV/AIDS**

235. According to data published by the NACP, there were 903 reported cases of AIDS or infection with the HIV virus at the end of 2005, compared to 808 cases at the end of 2004. The NACP estimates that this is considerably less than the actual figure. Approximately 18% of the aggregate figures for carriers of the virus and AIDS sufferers are women and 82% are men. The distribution of the indicators has changed little from previous years (methods of transmission, age group, connection to travel). Vertical transmission (from mother to child) accounts for an estimated 2.4% of cases of infection.

**2. Disability**

236. According to the *National Study of Family Living Conditions 2004-2005*, 2% of the population of Lebanon suffers from disability. Motor disability is the most common among men and women equally.

237. According to the statistics of the Ministry of Social Affairs, the number of individuals holding disability cards from 1995 to the end of 2005 was 55,888. The attention of civil society has been focused upon the rehabilitation of the disabled by organizing workshops and training centres for those with special needs, developing the infrastructure to meet the needs of the disabled and transforming action from the concept of care and compassion into one of welcoming acquired rights, full participation and equal opportunity.

**IV. The medical body**

238. The number of women general physicians in Lebanon is increasing year by year, having risen from 11% of general physicians in 1990 to 16% in 1995 and more than 19% in 2005 (Lebanese Order of Physicians). The proportion of women dentists has risen in a similar fashion, from 11% in 1990 to more than 20% in 2005 (Lebanese Order of Physicians).

239. The Association of Pharmacists advises that there are currently 2,435 women pharmacists, more than 57.7% of all pharmacists. This percentage has remained stable for the last fifteen years.

240. Lastly, the proportion of female nurses to the total nursing body is currently around 86%, numbering just under 5,000.

## **V. Progress achieved: review of legislation**

241. It will be observed that the conformity of the law to international treaties is one of the most important reasons for legislative review. However, it should be pointed out that amendments are not always faithfully applied and are sometimes based upon a particular interpretation of treaties that many believe are contrary to the spirit of these.

## **VI. Failures and challenges**

### **1. Social security and labour**

242. Lebanon has not ratified any international agreement relating to social security (Social Security (Minimum Standards) Convention (No. 102); Maternity Protection Convention (No. 103); Employment Injury Benefits Convention (No. 121); Medical Care and Sickness Benefits Convention (No. 130); and Social Security (Seafarers) Convention (No. 165)).

243. Palestinian workers and, in general, all non-Lebanese labourers, do not benefit from social security provisions, due to the absence of reciprocal arrangements with other states.

### **2. The distribution of health services**

244. The distribution of health services in Lebanon is uneven and does not reflect the geographical distribution of population. There is a concentration of physicians, medical support systems, private hospitals and hospital beds in Beirut. There is a better distribution of health clinics across the provinces, but these are still limited in terms of numbers and coverage.

### **3. Health insurance**

245. Despite the availability of public health insurance and the increased budget of the Ministry of Public Health, which carries the cost of treatment for those not covered by insurance, as a percentage of the total government budget, individuals pay the greater part of the national health bill and many social groups, particularly the poor and elderly, do not have their health needs met.

### **4. The elderly**

246. As previously indicated, the numbers and percentage of elderly men and women in Lebanon are increasing. The ageing population means that there is not only a growing need for medical services but also a shift in the type of services required to treat age-related illness and diseases more common among the elderly, such as cancer, high blood pressure, kidney malfunction, Alzheimer's disease and different degrees of disability. Treatment of such illnesses is costly and requires a large number of specialists in geriatric medicine. In terms of the provision of services within the framework of the National Reproductive Health Programme, no special considerations for responding to the reproductive health needs of elderly women are indicated.

247. We note that the optional health insurance system in operation since 2003 does not cover all of Lebanon's elderly population.

## **5. Disability**

248. The major obstacle to fulfilling the right to benefit from comprehensive coverage of health, rehabilitation and disability support services is that the provision of technical appliances and systems is subject to budget limitation and to approvals in the Ministry of Public Health budget. This often causes lengthy delays and diminishes the actual benefit to male and female disabled persons from the right to comprehensive coverage and treatment at Ministry expense.

## **6. Young women's reproductive health**

249. Notwithstanding the achievements of the National Reproductive Health Programme, interventions have not adequately addressed the situation regarding the reproductive health of young women, although several studies have indicated that this group is exposed to a variety of high-risk practices, such as unsafe sexual practices, which carry the dangers of unplanned pregnancy, sexually transmitted diseases and abortion. These practices also include excessive consumption of certain substances, poor diet, an unhealthy lifestyle, subjection to peer pressure and poor social support. There is, therefore, a need to develop a national strategy to provide this group of women with information on reproductive and sexual health in order to plan ways of involving them in reproductive and sexual health programmes.

## **7. Discrimination against AIDS sufferers**

250. There is no legal or official discrimination against AIDS sufferers in Lebanon. Indeed, since the 1980s, there have been many declarations of principle to ensure non-discrimination and combat the social stigma that can be a consequence of the disease, and a number of organizations have been set up to combat AIDS, such as the National AIDS Commission and the aforementioned National AIDS Control Programme. However, it is noted that effective, official measures for care of and solidarity with sufferers and the sick have been limited to the provision of free medication and, to a lesser extent, treatment, in isolation from other social and economic rights.

251. At societal level, it is observed that there are a number of organizations closely or indirectly concerned with AIDS-related issues, working in the area of prevention in schools and prisons or in raising the level of awareness of certain groups, such as female sex workers and gays. While these organizations have had a marked impact in changing society's attitude to AIDS sufferers, this attitude still seems generally

equivocal and relative to region although has begun to improve as a result of growing tolerance in Lebanon toward the most vulnerable groups.

252. The subject of AIDS and certain aspects of reproductive health have been introduced into the public secondary school curriculum, although opposition appeared from some quarters to its inclusion in the intermediate level curriculum. It should be noted that only part of the recommendations of the National AIDS Control Programme and WHO has been incorporated into the educational curriculum.

253. The major obstacles encountered by the partners involved in the fight against HIV/AIDS during the last decade have been: a lack of human and financial resources; existing social norms and values; the absence of a programmatic approach to sex education; the lack of availability of means of protection, such as condoms; the deep-rooted social stigma and prejudice against sufferers; the lack of appropriate means of raising awareness, especially in schools; the ineffectiveness of a monitoring system that produces incomplete statistical data and under-reports the number of cases; and an inadequate commitment from governments to mobilization of resources, formulation of policy and law enforcement.

### **Article 13: Economic and social rights and benefits**

#### **I. The law and policy**

254. Lebanon acceded to the International Covenant on Economic, Social and Cultural Rights in 1972, on the basis of a law enacted by Statute 3855 (1 September 1972). In 1990, Lebanon affirmed in the preamble to the Constitution that it abides by the covenants of the United Nations and by the Universal Declaration of Human Rights and that the State “shall embody these principles in all fields and areas without exception”. For its part, the Lebanese Constitutional Council resolved to consider the International Covenant on Economic, Social and Cultural Rights and, likewise, the International Covenant on Civil and Political Rights as complementary to the Universal Declaration of Human Rights. These international covenants, accorded favourable mention in the preamble to the Constitution, form, together with the preamble and the Constitution itself, an indivisible whole and together enjoy constitutional force (Resolution 2/2001 (10 May 2001)).

255. The Lebanese State makes efforts to promote these rights, commensurate with available resources and in the light of the interpretations of the monitoring committee of the International Covenant on Economic, Social and Cultural Rights.

#### **II. Certain economic rights**

##### **1. The right to housing**

256. Affirming the absence of any gender discrimination in this area and notwithstanding the rise in housing production costs, official statistics record a marked increase in the proportion of home owners, rising from 34.7% in 1972 to 68.3% in 1997 and 74.2% in 2004. According to the *National Study of Family Living Conditions 2004-2005*, the highest proportion of homes owned are in private ownership (86.8%), followed by joint ownership with family members (11.8%) and joint ownership with relatives or others (1.4%).

257. The measures noted by the monitoring committee on the right to housing of the International Covenant on Economic, Social and Cultural Rights that have

contributed to this level of achievement in Lebanon, include those conducive to ensuring continuity of use such as the provision of means of communication to populated areas and the provision of the necessary infrastructure. For example, the *National Study of Family Living Conditions 2004-2005* points out that 99.8% of families are connected to the public electricity grid and 80% own one or more telephones (37.4% own fixed telephones and 42.6% own cell phones).

258. In addition to the above measures, a series of legislative and administrative measures have been taken to promote the right to housing. The first of these was the Housing Act (1965), followed by the creation of the Ministry of Housing and Cooperatives in 1973 (abolished in 2000), the creation of the Housing Bank in 1977 and the establishment of the Public Corporation for Housing in 1996. The function of the latter is to boost home ownership, either by the building of houses and extensions directly or by means of others, by promoting savings and housing loans or by providing medium and long-term loans.

259. Use of the services of the Public Corporation for Housing is available to anyone who meets the required conditions, without gender discrimination. The Corporation's data indicates that, during the last five years, the proportion of loans from which women (single or married) were beneficiaries was approximately 30% of the total. This includes both individual and joint ownership.

## **2. The right to vocational training and empowerment**

260. In 2005, the development services centres of the Ministry of Social Affairs, which are spread throughout all regions of Lebanon, delivered 265 training and qualifying courses, primarily targeted at women; 3,952 female trainees participated, compared to 866 male trainees.

261. In addition to the functions of receiving employment applications and obtaining accurate information from employers on vacancies they are advertising, in order to facilitate matching these with employment applications submitted by the unemployed or new workers seeking to enter employment for the first time, the National Employment Office (NEO), in collaboration with civil organizations and associations across the entire country, delivers training programmes aimed at primary school or other drop-outs or those who wish to convert from a previously acquired trade to a new one or to upgrade an existing trade for the purpose of promotion. No consideration is given to the applicant's social position, family status or sex and there is no discrimination of any sort. The NEO implements qualifying, training and employment programmes for disabled persons, appropriate to their level of disability and with due regard to their particular characteristics and needs, without discrimination.

