

LEBANON

Article 8 of the Lebanese Constitution asserts the equality of rights and duties of all citizens, regardless of gender.¹ Lebanon ratified the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 1997 with reservations to Article 9(2), regarding nationality; several subparagraphs of Article 16(1), related to personal status laws; and Article 29(1), on the settlement of disputes.² Lebanon has published CEDAW in the official Gazette, giving it primacy over national laws, one of the few Arab countries to do so. The country has not yet ratified the Optional Protocol.³

1. Discriminatory family code

The Lebanese legal system is based primarily on the French and Egyptian legal codes. Personal status laws govern matters such as marriage, divorce, child custody, and inheritance and vary according to religious community.⁴ More specifically, Sharia courts have jurisdiction over personal status issues for the Muslim community (separated into Sunni and Shiite hearings), while the different Christian denominations use ecclesiastical courts. There are 18 legally recognized religious groups in Lebanon; the largest are the Sunni Muslims, the Shiite Muslims, and Maronite Christians. Out of those, 15 have separate personal status codes all of which contain discriminatory measures against women.⁵ While there have been efforts on the part of lawmakers to introduce a unified civil status (the most recent of which in 2010), this has so far not met with success.⁶ Civil marriages are recognized in Lebanon if they were contracted outside of the country (Article 25 of decree No. 60/1936), but continue to be governed by the civil law of that country should any legal issues arise. Of note, however, in April of 2013, the first Lebanese couple contracted a civil marriage on Lebanese soil (followed by approximately 10 more couples to date) by removing their religious affiliation from their civil status records, obtaining proof from a mayor that there were no objections to their marriage, and signing a legal marriage contract witnessed by a notary public.⁷

Legal age of marriage varies across the different personal status codes, but all religious groups allow girls under the age of 18 to marry.⁸ Recognised marriageable ages for women range from as young as 9 among Sunni and Shiite Muslims as long as approval is granted, to 12.5 among member of the Jewish

¹ Chemali Khalaf (2010), p.252

² United Nations Treaty Collection (2014); Chemali Khalaf (2010) p.256

³ United Nations Treaty Collection (2014)

⁴ Chemali Khalaf (2010) p.254, 258; UNICEF (2011) p.1

⁵ Idem

⁶ Chemali Khalaf (2010) p.251, 258

⁷ WoMen Dialogue (2013)

⁸ UNICEF (2011) p.2; CEDAW (2006) pp.86-87

denomination, and 14 years old among the Syrian Orthodox and Armenian Orthodox. For men, the marriageable age is 18 among most religious groups, although with approval marriages at younger ages are granted as well.⁹

In terms of **early marriage** it is, however, no longer customary that young girls marry, and the UN reports that in 2007, only 3.4% of women age 15-19 were married, divorced, or widowed.¹⁰ In 2013, the United Nations reported an adolescent birth rate of 18 per 1,000 women age 15-19, using data from a 2004 Lebanese Survey.¹¹ Women and men are generally free to choose their own marriage partners, but the family usually expects to play a role.¹² According to a survey carried out by IFES / IWPR in 2009, virtually all respondents felt that young women and men should be free to decide who to marry, but with guidance from their parents.¹³ Inter-religious marriages are also increasingly common in Lebanon, although officially, Muslim women do not have the right to marry non-Muslim men unless they convert, and other sects do not encourage their members to marry outside the faith.¹⁴

Although some personal status codes assign rights and duties equally to both spouses during married life (e.g. the Catholic and the Greek Orthodox personal codes), the Muslim personal codes designate the husband as the head of the family and assign **parental authority** to fathers.¹⁵ In addition, upon birth, children are assigned to the religious sect of their father.¹⁶ Among most religious groups, women are granted custody of the children upon **divorce**, although in Muslim communities, fathers retain legal authority and decision-making power, even if the mother has physical custody.¹⁷ In some cases, custody is transferred back to the father when children reach a certain age: for Evangelical Christian sects and Catholics, this is 12 for boys and girls, and for Sunni Muslims, 13 for boys and 15 for girls although courts often grant on-going physical custody to the mother beyond this, if they feel that this is in the child's best interests.¹⁸ Most Christian denominations and Islamic Shia consider that divorced mothers who wish to remarry forfeit their custody rights.¹⁹