262. During 2004/2005 and in collaboration with twenty-five civil associations, the NEO delivered training courses in more than twenty-five trades and crafts, from which 2,087 trainees benefited, among whom 47.8% were women. It should be noted that, in the case of the Lebanese Welfare Association for the Handicapped, one of the civil organizations involved in the training programme, women formed 85.2% of the participants.

263. The NEO contracts for the training with civil organizations and associations on its own terms, makes regular visits to the training sites and supervises the final evaluation of the results. Graduates are awarded a diploma approved by the NEO.

264. Between 1997 and 2003, 6,104 trainees benefited from intensive vocational training courses, with a financial contribution from the NEO in Lebanese pounds of the equivalent of US\$ 2,234,535.

### **3. The right to work**

265. The figures indicate that, between 2000 and 31 August 2005, the NEO received 7,343 job applications, of which 40.24% were from females. The highest proportion of female job applicants was in the 26 to 30 age group (37.7%) and, in terms of educational level, female university graduates made up the highest proportion (58%). Most applications were from single women (78.4%), with 21.6% from married women. Of female job applicants, 25.4% were looking for work for the first time.

266. The above job applications were for 4,576 positions on offer, distributed by sex as follows: female (39.30%), male (39.38%) and without distinguishing (21.32%). The educational levels most in demand for the positions on offer to women were university (30.55%) and secondary school (28.47%).

267. There were 1,378 placements, of which 55.9% were females.

### **4. Grants and assistance for specialization overseas**

268. The conditions that must be met by candidates for study grants or assistance for specialization overseas are the same for all, with no discrimination on the basis of sex.

269. Likewise, the regulations for specialization overseas for employees or candidates for positions in government departments, public organizations and municipalities requiring special knowledge and qualifications do not include any form of discrimination (Statute 8868 (27 February 1962) and amendments).

## **III. Women's participation in sporting and social activities**

### **1. The women's sports movement**

270. Girls in both public and private schools in Lebanon enjoy the same opportunities as boys in terms of participation in sports and physical education and there are no rules forbidding or hindering their participation. Since 1977, there has been a noticeable development of the women's sport movement in Lebanon, following the establishment of the Arab Women's Sports Association, of which Lebanon was a founder member, becoming a member of its executive office on 23 December 2005.

271. In 2000, the International Olympic Committee issued a resolution requiring that women occupy some 20% of the positions in the administrative bodies of local Olympic committees, sports federations and associations. Lebanon has endeavoured to apply this ruling with the support of the Government, in the form of the Ministry of Youth and Sports. Today, women participate in the administrative bodies of 21 out of a total of 36 sports federations, including the Handi-Sport Lebanese Federation, in which women make up one-third of its thirteen members.

272. It should be pointed out that, on 13 February 2006, the Ministry of Youth and Sports prepared a draft decree requiring the formation of a paraplegic sport committee. This draft is currently taking its legal course. Women participate in all

sporting activities, particularly those organized by the Special Lebanese Olympiad, which is normally held under the auspices of the paraplegic sport unit of the Ministry of Education and Higher Education.

## **2. Miscellaneous activities**

273. The results of the *National Study of Family Living Conditions 2004-2005* showed the following:

273.1 Women made up 47.87% of all individuals who read newspapers and magazines during the week prior to the survey, with more than two-thirds belonging to age groups between 15 and 44. Women made up 47.70% of all school or university students, with 60.5% of them belonging to age groups between 5 and 25.

273.2 Women made up 48.21% of all individuals who had made at least one journey abroad during the twelve months prior to the survey.

### **Article 14: The rural woman**

#### **I. The countryside and the gradual movement to the capital**

274. The countryside is a vague concept in Lebanon, given the small area of the country. Outlying border villages are situated at a distance of no more than 60 to 140 kilometres from Beirut and such limited distances give the concept of the countryside a very restricted cognitive sense. It is used to refer to the region that includes outlying rural areas situated at a distance of between 80 and 140 kilometres from the capital. The area lying within a radius of 40 kilometres from the suburbs has become impossible to describe as the countryside for many reasons, among which are that they have become attractive to real estate investment and for the sale of apartments.

275. The process of the ruralization of the towns has expanded due to the increasing migration to the capital's crowded slum suburbs, which now hold two-thirds of the population of Greater Beirut.

276. On the basis of the estimates in the *Family Living Conditions*, a study published by the Central Statistics Administration, we arrive at the distribution of female rural migrants in the following table:

**Table 1**  
**Distribution of female rural migrants**

Percentage of female migrants	Nabatieh		South Lebanon		Bekaa		North Lebanon		Total migration from the four provinces to population of each province	
	%	Number (1000)	%	Number (1000)	%	Number (1000)	%	Number (1000)	%	Number (1000)
Beirut	11.2	44.8	8	32	3.5	14	3.2	12.8	25.9	103.6
Beirut suburbs	17.3	152	9	79.2	14.2	125	3.9	34.3	44.4	390
Mt. Lebanon, various suburbs	0.7	4.2	2	12	2.6	15.6	5	30	10.3	61.8
Total (%)	–	201	–	123.2	–	154.6	–	77.1	–	555.4
Residents of provinces (urban and rural)	–	276	–	472	–	544	–	804	–	2,096

Source of estimates: *Family Living Conditions*, Central Statistics Administration, Beirut, 1998, pp. 88, 89.

277. In the light of the figures in the table, it will be noticed that the proportion of migrants to the cities is close to 12% in North Lebanon, approximately 19% in South Lebanon, 29.2% in Nabatieh and 20% in the Bekaa.

278. The total number of residents in the four emigrant provinces is approximately 420,000, of which the proportion of women is approximately 55%, making an estimated figure of 230,000 women. The number of women of working age (between 10 and 64) is estimated at 67% of the total, around 154,000 physically active females, of whom 60,000 are working in family support. However, this work does not make it impossible for some to undertake occasional, paid, casual work. The number of those continuing their education is estimated at 23,000 (15%). Approximately 31,000 work in education and services in governmental and non-governmental organizations. The remaining rural women of working age are heads of households. Elderly heads of households over working age make up 8.5% of rural women.

279. The number of physically active rural women in the four emigrant provinces is approximately 200,000, if females between the ages of 10 and 15 and above 65 are included in the calculation, thereby raising the proportion of the unskilled rural workforce to some 15% of the total workforce in the country.

## II. The legislative position and prevailing practices

### 1. The Labour Code and scope of application

280. Lebanese law excludes agricultural labour from the provisions of the Labour Code. Special legislation has been drawn up for agricultural labour but this has not yet seen the light of day. Also excluded from the scope of the Labour Code are family enterprises in which only members of the family work, under the management of the father, mother or guardian.

## **2. The limits to which rural women benefit from social security provisions**

281. Rural women benefit from social security to the extent that they belong to one of the groups covered by its provisions. In the agricultural sector, for example, social security benefits are currently limited to permanent Lebanese labourers working in an enterprise. This means that seasonal labourers, together with non-Lebanese, do not benefit from social security. Likewise, workers in family enterprises only benefit from the optional insurance, which is limited to health insurance benefits.

282. To female workers insured, with their dependents, for health care by the Social Security Fund, must be added female university students registered in the Zahle, Tripoli and Sidon branches who have migrated from these districts and who benefit from the insurance, as long as the head of the family is not a beneficiary.

283. The only female beneficiaries from social security in the paid agricultural sector are permanent employees of companies working in agricultural processing, export and manufacture of whom, at the end of 2004, there were not more than 159.

284. Rural inhabitants, especially elderly rural women, basically rely upon the health services provided by private sector clinics and the development services centres run by the Ministries of Social Affairs and Public Health. The number of female beneficiaries requiring these essential services in the emigrant provinces and suburbs is double that of residents in Beirut and Mount Lebanon. This is also clear from the data of the Economic and Social Development Fund (ESFD) on the social situation in 77 villages, selected from small villages and poor farming communities in outlying districts of the country. These data show that the villages and farming communities in which the proportion of ESFD beneficiaries ranges from zero to 20% of residents, are distributed by district as follows: Akkar (9 out of 16 villages), Baalbek (13 out of 16), Hasbeya (4 out of 4), Hermel (6 out of 7), Marjayoun (5 out of 5), Miniyeh (3 out of 5) and Tyre (8 out of 8).

## **3. The nature of fealty**

285. In rural and outlying regions, prevailing values tend to affirm fealty to the males of the leading clans and families with inherited influence within the traditional social fabric.

## **4. The nature of participation in local government**

286. Participation in local representative councils has a partisan, not developmental, character, thus weakening accountability and the effectiveness of local participation, particularly of women.

## **5. The principle of separation of place of livelihood from place of parliamentary representation**

287. This principle is given concrete form in the laws on parliamentary representation from which it follows that, for example, some 12% of those registered in the province North Lebanon, 20% of those registered in South Lebanon and the Bekaa and 30% of those registered in Nabatiyeh, live, earn their livelihood and prosper in Beirut and its suburbs, where they have no representation, being represented in the outlying, rural areas where they do not live.

### **III. Efforts to advance rural women**

#### **1. Programmes implemented by official departments**

##### **a. Intervention programmes supported by the Ministry of Social Affairs**

288. The Ministry of Social Affairs implements welfare and empowerment programmes for rural women through its 63 development services centres distributed throughout the administrative districts and having some 124 branches. Each centre has, in principle, a family and women's affairs section. In 2004, these centres contracted with approximately 150 associations for implementation of some 222 welfare programmes, including those for women from the suburbs and countryside in general and reproductive health, education and craft training.

289. It is noticeable that the skills training programmes for women in the aforementioned centres still have a predominantly traditional character (dressmaking, home economics, embroidery, textile patterning). Nowadays, however, demand is growing for certain craft specializations that are more marketable, such as beauty treatment, computers and technical craft skills, such as beading and embroidering traditional garments. With the exception of the Baalbek centre, most centres have not been successful in marketing their products to provide income for the trainees.

##### **b. Programmes adopted by the two social development funds associated with the Council for Development and Reconstruction (CDP)**

290. The managements of both funds have tended to rely on municipalities and local councils as local partners in implementing ESFD development and micro-credit programmes in the group of 77 villages classified as "pockets of poverty" by ESFD, or to rely on non-governmental organizations, local associations and development services centres as partners to implement CDP interventions that target poor groups, such as the disabled, as well as women and female heads of households to enable them to generate income.

291. Women play a significant part in determining the provision of mother and child services and nursery services, as well as in organizing vocational training courses in skills to generate income. Women's committees have been given important roles in decision-making with municipalities and in monitoring the quality of health, educational and cultural services.

#### **2. Lending programmes implemented by foreign organizations and Lebanese associations**

292. Among an estimated 30 associations lending to small projects in Lebanon in 2005, there are nine whose lending does not discriminate on the basis of sex and where women's share of the lending ranges from 10% to 20%. There are also two organizations which lend exclusively to rural women. At the forefront of authorized associations with funds in excess of one million dollars are Caritas, the Good Loan, the Lebanese Organization for Economic and Social Development, the Cooperative Housing Foundation (CHF) and the Armenian Orthodox Archdiocese.

293. Of 63 projects implemented in different regions in the last ten years with international funding and technical support, and sometimes in collaboration with government departments, there were ten development projects and lending

programmes from which women could benefit, in addition to six projects exclusively for rural women.

294. Their projects are shown in the following tables:

294.1 Table showing the principal development projects and lending programmes to benefit rural women, with funding in excess of one million dollars:

**Table 2**

	<i>Details of project/Name of project</i>	<i>Donor body</i>	<i>Project cost (million dollars)</i>
1	Local development project	World Bank	30.000
2	Integrated rural development project for Baalbek and Hermel districts	CDR, Japan; UNDCP; UNDP; FAO	14.310
3	Socio-economic rehabilitation programme for Southern Lebanon	European Union	1.812
4	Reconstruction and rehabilitation of public schools; training courses for girls	European Union	16.500
5	Cooperative funding programme for rural areas	International Fund for Agricultural Development (IFAD)	37.350
6	Cooperative vocational training programme in Southern Lebanon	Germany	1.278
7	Integrated agricultural development in the Bekaa Valley, Baalbek and Hermel	Spain	1.642
8	Economic opportunities enhancement programme	YMCA; MCI; WV; CHF; USAID	41.000
9	Economic and social development in rural areas	European Union	8.695
10	Home restoration and micro-lending in the South	European Union	1.511
	<b>Total cost of projects benefiting women and in which micro-lending predominates</b>		<b>154.000</b>

294.2 Table showing projects exclusively for women:

**Table 3**

	<i>Details of project/Name of project</i>	<i>Donor body</i>	<i>Project cost (million dollars)</i>
1	Development of national social statistics programmes	ESCWA	0.600
2	National reproductive health programme	UNFPA; Ministry of Social Affairs	–
3	Construction of a maternity health centre in Tyre	European Union	0.487
4	Construction and equipping of a maternity health centre in Marjayoun	European Union	0.499
5	Micro-lending programme for women in Tyre	Spain	0.249
6	Marjayoun paediatric and maternity clinic	Belgium	0.356
	<b>Total cost of projects exclusively for women</b>	–	<b>2.191</b>

### **3. Contribution of the Lebanese private sector to addressing rural women's poverty and discrimination**

295. Although it is difficult to give statistical estimates and quantitative indicators of the volume and quality of services provided by the hundreds of associations possessing limited capabilities and operations we can, nevertheless, draw attention to the importance of the health, social and educational programmes and activities provided by some 150 associations with large and medium-sized human and professional resources, while noting that these do not constitute more than 6.9% of all associations working in the field of social welfare. A large proportion of these associations provide services similar to those of the development services centres run by the Ministry of Social Affairs. Health, education and literacy programmes make up about one quarter of the services provided by the sector and include gynaecology, reproductive health, eradication of illiteracy, craft training and small business management training.

296. It should be mentioned that the empowerment and development role of private associations has been prominent in training groups of rural women in the processing and marketing of agricultural and food products. This was crowned by the nurturing of more than 50 cooperatives founded by poorly educated and, sometimes, illiterate women after receiving small loans to equip cooperative workshops. Several private associations encouraged these cooperatives by acting as marketing intermediaries with commercial enterprises in Lebanon, the Gulf and Europe (the "best of the countryside" experiment). One of the achievements of this was to enable several associations to communicate directly with sources of demand and financial support in order to expand production. This has been observed in the Bekaa, at the cooperatives of Hermel, Labweh, Deir el-Ahmar, Aرسال, El-Ein, El-Fakieh and Mansoureh.

#### **IV. Progress achieved**

##### **1. In health**

297. The expansion of the direct efforts of the Ministry of Social Affairs at its centres or in cooperation with associations has contributed to raising the level of health of pregnant women and of reproductive health. It is worth noting that the development services centres are implementing, together with the Family Planning Association and with support from UNFPA, what are known as “strategic population and development programmes”.

##### **2. In eradication of illiteracy and adult education**

298. The Executive Committee for the Eradication of Illiteracy at the Ministry of Social Affairs has launched educational textbooks, including some which have been produced in collaboration with UNICEF. These have been distributed to development services centres and private associations, which trained 1,385 beneficiaries in the course of 2004.

299. Using statistics to calculate the extent of illiteracy among female workers in the agricultural sector and relying upon the data in the *Survey of Family Social Conditions, 1997*, it can be estimated that there are approximately 13,600 illiterate women of working age, out of 60,000 working in family support or agricultural jobs. It is also possible to state that, up to 2005, the literacy programmes run by the Ministry of Social Affairs and private associations benefited a total of 7,384 women, 54% of all illiterate females in the agricultural sector.

300. The proportion of women benefiting from the courses of the Ministry of Social Affairs was 98% and the proportion of women in all courses organized by private associations was close to 80%. Three-quarters of those trained by associations live in the suburbs of Beirut, according to data from the Executive Committee for the Eradication of Illiteracy, Ministry of Social Affairs. The remaining quarter live in small towns and the surrounding countryside. In 2005, 488 women attended literacy classes in the countryside; 388 of these attended classes in the development services centres of the Ministry of Social Affairs and 100 attended classes in associations.

301. The statistics of the Executive Committee for the Eradication of Illiteracy show that the number of female beneficiaries from courses during the seven year period from 1998 to 2005 was 4,623 in some 35 Ministry of Social Affairs centres, distributed across the provinces, as shown in the following table:

**Table 4****Eradication of illiteracy activity in development services centres, 1998–2005**

<i>Province</i>	<i>Centres operating during the seven years</i>	<i>Beneficiaries during the seven years</i>
Beirut and suburbs	7 – 9 centres	2,128
Mount Lebanon	2 – 3 centres	349
Nabatiyeh	4 – 7 centres	614
North Lebanon	1 – 4 centres	409
Bekaa	3 – 8 centres	825
South Lebanon	1 – 3 centres	298
<b>Total beneficiaries</b>	–	<b>4,623</b>

302. To the Ministry's efforts must be added those of the private organizations from whose courses between 1998 and 2005 some 2,861 women have benefited, in 26 associations, including 12 active ones. Accordingly, the total number of women who have benefited from literacy courses in the past seven has been 7,484.

303. The number of women benefiting from the programmes of private associations and development services centres between 1998 and 2004 in the area between adult education and the eradication of adult illiteracy on the one hand, and adult vocational training on the other, is estimated at around 5000. Approximately 55% of these were trained in computer and beauty skills and other modern technical skills and the other 45% of whom received training in traditional craft skills (dressmaking, embroidery, ceramics, wickerwork, etc.). About 63% of these women live in the countryside and regional centres.

### **3. In the participation of rural women in political and social activity**

304. The percentage of rural women voting is close to that of men voting in the municipal and parliamentary elections. This is because the war that lasted for a decade and a half in Lebanon placed rural and urban women in the position, albeit at varying degrees, of having to face the hard challenges and responsibilities of adjustment to running the family which they had not faced before. In addition, the setting up of branches of the Lebanese University in provincial centres helped widen and facilitate access to opportunities for higher education among young rural women. This encouraged many to stand as candidates in municipal elections, with numbers rising from 4 candidates before the war to 700 in 2004 and the number of successful women candidates increasing from 139 in the elections of 1998 to 220 in 2004. In the 2004 elections, a woman was recognized in the prestigious role of mayor, previously associated with a man of standing who kept open house. It should be mentioned that the proportion of successful women candidates in the 1998 elections from the most rural of the emigrant provinces (the Bekaa, North Lebanon and Nabatiyeh) ranged from 48% to 68%, while it was lower in Beirut at 6% and Mount Lebanon at 34%.

305. The representation of women in the higher leadership bodies of the political parties is rare but their participation is expanding in the parties' social (welfare, education and health) organizations. As these offer opportunities for a poor woman, surrounded by unemployment and destitution, to find work, she is encouraged to accept the political and behavioural commitment.

#### **4. In affiliation to independent professional unions**

306. The expansion of opportunities for higher education has provided a group of fortunate women in small towns and villages with specialization in the free professions and access to participation in their unions, particularly in the professions of medicine, pharmacy, the law, social work and nursing.

#### **Article 15: Equality before the law**

##### **I. Equality in respect of legal competence**

307. With the exception of laws relating to matters to which Lebanon has expressed reservations (the Nationality Laws and personal status laws), Lebanese law contains no provision preventing women from enjoying the same legal competence as men. The two previous reports contained a detailed review of the stages through which women have passed to achieve equality, from equality of political rights in 1953 to equality between male and female insurees in respect of the right to benefit from social security provisions for children, under Law 483 (12 December 2002).

308. All these provisions, as well as the discrimination that still exists in several specific areas, were indicated in the previous reports and there has been no change.

##### **1. Competence to contract**

309. Lebanese law accords women, whether married or unmarried, the same legal competence as men in respect of concluding contracts, administration of property and freedom of movement. Lebanese law accords women, equally with men, full competence to enter into and conclude contracts relating to credit, real estate and the administration of property (article 215 of the Code of Obligations and Contracts).