Inheritance laws differ between Muslims and non-Muslims. Islamic law provides for detailed and complex calculations of inheritance shares. Muslim women may inherit from their fathers, mothers, husbands or children and, under, certain conditions, from other family members.²⁰ But their share is generally smaller than a man's entitlement: daughters, for example, typically inherit half as much as sons.²¹ In addition, Muslims cannot leave property to non-Muslims, meaning that non-Muslim women

⁹ UNICEF (2011) p.2; Chemali Khalaf (2010) p.259

¹⁰ United Nations, Population Division (2013); Living Conditions Survey (2007)

¹¹ United Nations World Fertility Data (2013); Lebanon (2004) Family Health Survey

¹² Chemali Khalaf (2010) p.260

¹³ IFES/IWPR (n.d. -d) p.10

¹⁴ Chemali Khalaf (2010) p.260; CEDAW (2006) p.88

¹⁵ Chemali Khalaf (2010) p.259; Kte'pi (2013) p.694; UNICEF (2011) p.2

¹⁶ Chemali Khalaf (2010) p.259

¹⁷ Kte'pi (2013) p.694; Chemali Khalaf (2010) p.261

¹⁸ Chemali Khalaf (2010) p.261

¹⁹ Kte'pi (2013) p.694; Chemali Khalaf (2010) p.262

²⁰ UNICEF (2011) p.2

²¹ Idem

married to Muslim men cannot inherit from their husbands if they die first unless they convert.²² While women are legally entitled to inherit land, many women cede this land to their male relatives, in order to ensure that land is retained in the male line.²³ It should be noted that the *Shia* approach to inheritance is more egalitarian as regards female heirs, which leads some Sunni fathers to convert to Shiism when they near death so that their daughters do not have to share their inheritance with their uncles if the parents have no sons. The Civil Law of Inheritance (1959) for non-Muslims establishes that men and women shall be treated equally and receive the same shares of inheritance.²⁴ In reality, some families take measures to ensure that male heirs receive more than female heirs.²⁵ Like Muslim law, Catholic personal status law prohibits individuals from bequeathing possessions or property to family members of different faiths.²⁶

More

Polygamy is permissible only among Sunni and Shiite Muslims, following provisions in Sharia law.²⁷ Muslim men from these sects are allowed to take up to four wives, provided they can support all wives financially and treat them all fairly and equally.²⁸

Under the Muslim personal status codes, it is much easier for men than women to obtain a **divorce**, although all divorces must be registered with the court in order to be legally recognised.²⁹ Men have the right to repudiate (divorce unilaterally) their wives, whereas women can only apply for a divorce under a certain set of conditions (e.g. the husband's desertion, or illness) and if bride price was paid upon marriage, it must be refunded.³⁰ Catholic sects prohibit divorce, but marriages can be annulled for a wide range of reasons, including domestic violence.³¹

A 2011 collaborative project on the Status of Women in the Middle East and North Africa (SWMENA) shows that most women surveyed (89%) felt completely free in deciding how their earnings are used.³² When it comes to **decision-making** over daily household needs, the project reports that younger couples are more likely to share decisions, although generally, as age increases, women take on a more independent role in this realm. More specifically, 61% of married women age 55 and older have the final say over daily household purchases, compared to 51% of married women age 35-54 and 38% of women age 18-34.³³ The frequency of married women making sole decisions concerning large

²² Chemali Khalaf (2010) p.265

²³ Idem

²⁴ UNICEF (2011) p.2

²⁵ Chemali Khalaf (2010) p.265; CEDAW (2006 pp.96-97

²⁶ IPSnews (2012)