310. As regards the right to own and administer property, the system in force in Lebanon is one that makes separation between the property of the wife and that of the husband. Each spouse continues to own his / her property, independently of the other. In consequence, a woman has the right to own, administer and dispose of her property independently from a man.

311. Under articles 625 to 629 of the Commercial Code, Lebanese law places restrictions on the property of the wife, if her husband is declared bankrupt. The wife, in this case, shall be her husband's dependent and property she has acquired during the period of the marriage shall be considered to have been purchased with her husband's money, unless proven otherwise.

##### **2. Competence to resort to law and equality of the right to prosecute and defend**

312. Under article 7 of the Code of Civil Procedure, Lebanese law guarantees citizens equality before the law. It is generally accepted that each person has the right to pursue a prosecution and the right to defence. In common with men, women in Lebanon become fully legally competent upon reaching the age of eighteen.

### **3. The testimony of women**

313. The Code of Civil Procedure does not discriminate between the testimony of a man or woman and the conditions or impediments under which competence to testify before the law shall be denied are the same for men and women, without discrimination (article 259 of the Code of Civil Procedure). The competence of women to attest in the Property Register was acknowledged in 1993 (Law 275 of 4 November 1993).

### **4. Legal aid**

314. Pursuant to the provisions of the Code of Civil Procedure (articles 425 to 427), legal aid is granted to natural persons of Lebanese nationality and to foreigners normally resident in Lebanon, on the condition of reciprocity. Application for legal aid may be made to bring or defend against an action, at all stages of the proceedings, without discrimination between the sexes in the application for aid or the terms of granting it. Both bar associations in Lebanon have a role in the granting of legal aid and the Beirut Bar Association set up a women's committee in 2006.

### **5. Compensation**

315. Lebanese law does not discriminate between men and women except as to the extent of the loss sustained by each and the extent of responsibility of each (article 122 and 234 of the Code of Obligations and Contracts). However, from review of court judgements on compensation awarded to both men and women, it is clear that several rulings, on the basis of the discretionary power resting with the judge, have set a larger amount of compensation for men than for women in similar circumstances. This is attributable to the prevailing social and cultural stereotypes and traditional division of roles within the family, whereby the man is considered responsible for supporting the family.

### **6. Freedom of movement and choice of place of residence**

316. The civil law places no restrictions upon a woman's right of movement or choice of place of residence. However, the confessional laws, which recognize the man as head of the family, limit a married woman's ability to exercise this right in practice. A married woman is considered as legally resident in the place of marital residence that is, the husband's place of residence.

## **II. An example of the endeavours to achieve equality before the law**

317. In 2005, the National Committee for the Follow up of Women's Issues released its second paper on the elimination of all forms of discrimination against women in Lebanese laws. The study covered the Nationality Law, the Labour and Social Security Codes, the Penal Code and the personal status laws. The main demands were:

- A lifting of the reservations to article 9, paragraph 2 of the Convention and amendment of the Nationality Law to provide full equality between the sexes;
- Equality between the mother and father in respect of benefit from the income tax concession for families;

- A woman supporting a family to be considered equal to a man in the management of the family; working to ensure equal benefit for women from all social provisions;
- Repeal of article 562 and amendment of articles 503 and 504 of the Penal Code;
- Amendment of the provisions governing abortion and the establishment of guidance centres;
- Promulgation of a civil law of personal status.

**Article 16: The legal status of Lebanese women in the personal status laws**

318. The diversity of laws, sources of law and courts dealing with personal status issues made it inevitable, given what has already been explained about the general context, that Lebanon would express reservations to article 16, paragraphs 1 (c), (d), (f) and (g) of the Covenant.

319. In Lebanon, it is necessary to distinguish between two types of provisions relating to personal status:

319.1 The first deals with aspects of the personal status of individuals which are not related to religion, such as name, place of residence, legal competence and the procedures for registration of personal status; these are the same for all Lebanese.

319.2 The second deals with aspects of personal status which are considered to be aspects of religious practice or related thereto, such as the terms, consequences and dissolution of marriage; for these, there are as many systems of regulations as there are Lebanese religious denominations.

**I. Areas subject to civil laws and regulations**

There is equality among Lebanese in areas regulated by civil law, which include:

**1. Civil marriage contracted abroad**

320. The Lebanese state recognizes civil marriage contracted abroad on the basis of article 25 of Decree 60 L.R. (13 March 1936). Article 79 of the Code of Civil Procedure reserves for the Lebanese courts the competence to hear disputes arising from civil marriage contracted abroad, where either both parties are Lebanese or one party is Lebanese and the other is foreign. The Lebanese Court of Cassation has ruled to affirm this competence and to subject disputes to the law of the country where the marriage was contracted.

**2. Implementation of rulings and decrees**

321. The confessional authorities in Lebanon do not have procedural authority. Valid confessional rulings and decrees are deposited with the Execution Department, in accordance with the Code of Civil Procedure, and the confessional authorities only have the right to stop such rulings and decrees with similar rulings and decrees. However, the head of the Execution Department may not raise objections to or dispute the substance of the ruling or decree which he implements and only has the right to prevent implementation if it was issued by a legally incompetent source or

is inconsistent with a previous ruling issued by a religious or civil authority (article 26 of the law of 2 April 1951). It remains that some rulings, such as those requiring the annulment or dissolution of a marriage or divorce, are not executed by the Execution Department but are the subject of a special provision of the law on registration of personal status documents (7 December 1951), which applies to all Lebanese.

### **3. Registration of personal status documents**

322. The registration of personal status documents is compulsory in Lebanon under the law of 7 December 1951 and amendments. Under article 22 of this law, a married man must submit a declaration of his marriage to the office of personal status within a month from the date of the marriage. This declaration must be certified by the spiritual leader who conducted the marriage and signed by the mayor and two witnesses. If the husband declines to present the declaration, the wife must submit it. If she, too, declines, the bureau of statistics and personal status may be satisfied with a written declaration from the spiritual leader who conducted the marriage in order to proceed with the registration, with the right of the aggrieved to apply to the courts. Article 24 of the 1951 law provides for a fine to be imposed if registration of the marriage is delayed. The same principles are applied to the registration of divorce or annulment of a marriage.

### **4. Regulations on the separation of assets**

323. Issue of movable and immovable property belonging to the spouses are not decided by the confessional courts but come within the jurisdiction of the civil courts.

324. The system followed in Lebanon is that of the separation of assets, whereby each spouse retains what he / she owns and acquires in the course of their life together, unless agreed otherwise in the marriage contract or subsequently, on the basis of a clear written agreement. The wife's assets remain her property and the husband's remain his.

## **II. Areas subject to the personal status laws of the religious communities and the position of women therein**

325. It should be pointed out initially that, in Lebanon, there are no legal relationships outside the framework of the institution of marriage. The different confessions share the view that marriage is not simply a contract between two people but a social system which a man and woman have the right to enter into on condition that both shall thereafter be subject to its binding rules. However, the numerous discriminatory regulations from which women suffer begin with marriage and continue until its dissolution.

### **1. Marriageable age**

326. The personal status laws discriminate between men and women in their definition of the minimum age for marriage, with some sanctioning an age of less than 15, as the following table shows:

**Table 1**  
**Table of marriageable age by confession and sex**

<i>Denomination</i>	<i>Recognized marriageable age</i>		<i>Age at which a marriage can be licensed</i>		<i>Authority granting the license</i>
	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>	
Sunni	18	17	17	9 (i)	Judge
Shi'i	Puberty	Puberty	15	9 (i)	Judge
Druze	18	17	16	15	Judge or sheikh
Catholic denominations	16 (ii)	14 (ii)	-	-	-
Greek Orthodox	18	18	17	15	Priest
Armenian Orthodox	18	14	16	14	Archbishop
Syrian Orthodox	18	14	-	-	-
Evangelical	18	16	16 (iii)	14 (iii)	Spiritual court
Assyrian Church of the East	18	15	Unspecified; if necessary, when health and circumstances qualify		Bishop
Jewish	18	12.5	13	<12.5	By the authority of the father or with consent of the girl and agreement of the mother or a brother, if she is an orphan

- (i) Although the provision exists, it is not in force, since it is no longer customary to permit marriage of girls at the age stated;
- (ii) An older age may be sanctioned, as it is stated in article 2 of Law 800 (the new law) of the Catholic denominations that Church law may set a higher age to permit celebration of the marriage;
- (iii) Article 14 of the new personal status law of the Evangelical communities in Syria and Lebanon.

## **2. Choice of spouse**

327. The full and free consent of both parties wishing to marry is an essential condition for the contracting of marriage among all denominations. However, despite the woman's full and free consent to the marriage contract being her acknowledged right, the personal status laws of several denominations limit and restrict her freedom to choose her husband. For example:

327.1 Among the Sunni and Shi'i denominations, a Muslim man has the right to marry a woman from any of the monotheistic faiths (and she has the right to retain her religion) but a marriage contracted between a Muslim man and non-Muslim woman is considered invalid, even if she is an adherent of one of the monotheistic faiths (article 58 of the Family Rights Law). Accordingly, and while taking into account that such a practice has become uncommon in practice, Islamic law permits the bride's guardian to annul a proper marriage, if she has married an unqualified man (article 47 of the Family Rights Law).

327.2 Among the Druze, difference of religion is considered an impediment to marriage; the agreement of her guardian is required for the marriage of a

woman up to the age of 21 (article 6 of the personal status law of the Druze community).

327.3 The Jewish faith, for its part, considers a marriage invalid, if one of the partners is of another faith (article 37 of the law of the Jewish community). Moreover, if the husband dies without issue and has a brother or paternal uncle, the wife shall be considered his lawful wife and may not marry another while he is alive, unless he renounces her (article 62 of the law of the Jewish community).

327.4 In the personal status laws of the Christian denominations, difference of religion is considered an impediment to marriage, without distinction between males and females (decree 803, Eastern Catholics). The Orthodox denominations, with the exception of the Greek Orthodox, require that a non-Orthodox Christian convert (article 25 of Armenian Orthodox personal status law, article 25 of Assyrian Church of the East personal status law and article 23 of Syrian Orthodox personal status law). Only the Greek Orthodox Church permits the non-Orthodox, Christian wife to retain her creed after marriage (article 20 of the new law).

### **3. The witnessing of the marriage contract**

328. In some denominations there is inequality between men and women as witnesses to a marriage contract.

328.1 Among the Sunni and Shi'i denominations, the act of witnessing by one man is equal to that of two women. However, it is customary practice in the Sunni denomination for only male witnesses to be recognized.

328.2 In the Druze community, despite the fact that article 14 of the personal status law does not stipulate that witnesses to a marriage must be male, customary practice so requires.

328.3 The Armenian Orthodox personal status law contains a stipulation, which is not applied, requiring the wedding to take place before at least two adult male witnesses (article 41).

### **4. Dowry**

329. The Muslim and Christian denominations differ in respect of the dowry.

329.1 For the Muslim denominations, the dowry is a basic condition of the marriage contract and is usually stated in the text of the contract (the appointed dowry). It is possible for it not to be stipulated in the marriage contract, in which case the woman must be paid "the comparable dowry". This is the value of the dowry paid to comparable women from her father's family (according to the Hanafi school of law). It is usual to divide the dowry into two portions: the portion paid in advance and the portion paid later. The first portion becomes due upon completion of the marriage formalities and the second normally becomes due upon dissolution of the marriage by death or divorce. The wife loses her right to half of the dowry, if divorce occurs before consummation. She will forego her right to the full dowry, if the couple separate at the request of the wife or her guardian on the grounds that the man is not qualified (article 83 of the Family Rights Law). The dowry is an exclusive right of the

woman, to which her family has no right. Likewise, her husband does not have the right to compel her to use it to purchase her trousseau or spend it, even on her personal requirements. In practice, however, it is often the case that the man exploits the right of divorce accorded to him alone to pressure his wife to renounce the portion of the dowry due later, in exchange for granting her the divorce she requests. While some people consider that the dowry treats the woman as a commodity by putting a price on her, the opinion of the Sunni courts is, “the dowry is not a matter of buying or selling, nor is it a woman’s price for sexual benefits or pleasure enjoyed or made use of equally by both the man and the woman. A human being is not bought or sold and his humanity cannot be estimated at any price. His freedom is sacred in Islam. The purpose of having the dowry paid, in whole or in part, in advance and at a later date is to secure the wife’s need for a trousseau with the portion paid in advance, and to guarantee her needs after divorce or the death of the husband, from the portion due for later payment” (decision of the Supreme Council of the Shari’a Court (9 December 1992).

329.2 While some Christian denominations make reference to the dowry (for example, article 42 of Syrian Orthodox personal status law), it is not a condition of the marriage contract and remains optional.

## **5. The marital relationship**

330. Until recently, most of the personal status laws enshrined the traditional division of roles within the family, placing the husband at the head of the family and imposing upon the wife obedience and responsibility for domestic matters.

331. In 1990, a new set of laws was promulgated by the Catholic Churches of the East, new Law 777 stating, “By marriage, rights and duties shall be equal between both spouses in matters relating to the communion of married life.” This principle, rejecting all discrimination between the spouses in relation to their shared married life, was not stated in the previous ordinance on marriage. Likewise, new Law 914 of the Catholic Churches of the East, relating to the marital home stipulates, “The spouses must have a shared home or the likeness thereof”, while the previous law commanded, “that the wife keep the house of her husband”.

332. In 2003, the new personal status law of the Greek Orthodox denomination removed from its provisions expressions referring to the authority of the husband, article 11 thereof stating that by marriage, “the union of a man and a woman is perfected and they shall support one another in married life, bearing the burdens of family and upbringing of children”. Article 25 adds, “Both parents shall work together to raise the children and provide for them”.

333. However, several laws still contain expressions referring to the authority of the man, such as “the man is the head of the family and its representative in law (article 46 of Armenian Orthodox law and article 38 of Assyrian Church of the East law); “the husband is the lawful and natural head of the family (article 22 of the new law of the Evangelical community); “It is the duty of the man to protect his wife and of the woman to obey her husband (article 46 of Armenian Orthodox law); “A wife is obliged to obey her husband after contracting the marriage” (article 33 of Syrian Orthodox law); or “Marriage requires the obedience of the wife to her husband in lawful matters” (article 21 of the new law of the Evangelical community). However, this obedience is spiritual and the wife cannot be compelled, particularly

if there are reasons which justify her non-obedience. A ruling issued in 1956 stated, “The rulings of the General Council of the Coptic Orthodox Church have at all times held that it is impermissible to compel a wife’s obedience to her husband by force... Compelling the wife by secular force to obey her husband demeans her honour. The regime of obedience is alien to Christian law. The response of the defendant is inconsistent with the law of disputes and the practice of judgement”.

334. Article 23 of the personal status law of the Druze community stipulates, “A husband is obliged to treat his wife well and on equal terms, and a wife is obliged to obey her husband in respect of lawful married rights”. Article 22 states, “After the initial portion of the dowry has been paid and lawful marriage has been contracted, a wife shall be required to reside in the house of her husband”. However, the judgement of the Druze confessional courts requires “interpretation and application of the said article in the light of the law and traditions of the Unitarian Druze which do not permit the wife to be forcibly compelled to reside in the house of the husband but oblige her morally, without physical or mental coercion. It follows that the wife who refuses to reside in the house of her husband shall be responsible for the consequences to her personal rights” (decision 30/99 of the Supreme Druze Appeal Court (22 April 1999).

335. For the Sunni and Shi’i denominations, article 73 of the Family Rights Law states, “A husband is obliged to treat his wife well and a wife is obliged to obey her husband in respect of lawful married rights”. In article 310 of Ja’fari law it states, “A wife shall be proven to be recalcitrant, if she refuses to obey her husband and leaves his house without his permission. Her recalcitrance established, the obligation to support her financially becomes null and void.” Compare this with the ruling that “If the husband behaves badly toward his wife and does not give her adequate maintenance, and it is not possible to put the matter before a lawful judge ... and if her remaining in his house is a cause of anguish and distress, she has the right to leave his house and return to the house of her family or others (article 313 of the Ja’fari legal manual). On this basis, the prevailing tendency in the Islamic courts holds that a wife’s refusal to obey her husband and to live with him does not mean she is to be compelled forcibly to live with him but to be considered as recalcitrant and not entitled to any financial support (decision of Tyre Shari’a Court, judgement 259, record 11 (9 February 2000) and of the Supreme Ja’fari Shari’a Court, judgement 59/466, record 116 (18 June 2002)). On another issue, among Sunnis, a husband has the right to have his children from a previous marriage below the age of discretion live with him, without the consent of his wife, while this is not possible for a wife without the consent of her husband (article 72 of the Family Rights Law).

## **6. The wife’s name**

336. In Lebanon, children are obliged to hold the father’s family name and the law does not allow a child to hold a name other than the father’s. The law only permits otherwise in cases where the father is unknown, whereupon the child holds the mother’s name. Unlike a man, a woman in Lebanon can neither put forward her family name as the family name nor add her name to that of the family. However, in civil law and, in consequence, in all official business, a wife is not obliged to take the name of her husband’s family and may retain her family name. Upon marrying, a wife does not therefore lose her original family name. Nevertheless, it is the custom in Lebanon for a wife to discontinue using her original family name and to

adopt the name of her husband's family. This practice is reinforced by the personal status laws of several denominations which call upon a woman to take her husband's surname (article 47 of Armenian Orthodox personal status law and article 40 of Assyrian Church of the East law).

## **7. Maintenance of spouse and issue**

337. This refers to the provision of food, clothing, shelter, medical treatment, service for the incapacitated and education. The subject of maintenance does not arise in the course of a peaceful, married life but does become an issue if discord arises between the spouses.

### **a. Maintenance of wife**

338. Among the Muslim denominations, maintenance is obligatory for the man alone and there is no requirement for the woman to make any outlay, even on herself, from her own money. The basis for this is the Quranic verse which states, "Men are in charge of women, because Allah hath made the one of them to excel the other, and because they spend of their property." A divorced woman has the right to maintenance during her *iddat* waiting period, whether the divorce is revocable or irrevocable and, if the latter, whether it is minor or major. Among the Islamic denominations, restitution arising from divorce is limited to the portion of the dowry paid in advance.

339. Among the Christian denominations maintenance is, in principle, obligatory for the husband. Exceptionally, it may be obligatory for the wife, if the husband is impoverished, with the exception of the Syrian Orthodox denomination, which does not exempt the impoverished husband from maintenance (article 37 of Syrian Orthodox law). Armenian Orthodox law holds that a woman shares family expenses, with the proportion determined by law as one-third of the wife's revenue and income, unless more has been agreed (article 104 of the Armenian Orthodox personal status law). The new law of the Greek Orthodox denomination requires a prosperous woman to help her impoverished husband, support him (article 24) and contribute to the maintenance of the children (article 53, paragraph (b)). These cases only arise in practice when dispute arises between the spouses, given that, among the Christian denominations, it is only possible for a wife to bring an action for maintenance within the framework of a fundamental action i.e., for desertion or dissolution or annulment of the marriage. The law allows the wife to demand temporary financial support while a fundamental claim is being heard, for fear that the dispute will be prolonged and the wife become destitute. The interim support ceases when final judgement is delivered on the desertion, dissolution or annulment of the marriage. Permanent maintenance is obligatory under a ruling of desertion, unless the desertion was ruled to be the responsibility of the wife, in which case she forfeits financial support. In the case of the dissolution or annulment of a marriage, support ceases with the termination of the marital relation and the husband is ruled to be exempt from payment of financial restitution.

### **b. Maintenance of children**

340. The father is required to support his minor children, unless they have sufficient funds to support themselves. In the event of his impoverishment, this obligation transfers, among some denominations, to the prosperous mother (for example,

articles 167 and 170 of the Catholic personal status law, articles 67 and 70 of the Druze personal status law and article 52 of the new personal status law of the Greek Orthodox). Some denominations require financial support for male children until they reach an age to earn their own living and can support themselves, and for female children until they marry (for example, article 167 of the Catholic personal status law, article 67 of the Druze personal status law and article 152 of the Coptic Orthodox personal status law).