²⁷ Kte'pi (2013) p.693; CEDAW (2006) p.95

²⁸ Idem; Idem

²⁹ Kte'pi (2013) p.693; UNICEF (2011) p.2; Chemali Khalaf (2010) p.260

³⁰ Idem; Idem; IDem

³¹ Chemali Khalaf (2010) p.260; UNICEF (2011) p.2; CEDAW (2006) p.95

³² SWMENA Project, Lebanon: Control of Financial Assets Topic Brief (2011) p.3

³³ Idem, p.4

household purchases similarly increases with age, with 33% of married women 55 or older making such decisions compared to 10% of married women age 18-34 and 20% of women age 35-54.³⁴

2. Restricted physical integrity

Lebanon's Parliament passed the Law on Protection of Women and Family Members from Domestic Violence on April 1, 2014, which defines sexual harassment as 'an act, act of omission, or threat of an act committed by any family member against one or more family members (...) related to one of the crimes stipulated in this law, and that results in killing, harming, or physical, psychological, sexual, or economic harm'.³⁵ Before that, there was no legislation in place protecting women from **domestic violence**. In July 2013, shortly after a highly publicised incident in which a 33-year old woman was beaten to death by her husband, a Lebanese parliamentary panel approved a first draft law protecting women from domestic violence.³⁶ The law criminalises domestic abuse and calls for the establishment of a special police force tasked with responding to family violence. Most controversially, the law recognises marital rape, although it does not classify the latter as a crime, but as an offence.³⁷ As of this writing the law has yet to be adopted. While awareness of violence against women, including domestic violence, has increased in recent years, thanks largely to efforts by local and regional NGOs, data on prevalence is not available. Under reporting remains high, as many women are afraid to speak out about violence they experience at home, for fear of being blamed for the abuse, or of bringing shame on the family.³⁸ In addition, social and family pressure, as well as lack of financial independence, compels many women to remain in abusive relationships, and they are sometimes instructed to return to abusive husbands by religious courts.³⁹ Police are also reluctant to intervene in what is considered a taboo issue, unless a woman has formally pressed charges.⁴⁰ Some limited support is however provided by NGOs, including hotlines and refuges, working in cooperation with the Ministry of Justice.⁴¹ In 2009, survey data showed that 10% of women aged 15–49 believed that a husband/partner is justified in hitting or beating his wife/partner for at least one of the following reasons: if she burns the food, argues with him, goes out without telling him, neglects the children or refuses sexual relations.⁴² A further 93% of women felt that domestic violence is completely rejected in their communities.⁴³

Rape is a criminal offence in Lebanon, with a minimum sentence of five years, but a rapist can be released from prison and his conviction nullified if the perpetrator marries his victim (Art. 522, Penal

³⁴ Idem, p.5

³⁵ Human Rights Watch (2014)

³⁶ Daily Star (2013)

³⁷ Idem; Alarabiya News (2013)

³⁸ Chemali Khalaf (2010) p.263

³⁹ Idem, p.262; US Department of State (2012)

⁴⁰ Idem; Idem

⁴¹ Chemali Khalaf (2010) p.263

⁴² OECD (2014), Gender, Institutions and Development Database, <http://stats.oecd.org>

⁴³ Idem, p.6

Code).⁴⁴ It is not clear whether the victim's consent is necessary in such circumstances. The current law does not recognise spousal rape.⁴⁵ Data on conviction rates and prevalence are not available.