**c. Jurisdiction to impose and estimate maintenance**

341. The confessional and Islamic courts have this jurisdiction in Lebanon.

**d. Discharge of maintenance**

342. The confessional authorities in Lebanon do not have procedural authority. Valid confessional rulings and decrees are deposited with the Execution Department, in accordance with Code of Civil Procedure and the confessional authorities only have the right to stop such rulings and decrees with similar rulings and decrees. The rulings on maintenance of all denominations are linked to forcible means of implementation, as a wife has the right to place the property of her husband under preventive and executive seizure, as well as the right to request the forcible detention of the husband, if he refuses to pay the support due. To guarantee her rights and ensure her financial support and compensation, a wife can request a confessional judge to compel the husband to deposit a bank guarantee or other security to prevent him leaving Lebanese territory. Additionally, a debt of maintenance, like a debt of State, allows seizure of up to one half of salary, wages and pension benefits (article 864 of the Code of Civil Procedure).

**8. Parental authority**

343. Parental authority includes the raising and support of children and management of their assets until they reach the age of majority i.e., guardianship over the person of the minor and his assets. Primary authority belongs to the father and, thereafter, the rightful guardians, as per the following table:

**Table 2**  
**Table of rightful guardians of children, by denomination\***

<i>Sect</i>	<i>Rightful guardians</i>		<i>Clarifications/comments</i>
Sunni	Guardianship of person	Guardianship of assets	If the father dies without appointing a trustee, guardianship of children's assets shall pass to the grandfather then to his trustee and thereafter to the trustee of his trustee. In the absence of a grandfather and trustee, guardianship shall pass to the judge.
	1. Father 2. Grandfather	1. Father 2. Trustee chosen by father 3. Trustee of trustee	
Shi'I	1. Father 2. Paternal grandfather 3. Trustee authorized by father or paternal grandfather 4. Shari'a court judge		

Druze	1. Father 2. Trustee chosen by father 3. Trustee appointed by judge		Guardianship may pass to the wife, the mother and other women, and to one or other of the heirs.
Catholic denominations	1. Father 2. Mother (on condition that she is legally competent and her competence has been established by the court)		
Greek Orthodox	1. Father 2. Trustee chosen by father 3. Court appointee		Guardianship of trustee chosen by father prevails over all others.
Armenian Orthodox	1. Father or mother, equally 2. Upon death of one spouse, guardianship transfers to the one still living 3. Upon annulment of the marriage or desertion, parental authority passes to the party to whom the children are awarded.		In event of dispute, the father's opinion shall prevail.
Syrian Orthodox	1. Father 2. Appointee of father before his death 3. Grandfather 4. Brother of legal majority 5. Paternal uncle 6. Paternal cousin 7. Mother, if not remarried 8. Appointee of spiritual leader		
Evangelical	1. Father 2. Mother 3. Court appointee		Article 66 of the new law
Assyrian Church of the East	1. Father 2. Trustee chosen by father 3. Paternal grandfather 4. Appointee of spiritual court		
Jewish	Guardianship of girl	Guardianship of boy	Jewish law distinguishes between guardianship of girls and boys
	1. Father (even if the girl is in mother's custody)	1. The legal authority 2. Father 3. Paternal grandfather 4. Mother	

\* (1) Represents first priority, (2) represents second priority, etc.

## 9. Custody

344. Custody consists in the protection, physical and psychological upbringing of the child and acting in the child's interests. The recognized period of custody by the mother differs from one denomination to another and also differs depending on whether the child is male or female.

### a. Age of custody

345. As follows, by denomination:

**Table 3**

**Table showing age to which mother has custody, by denomination and age**

<i>Sect</i>	<i>Age of boy</i>	<i>Age of girl</i>
Sunni	7	9
Shi'I	2	7
Druze	7	9
Catholic denominations	2 (i)	2 (i) (age of suckling for boys and girls)
Greek Orthodox	14	15
Armenian Orthodox	7	9
Syrian Orthodox	7	9
Evangelical	12 (ii)	12 (ii)
Assyrian Church of the East	7	9
Jewish	6	Until marriage

(i) Article 123 of the Catholic personal status law states, "Suckling concerns the mother. All other rights and duties of parental authority are, in principle, confined to the father but shall transfer to the mother if he forfeits or is deprived of his right thereto, on condition that the mother is legally competent and her competency has been established by the court, which rules in favour of the transfer of authority to her". On the basis of article 125 of the Catholic personal status law, the principle is that, in each case, even in cases where it is permissible to deny the mother custody of the children, "The court has the right to take any measure it sees fit in the interests of a minor". Accordingly if, upon termination of the period of suckling, the father requests the court to affirm his right of parental authority, the court shall have the right to deny his request, if it finds that the interests of the minor are not ensured by him. Indeed, it may rule that the child remain with the mother and so require, justifying its decision on the basis of the interests of the minor and its need for the care of the mother, not the father.

(ii) The new Evangelical law raised the age of custody from 7 to 12 years, without discrimination between male and female children.

### b. The mother's forfeit of the right to custody

346. With reference to the transference of the right of custody from the mother to the father, most of the Christian denominations, together with the Shi'a, consider remarriage of the mother a reason for forfeiture of her right to custody. The new law of the Greek Orthodox community stipulates that the mother's re-marriage causes harm to the minor. For the Sunni denomination, in the event of the absence of the mother, custody does not transfer to the father but to the closest female

relatives; if the degrees of relationship of these women are equal with respect to the mother's and father's families, the mother's family is preferred.

## 10. Polygamy

347. Polygamy is only permitted by the Sunni and Shi'i denominations, which allow a Muslim man to have as many as four wives. However, polygamy is only permitted on the condition of fair and equal treatment of the wives (article 74 of the Code of Family Rights). Among Sunnis, the wife may stipulate the condition that her husband shall not take another wife and if he does, either she or the second wife will be divorced (article 38 of the Code of Family Rights). This condition, however, is inadmissible among the Shi'a.

## 11. Divorce

348. With the exception of the Catholic denominations, for which marriage is characterized by two features, union or dissolution, divorce is permissible among all denominations, although the provisions differ from one to another. In all cases where a marriage has been dissolved without the intervention of any external authority, the courts must verify the dissolution. This is because Lebanese civil law only recognizes dissolution of a marriage contract that takes place outside the courts after the courts have verified the dissolution.

349. In the Sunni and Shi'i denominations, the man possesses the right of divorce, irrespective of the woman's agreement and without appearing before a judge. He also has the right to divorce his wife by proxy. Divorce is of two kinds. Revocable divorce is when the marital bond is dissolved only after the expiry of the waiting period, during which time the husband has the right to take his wife back, even without her consent. Irrevocable divorce is where the marital bond is dissolved finally and is of two kinds. Lesser irrevocable divorce is where the husband pronounces divorce less than three times; the husband may take back his wife on the basis of a new marriage contract and dowry. Greater irrevocable divorce is where the husband may take back his wife only after she has remarried and divorced.

350. Among the Sunnis, a woman has the right to stipulate in her marriage contract that she shall have the right to divorce herself. She may also stipulate that her husband shall not take another wife and if he does, either she or the second wife will be divorced (article 38 of the Code of Family Rights). Likewise, in the Sunni denomination, a woman has the right to demand separation (the dissolution of the marriage bond by decree of a judge) as a result of damage arising from discord or mistreatment, such as beating, compelling her to commit forbidden activities, engaging in forbidden activities or because the husband does not support his wife financially, although this involves a long and complicated procedure. The Sunni woman also has the possibility of dissolving the marriage bond by *khula'*, which is the dissolution of the marriage bond by the husband at the request or with the agreement of the wife for a sum of money provided by her.

351. In the Shi'i community, the woman has no right to request separation for any reason. She is only able, if her husband agrees, to request dissolution of the marriage bond by means of *khula'*. The Shari'a courts will accept marriage contracts in which the woman has reserved her right to divorce.

352. In the Druze community, a marriage is dissolved by divorce only in front of a judge. The mere request for a divorce by the husband, even for an unlawful reason, requires the judge to pronounce it, after awarding damages to the wife, in addition to the second portion of the dowry. His wife always becomes unlawful for a man after the separation ruling has been issued. A wife may request separation in certain cases, and it is permissible for both spouses to annul the marriage contract by mutual consent. Annulment is carried out by declaration in the presence of two male witnesses before a judge, who issues the decree.

353. The Catholic denominations do not permit divorce but annulment of the marriage or desertion is permissible in certain cases. Annulment is the termination of the shared life but continuation of the marriage bond.

354. The Orthodox and Evangelical denominations permit annulment of a marriage at the request of either spouse and on grounds that do not discriminate between the parties, including, for example, the embrace by one spouse of another religion. Application for divorce is permissible in the event of adultery but in some denominations, there is an absence of equality between the man and woman in relation to the reasons which permit the man to apply for divorce on the grounds of adultery. Legally, there is no distinction between annulment and divorce in respect of the consequences and effects for each party.

## **12. Spouses' assets in the event of divorce**

355. A woman has the same right to manage her own assets as a man and without any interference from her husband. If the spouses divorce, each takes only what is his / hers and neither has any share in the property of the other. All denominations make reference to this subject in their personal status laws, affirming the independence of each spouse's assets, with the exception of the Jewish personal status law which considers all that has been acquired by the wife in the course of the shared life to be the rightful property of her husband.

356. The principle of separation of assets is applied in simple fashion to immovable assets but gives rise to some difficulty with regard to immovable assets. The courts continue to hold that the furniture and domestic items in the husband's house are, in principle, the property of the husband unless established otherwise. For example, article 30 of the new personal status law of the Orthodox denomination states, "Movable assets belonging customarily to the wife and, likewise, whatever she purchased with her own or her relatives' money shall remain her property. Other assets shall be considered the property of the husband, unless established otherwise".