There is no law dealing specifically with **sexual harassment**, nor is sexual harassment addressed in other legislation.⁴⁶ According to the UN Population Fund, while the labour law does not specifically prohibit sexual harassment in the workplace, male and female employees do have the right to resign without prior notice in the event that an indecent offense is committed toward the former or a family member by the employer or his/her representative.⁴⁷ Although sexual harassment is reportedly widespread, data on prevalence is not available. However, a recent collaborative project on the Status of Women in the Middle East and North Africa (SWMENA) indicates that 35% of women report men making unwanted or harassing noises or gestures towards them most or every time they venture into public spaces⁴⁸ and 22% of women have been touched or pinched against their will in public spaces.⁴⁹

Female genital mutilation (FGM) is not commonly practised in Lebanon.⁵⁰

Women are free to make independent decisions about their **reproductive health**, and to access contraception without consulting their husbands, although lack of access to affordable health insurance compromises the capacity of some women to access all forms of healthcare.⁵¹ Reproductive healthcare services are provided through primary healthcare clinics.⁵² According to UNFPA, 34% of sexually active women age 15-49 reported using a modern form of contraception while 12% of married women age 15-49 have an unmet need for family planning.⁵³ Abortion is only legal in cases where the pregnant woman's life is in danger.⁵⁴

More

So-called "**honour crimes**" – or acts of violence or homicide against a woman to avenge a family's honour in the event the woman commits adultery or engages in pre-marital sexual relations - do take place in Lebanon, although they are rarely prosecuted and are often reported as suicides, meaning it is very difficult to ascertain how many women die this way each year.⁵⁵ Previously, under the Penal Code, perpetrators could receive a reduced sentence if they demonstrated that they had committed the crime after having discovered that the victim was engaged in socially unacceptable sexual relations. However, the Lebanese parliament voted in 2011 to strike Article 562 from the Penal Code,

⁴⁴ Chemali Khalaf (2010) p.254; UNICEF (2011) p.2

⁴⁵ Idem; Idem

⁴⁶ Chemali Khalaf (2010) pp.263, 267

⁴⁷ US Department of State (2012)

⁴⁸ SWMENA Project, Lebanon: Women's Freedom of Movement & Freedom from Harassment and Violence Topic Brief (2011) p.3

⁴⁹ Idem, p.4

⁵⁰ Chemali Khalaf (2010) p.274

⁵¹ Idem, p.273

⁵² Idem

⁵³ United Nations Population Division (2012); Lebanon (2004) Family Health Survey; OECD (2014), Gender, Institutions and Development Database, <http://stats.oecd.org>

⁵⁴ UNDP (2010)

⁵⁵ Chemali Khalaf (2010) p.262; SWMENA Project, Lebanon: Women's Freedom of Movement & Freedom from Harassment and Violence Topic Brief (2011) p.8; UNICEF (2011) p.2

which had allowed mitigated punishment for honour crimes.⁵⁶ There are also different provisions for women and men in the penal code relating to adultery (which is a criminal offence): for men, the act is only considered adulterous if it has taken place in the marital home or if the adulterous relationship is made public, while a woman can be convicted of adultery wherever the relationship has taken place.⁵⁷ In addition, minimum sentencing options for women are higher than those for men in cases of adultery.⁵⁸

3. Son bias

The male/female **sex ratio** at birth is 1.05 and for the working age population of 15-64 is 0.95.⁵⁹

There is no evidence to suggest it is a country of concern in relation to **missing women**.

More

According to the United Nations Population Fund, infant mortality rates are higher for boys than for girls.⁶⁰ Gender-disaggregated data regarding immunisation rates is not available, but overall immunisation rates are high, according to UNICEF (between 95% and 99%, depending on the vaccine).⁶¹

Net primary school enrolment rates are roughly equal for girls and boys (89 and 91% respectively) while at secondary level, more girls than boys are enrolled (79 and 71%).⁶² According to a 2009 survey carried out in the SWMENA Project, 22% of women questioned cited family obligations or expectations as obstacles to educational aspiration and attainment, as opposed to 14% of men.⁶³

The figures above would indicate that Lebanon is not a country of concern in regard to son preference in early childhood care or access to education.

4. Restricted resources and assets

According to the Lebanese Constitution (Art. 7), women (married and unmarried) have the same rights as men to conclude contracts and own and administer property, including **land** and **non-land assets**.⁶⁴ Within marriage, regardless of religious affiliation, each spouse has the right to own and administer property separately and independently (the default marital property regime is separation of property).⁶⁵

⁵⁶ US Department of State (2012)

⁵⁷ Chemali Khalaf (2010) p.253; Human Rights Watch (2011)

⁵⁸ Idem; Idem

⁵⁹ CIA (2013)

⁶⁰ UNFPA (2010) p.102

⁶¹ UNICEF (2007) p.111

⁶² UNICEF (2011) p.4

⁶³ SWMENA Project, Lebanon: Social Attitudes Toward Women Topic Brief (2011) p.2

⁶⁴ World Bank (2013); Chemali Khalaf (2010) p.264

⁶⁵ Idem; Idem

In practice, husbands and male family members often heavily influence women with regard to the administration of property, as well as income and other financial assets.⁶⁶ More specifically, discriminatory inheritance practices in some cases work against women in terms of ownership (e.g. Muslim women typically inherit half that of sons and many cede land to their male relatives so as to keep property in the male line).⁶⁷ Limitations also arise from the fact that many women remain unaware of their economic and legal rights. This is particularly true in rural areas. Control over financial assets seems to be closely linked to education and employment status: according to a survey carried out by the SWMENA Project, 28% of women who worked owned land or an apartment or house, compared to 19% of women who didn't work, and as did 39% of women with a university education, compared to 26% who had secondary education.⁶⁸

With regards to **access to financial services**, women are legally entitled to open a bank account, access to bank loans and can enter into financial contracts, but experience some limitations in practice.⁶⁹ According to the SWMENA Project, 46% of married working women felt that they would be able to obtain a loan on their own, without help from a spouse or parent; but levels varied considerably according to how much the woman earned, and her level of education.⁷⁰ According to the International Finance Corporation (IFC), only 3% of bank loans go to female entrepreneurs.⁷¹ According to the 2006 Convention on the Elimination of All forms of Discrimination against Women (CEDAW) report, among an estimated 30 institutions lending to small-scale rural projects, only nine provide men and women with equal conditions.⁷² Moreover, women's share of the loans from these nine credit institutions ranges between 10 and 20%.⁷³

5. Restricted civil liberties

There are no legal restrictions on freedom of movement and **access to public space** for Lebanese women, and the law allows married women to apply for passports without the permission of their husbands.⁷⁴ In practice, however, the extent to which individual women can move freely outside the household or travel abroad often depends on their husbands and other family members⁷⁵, as well as their sectarian affiliation and area of residence. In a survey conducted in 2009, 58% of men and 39% of women stated that a wife should obey her husband, even if she disagrees with him.⁷⁶ In rural areas, families may restrict women's freedom of movement while in urban areas some women have considerable freedom of movement (including going out at night without a male chaperon) and are

⁶⁶ Chemali Khalaf (2010) p.264

⁶⁷ Idem

⁶⁸ SWMENA Project, Lebanon: Control of Financial Assets Topic Brief (2011) p.6

⁶⁹ UNICEF (2011) p.4; World Bank (2013)

⁷⁰ SWMENA Project, Lebanon: Control of Financial Assets Topic Brief (2011) p.8

⁷¹ IFC (2014)

⁷² CEDAW (2006) p.78

⁷³ Idem

⁷⁴ World Bank (2013); Chemali Khalaf (2010) p.258

⁷⁵ Chemali Khalaf (2010) pp.258, 274

⁷⁶ SWMENA Project, Lebanon: Social Attitudes Toward Women Topic Brief (2011) p.12

able to live on their own.⁷⁷ A 2009 survey from the SWMENA project reports that the large majority of women (94%) felt completely or somewhat free in moving about in public areas.⁷⁸