## **13. Right of inheritance**

357. Only in respect of determining those with the right to claim compensation for dismissal or end of service and the share that each is due, is there equality among Lebanese, regardless of the denomination to which they belong. Otherwise the inheritance laws are different for Muslims and non-Muslims. Non-Muslims are subject to the civil law of inheritance (23 June 1959) and, in consequence, to the jurisdiction of the civil courts, while Muslims are subject to the Islamic Shari'a, with claims relating to inheritance and testamentary disposition falling under the jurisdiction of the Shari'a courts.

358. The non-Muslim inheritance act (1959) establishes complete equality between the sexes, both in terms of the right to inherit and share of the inheritance. Thus the daughter inherits the same as the son, the mother the same as the father, the sister the same as the brother and the wife the same as the husband. Despite the principle of equality, however, custom and tradition still have an influence among some, at least. Some families take measures that, in practice, lead to males inheriting a greater share than females. On the other hand, difference of nationality does not, according to the 1959 act, prevent inheritance between Lebanese and foreigners, unless the foreigner's national law prevents bequeaths to Lebanese.

359. For Muslims, the principle is "the male shall have the share of two females" i.e., a male shall inherit twice the inheritance of a female. However, the bases of entitlement to inheritance differ between the Sunni and Shi'i denominations, given that the latter apply the Ja'fari school of law to inheritance, while the former, together with the Druze (with the exception of several special provisions of their own) apply the Hanafi school of law. Note that among Muslims in general, a fixed share of one-eighth of the estate is reserved to the wife.

359.1 The Ja'fari school distributes inheritance by rank, whereby the prior rank has precedence over the next. Inheritance is not transferred from one rank to another unless there is no-one from the previous rank. For example, if an individual dies before a mother and brother then the mother, being from the first rank, shall take the entire estate and the brother receive nothing because he is of the second, disinherited, rank. Within the same rank, the heir closest in degree to the deceased disinherits the more distant one, with no discrimination between male and female. For example, if an individual dies before a daughter and a grandson, the daughter shall take the entire estate and the grandson shall be disinherited. If the heirs have the same rank and degree of relationship, the estate shall be distributed on the basis of "the male shall have the share of two females".

359.2 In the Hanafi school, the general rule is that male agnates disinherit more distant relatives. Females do not disinherit but do have reserved shares, meaning that a daughter does not divide the estate. (i.e., she does not disinherit the male agnates).

359.3 The Druze apply the rules of the Hanafi school, with the exception of the right of abatement (*haqq al-tanzil / al-khalfiya*), which is where the issue assume the place of their father, who died before the testator, in respect of the share of the inheritance which would have passed to him had he lived. The Islamic Shari'a does not acknowledge this right, which is recognized in respect of the inheritance of issue only by the Druze denomination.

360. Difference of religion is, for Muslims, an impediment to inheritance. A Muslim does not inherit from a non-Muslim or a non-Muslim from a Muslim, even if the two are brothers or spouses. Among the non-Muslims denominations, difference of religion is not an impediment to inheritance, unless the heir is subject to provisions that forbid inheritance on the grounds of difference of religion. There is, consequently, no inheritance between Muslim and non-Muslim Lebanese.

**14. Progress achieved**

361. Progress has been achieved in terms of legal provisions and also in terms of court rulings.

**a. Legal provisions**

362. The progress achieved consists particularly of the following:

362.1 The adoption in the new set of laws of the Catholic Churches of the East of the principle of equality in respect of rights and duties between spouses in matters relating to the communion of married life;

362.2 The promulgation, in 2003, of the new personal status law and law of court procedure of the Orthodox Patriarchate of Antioch and All the East eliminated all expressions infringing a woman's dignity and humanity, holding that, in marriage, "the union of a man and a woman is perfected and they shall support one another in married life, bearing the burdens of family and upbringing of children". The new law also gives a non-Orthodox, Christian woman the freedom to retain her creed after marriage and affirms equality between a man and woman in relation to the causes of the annulment or dissolution of a marriage, or divorce. In the case of desertion, the new law requires the husband to provide his wife and their children with a lawful domicile or an allowance, consistent with those in a position similar to his. If he refuses, the court shall order him to vacate the marital home and install the wife therein to reside with the children, unless the wife was the cause of the desertion. The new law raised the age custody to fourteen for boys and fifteen for girls, and does not hold that the mother's remarriage is reason for loss of custody. On another issue, the new law permits the Patriarch (the spiritual head of the denomination), in the event that a tribunal has failed to establish quorum, to establish quorum by his own choice of clerics or laypersons, without differentiating among laypersons between men and women.

362.3 The promulgation, in 2005 and with effect from 2006, of the new personal status law of the Evangelical denominations raised the age of custody from seven to twelve, without discrimination between males and females and determined the minimum age of marriage at sixteen for males and fourteen for females, whereas previously the basis adopted was "puberty" without specifying an age.

362.4 Certain family issues have been addressed by bilateral agreements concluded by the Lebanese State with several countries, such as the United States of America, Italy and, recently, the Swiss Confederation.

**b. Court judgements**

363. On the issue of custody, to take one example, the spiritual courts have, in many cases, moved beyond the literal wording of the text toward considering the interests of the child, holding that the subject of custody and care principally concerns the minor. Even if the letter of the law gives the father the right to regain the children at a certain age, a number of courts have ruled in favour of the child remaining with the mother, sometimes until the age of majority. Some spiritual courts have begun to seek the assistance of social workers and psychologists and charged them with examining the children during disputes. The Shari'a courts have held that it is impermissible to

compel a wife to reside in her husband's house forcibly but only morally, without physical or mental coercion. If the wife refuses, she shall only be responsible for the consequences to her personal rights i.e., the forfeit of her right to financial support. Rulings on maintenance among all denominations are linked to forcible means of implementation, as a wife has the right to place the property of her husband under preventive and executive seizure, as well as the right to request the forcible detention of her husband, if he refuses to pay the support due. To guarantee her rights and ensure her financial support and compensation, a wife can request a confessional judge to compel the husband to deposit a bank guarantee or other security to prevent him leaving Lebanese territory.

## References

### Publications and research

- Abu Khalil, Elie, *Dawr quwa al-amn al-dakhili fi mukafahat al-'unf 'ala asas al-naw' al-ijtima'i*, Workshop on the integration of social violence in planning and development and in the National Reproductive Health Programme, Beirut, 30 November – 2 December 2005
- Abu'l Su'ud, Ramadan, *Al-wasit fi sharh ahkam al-ahwal al-shakhsiya li ghayr al-muslimin*, Dar al-jami'a lil-tiba'a wa al-nashr, Beirut, 1993
- Al-Abyani, Muhammed Zayd, *Sharh al-ahkam al-shar'iya fi al-ahwal al-shakhsiya mu'azzaz bi ijthadat al-mahakim al-shar'iya*, Manshurat al-halabi al-huquqiya, 1<sup>st</sup> ed., Beirut 2006
- Al-Haj Hassan, Fawzi, *Al-wad' al-tashri'i al-watani fi lubnan li-khadimat al-manazil al-hajirat*, Workshop on the raising of awareness of the condition of migrant domestic workers in Lebanon, Beirut, 28 – 30 November 2005
- Al-A'war, Saji', *Al-ahkam al-shar'iya wa al-qanuniya fi al-wasiya wa al-ziwaj wa al-talaq 'ind al-duruz*, Dar al-nahar lil-nashr (s.d.)
- Baz, Jamil, *Khullasat ahkam mahkamat al-tamyiz al-madani*, Manshurat al-halabi (s.d.)
- Barakat, Salman, *Al-qadha' al-shar'i al-ja'afari: ijthadat – nusuz*, Manshurat zayn al-huquqiya, Beirut, 2005
- Ba'albaki, Ahmad, *Al-tanmiya al-mahalliya wa'l-qita'iya... Sijal fi al-mafahim wa'l-tajarub*, Research Centre of the Institute of Social Sciences and Association of Voluntary and Private Organizations in Lebanon, Beirut, 2000
- Ba'albaki, Ahmad and Al-Zarif, Rabi', *Dirasa siyasiya wa istratijiya marakiz al-khadamat al-inma'iya*, 2<sup>nd</sup> report, Study for Team International and the Council of Development and Reconstruction, Beirut, 2003
- Bilani, Bashir, *Qawanin al-ahwal al-shakhsiya fi lubnan*, Dar al-ulum lil-malayin, Beirut, 1982
- Hilw, Margaret, *Al-nukhba al-nisa'iya fi al-barlaman al-lubnani: al-murashshahat wa'l-fa'izat*, Beirut, 1997
- Hilw, Margaret, *Al-mar'a wa al-siyasa fi lubnan, fi al-intikhabat al-niyabiya 1996 wa azmat al-dimuqratiya fi lubnan*, Lebanese Studies Centre, Beirut, 1998

- Hilw, Margaret, *Al-mar'a fi al-intikhabat al-mahalliya*, in *al-intikhabat al-baladiya fi lubnan 1998: Makhadh al-dimuqratiya fi bina' al-mujtama'at al-mahalliya*, Lebanese Studies Centre, Beirut, 1999
- Hilw, Margaret, *Al-mar'a wa al-intikhabat 2000: takris li-taqlid am mu'ashshir taghyir*, in *Al-intikhabat al-niyabiya 2000 bayna al-taghyir wa'l-taqlid*, Lebanese Studies Centre, Beirut, 2001
- Shararah Baydun, Azzah, *Al-shabab al-jami'i bayna satwa al-intima'at wa taraju' al-munammatat*, al-Nahar "Issues", Beirut, 30 January 2006
- Shalala, Nazih Na'im, *Al-talaq wa butlan al-zawaj laday al-tawa'if al-masihiya: ijthadat al-mahakim al-ruhiya wa dirasat fiqhiya kanasiya*, Manshurat al-halabi, Beirut 1998 & 2002
- Saghiya, Nizar et al., *Al-itar al-qanuni li firus naqs al-mana'a al-bashari / AIDS wa huquq al-insan fi lubnan*, unpublished report
- Faghali, Kamal, *Al-intikhabat al-niyabiya 2000: mu'ashsharat wa nata'ij*, Beirut, 2000
- Numur, Fadi, *Isti'adat al-qarar*, Marsad sl-qadha' fi lubnan, Beirut 2006
- Trablusi, Ibrahim, *Al-zawaj wa mafa'ilihi laday al-tawa'if al-mashmula fi qanun 2 nisan 1952*, 2<sup>nd</sup> ed., Jounieh, 2000
- Faraj, Tawfiq Hassan, *Ahkam al-ahwal al-shakhsiya li ghayr al-muslimin*, Dar al-jami'a lil-tiba'a wa al-nashr, Beirut, 1982
- Moghaizel Laure, *Al-mar'a fi al-tashri' al-lubnani fi daw' al-ittifaqiyat al-duwaliya ma'a muqarana bi al-tashri'at al-'arabiya*, Mu'assasat Nawfal, Beirut, 1982
- Nahra, Yousef, *Ahkam al-ahwal al-shakhsiya laday jami'al-tawa'if al-lubnaniya*, 1986
- Naufal, Hala, *Madha na'rif 'an awda' al-mar'a fi lubnan?* Paper presented at forum entitled, "Empowerment of less fortunate women and job opportunities", Social Welfare Institution, Support and Development Unit, Beirut, 31 March 2005
- Naufal, Hala, *Al-wad' al-sukkani fi lubnan*, Sharika al-matbu'at li-tawzi' wa al-nashr, 1st ed., Beirut, 2003
- Contribution of Danielle al-Huweik (advocate) to the workshop on the inclusion of social violence in planning and development and in the National Reproductive Health Programme, Beirut, 30 November – 2 December 2005
- The Official Gazette

- Compendium of Lebanese Legislation
- Personal status laws and codes of procedure of the Christian denominations and Jewish denomination
- Family Rights Code
- *Qanun Qadri Pasha* (the legal provisions on personal status and inheritance of the Hanafi school)
- Manual of Ja'fari personal status law
- Personal status law of the Druze denomination
- Regulation of the Sunni and Ja'fari Shari'a Judiciary
- Compendium of Laws of the Eastern Churches, Manshurat maktabat al-baulusiya, 1<sup>st</sup> ed., Jounieh, 1993
- Commentary on the Compendium of Laws of the Eastern Churches, Manshurat maktabat al-baulusiya, 2005
- *Cassandre*, a monthly statistical bulletin, IDREL
- Resolutions of the Constitutional Council
- *Marsad al-qadha' fi lubnan*, Lebanese foundation for Permanent Civil Peace, Beirut, 2006

#### **Reports and studies**

- *Al-haykaliya al-jadida lil-ta'lim fi lubnan*, Educational Center for Research and Development, Beirut, 1995
- *Al-awdha' al-ma'ishiya lil-usar*, [Family Living Conditions], Central Statistics Administration, Beirut 1997
- *Dalil al-jam'iyat al-ta'awuniya wa sanadiq al-ta'adhud fi lubnan*, General Directorate of Cooperatives, Beirut, 2000
- *Al-huquq al-iqtisadiya wa al-ijtima'iya murtakazatha al-tashri'iya wa majallat al-takhtit*, Hikma Research Centre for Economic and Social Rights in Lebanon Today: Proceedings of the Centre's inaugural conference, Jami'at al-hikma, Beirut, May 2000
- *Ilzamiya al-ta'lim fi lubnan*, Educational Center for Research and Development, Beirut, 2000
- *Al-ta'lim lil-jami': Itar al-'amal al-'arabi*, UNESCO Regional Bureau for Education, 2000
- *Al-tawajjuh al-istratijiya lil-tarbiya wa al-ta'lim fi lubnan*, Ministry of Education and Higher Education, Beirut, 2000

- *Tatawwur al-tarbiya*, [The Development of Education] Educational Center for Research and Development, Beirut, 2001
- *Mu'ashsharat al-nizam al-ta'limi al-lubnani*, Educational Center for Research and Development, Beirut, 2000-2001
- *Al-nashra al-ihsa'iya* [Bulletin of Statistics], Educational Center for Research and Development, Beirut, 2000-2001
- *Dalil al-mu'assasat al-iqradhiya lil-mashari' al-saghira fi lubnan*, Ministry of Social Affairs, with the assistance of UNIFEM and the European Union, Beirut, 2001
- *Al-mar'a al-lubnaniya wa al-iltizam al-siyasiya: Waqi'wa tatallu'at*, Lebanese Women's Council and the European Union, Beirut, 2001
- *Wathiqat ma'lumat marja'iya 'an al-ta'lim al-asasi fi al-lubnan*, Chamber of Deputies, Beirut 2002
- *Taqrir hawl al-injazat lil-'am 2003*, Ministry of Social Affairs, Project to inform, educate and communicate in the area of reproductive health at local community level, in collaboration with UNFPA, Beirut, 2003
- *Al-taqrir al-sanawi*, Ministry of Social Affairs, Beirut, 2004
- *'Ardh mujiz li abraz al-anshita wa al-baramij al-munaffadha khilal al-'am 2005*, Ministry of Social Affairs, February 2006
- *Al-wadh' al-iqtisadi wa al-ijtima'i fi lubnan: Waqi'wa afaq*, Ministry of Social Affairs, UNDP and FAFO (Norway), Beirut, 2004
- *Al-taqrir hawl al-injazat lil-fatrat ma bayna kanun al-thani 2004 wa kanun al-awwal 2004*, Ministry of Labour, Beirut, 2004
- *Al-taqrir hawl al-injazat lil-fatrat ma bayna kanun al-thani 2005 wa kanun al-awwal 2005*, Ministry of Labour, Beirut, 2005
- *Al-qadhaya al-sukkaniya fi lubnan ba'd murur 'ashar sanawat 'ala in'iqad al-mu'tamar al-duwali lil-sukkan wa al-tanmiya 1994, al-taqrir al-watani*, Ministry of Social Affairs, Permanent National Population Committee, Beirut, 2004
- *Taqrir shamil li-injazat wizarat al-saha al-'amm fi siyaq al-mu'tamar al-'alami lil-sukkan wa al-tanmiya*, Ministry of Public Health, Department of Social Health, Beirut, February 2004
- *Taqrir 'an injazat al-idara wa barnamij al-'amal al-hali wa al-mustaqbali*, Council of Ministers, Central Statistics Administration, Beirut, February 1997
- *Taqrir al-jam'iya al-'amma lil-umam al-muttahida al-khass bi muraja'at al-injazat al-muhaqqqa khilal khams sanawat*, Family Planning Association of

Lebanon, The Family Planning Association of Lebanon and the Programme of Action of the Cairo Conference 1994, Report submitted to the Ministry of Social Affairs, Beirut, March 2004

- *Taqrir 'an al-nishatat wa al-injazat khilal al-sanawat al-'ashr al-madhiya*, Friends of the Disabled Association, Beirut, February 2004
- *Siyaghat istratijiya lil-tanmiya al-ijtima'iya fi lubnan*, ESFD, Beirut, February 2005
- *Al-mash al-lubnani li sahat al-usra* [Lebanese Survey of Family Health], Ministry of Social Affairs and Central Statistics Administration, Beirut, 2005
- *Al-dirasa al-wataniya lil-ahwal al-ma'ishiya lil-usar 2004-2005*, [National Study of Family Living Conditions 2004-2005], Central Statistics Administration, Ministry of Social Affairs and UNDP
- *Ihsa'at al-mu'assasat al-wataniya lil-istikhdam lil-'am 2003/2004 wa lil-'am 2004/2005*
- *Al-mash al-lubnani li sahat al-usra, al-taqrir al-awwal* [First Report of Lebanese Survey of Family Health], League of Arab States, Ministry of Social Affairs and Central Statistics Administration, Beirut, 2005
- *Mu'ashsharat hawl al-ta'lim al-'am fi lubnan*, Educational Center for Research and Development, Beirut, 2004-2005
- *Al-wathiqa al-lubnaniya al-thaniya li-ilgha' jami' ashkal al-tamyiz dhidd al-mar'a fi al-qawanin al-lubnaniya*, National Committee for the Follow up of Women's Issues, Beirut, 2005
- *Al-mar'a wa dawrha al-tamthili fi al-intikhabat al-lubnaniya: Istitla'al-ra'y al-'amm al-lubnani / ahkar 2005*, Report on the initial phase prior to the media campaign, Lebanese Women's Council and MAA-DATA, prepared by Sulayman, Mustafa and Sulayman, Ghaid, Beirut, January 2006
- *Istratijiya al-tarbiya wa al-ta'lim fi lubnan* (1<sup>st</sup> version), Ministry of Education and Higher Education, Beirut, 2006

### English

- *Knowledge Attitudes and Behavior among the Lebanese Population in relation to HIV/Aids*, Republic of Lebanon, Ministry of Public Health, Beirut, 1996
- *Progress Report*, Republic of Lebanon, Council for Development and Reconstruction (CDR), Beirut, 1998 and 2003

- *The New Curricula: Evaluative Review*, Lebanese Association for Educational Studies, Beirut, 1999
  - *State of the children in Lebanon*, Central Administration of Statistics, 2000
  - *The Dakar Framework for Action: Education for All*, UNESCO, 2000
  - *Women and men in the Arab countries: Employment*, ESCWA, Beirut, 2002
  - *Where do Arab women stand in the development process? A gender base statistical analysis*, United Nations, New York, 2004
  - *2003 Preliminary Report, Non-Communicable Diseases Program Capture System*, Ministry of Public Health, Non-Communicable Diseases Program, World Health Organization, National Cancer Registry, Beirut, March 2005
  - *AIDS/HIV National Strategic Plan*, Lebanon 2004-2009, UN Theme Group on HIV/AIDS, Republic of Lebanon, Ministry of Public Health, National Aids Control Program, Beirut, 2005
  - *EFA Global Monitoring Report: Literacy for Life*, UNESCO, 2006
  - *National Aids Control Program, Background Information*, Republic of Lebanon, Ministry of Public Health, Beirut, 2006
-