The law provides for freedom of assembly, although organizers are required to obtain a permit prior to any demonstration and such permits are not always granted to groups opposing government positions.⁷⁹ In addition, security forces occasionally intervene to break up demonstrations and media coverage of some protests has been forbidden.⁸⁰ The law also provides for freedom of association, and although no prior authorization is required to form an association, the Ministry of Interior must be notified and upon verification of the association's respect of public order, morals and state security, issues a receipt. Such receipts have at times been withheld and delayed. In addition, the cabinet must license all political parties.⁸¹ There are no specific reports on discrimination against women's associations and freedom for collective action; Lebanon has long had a vocal and active women's movement.⁸² In addition, a survey from the SWMENA project reports that 87% of women feel entirely free in the choice of people with whom they associate and most women feel that they can freely express their opinions on critical issues to family members, friends, and neighbors.⁸³ Women's rights activists have lobbied and demonstrated in support of changes to the nationality law and the penal code, for the removal of other discriminatory legal provisions, for the introduction of legislation to protect women from domestic violence, and for improvements to women's economic opportunities.⁸⁴

Since 1952, women and men in Lebanon have had the same right to vote and stand for election in Lebanon, and yet women remain under-represented in political life in Lebanon.⁸⁵ As of 2013, there were only four women in the Lebanese national assembly (out of 128 – 3.1%), and no women were in ministerial positions in the government formed in 2011.⁸⁶ While attempts have been made to introduce a 30% gender **quota** as part of the electoral law, this has yet to be implemented in parliamentary elections. According to a 2009 survey carried out by IFES / IWPR, most women (67%) and men (65%) were in favour of the introduction of a gender quota in the national assembly. Of those against, the most common reason cited (50%) was that quotas are unfair and against the principle of equal opportunity, although 18% believed that 'women have no place in politics'.⁸⁷ In addition, the majority of respondents, male and female, supported the idea of women standing for political office, and felt that women were perfectly capable of making their own decisions about who to vote for in

⁷⁷ Idem, p.258

⁷⁸ SWMENA Project, Lebanon: Women's Freedom of Movement & Freedom from Harassment and Violence Topic Brief (2011) p.2

⁷⁹ US Department of State (2012)

⁸⁰ Idem

⁸¹ Idem

⁸² Chemali Khalaf (2010) pp.249-250; UNICEF (2011) p.2

⁸³ SWMENA Project, Lebanon: Women's Freedom of Movement & Freedom from Harassment and Violence Topic Brief (2011) pp.2-3

⁸⁴ Chemali Khalaf (2010) pp.251, 256-257, 268

⁸⁵ UNICEF (2011) p.2

⁸⁶ UNdata (2013); UNICEF (2011) p.3

⁸⁷ SWMENA Project, Lebanon: Attitudes Towards Policy Change Topic Brief (2011) p.4

elections.⁸⁸ That said, overall, most men and women believed men made better political and business leaders than women.⁸⁹

In 2012, USAID began a programme called “Building Alliances for Local Advancement, Development and Investment-Plus” (BALADI Plus). BALADI Plus helps female leaders in local government to develop their skills and learn how to mitigate the cultural and structural barriers that impede their functions. In 2013, 29 women from municipal councils were trained in managing projects, fundraising and writing proposals. The programme encourages gender equality in leadership and offers a place for women to network with others involved in local government, to share experiences and to build their confidence.⁹⁰

More

Pregnant women are entitled to seven weeks’ paid **maternity leave**, financed by the employer.⁹¹ While there are no laws mandating non-discrimination based on gender in hiring, in 2000 the Labour Code was amended to ensure equal pay for women.⁹² Despite this change, there appears to be a significant wage gap between men and women, more pronounced in the private sector.⁹³ Despite high female literacy rates and net school enrolment ratios, Lebanese women’s economic participation is low. The **labour force participation** rate for women age is 22% compared to 72% for men.⁹⁴

Freedom of expression is respected in Lebanon, and there is a vibrant **media** scene.⁹⁵ While there are some prominent female journalists in Lebanon, women for the most part remain under-represented in media structures, and representations of women in the media most typically portray women in gender-stereotypical ways.⁹⁶ In addition, vaguely worded laws have been employed to ban critical reporting on Syria, foreign leaders, the military, the judiciary, and the presidency, and in some cases journalists have faced threats, attacks, and detentions on the part of the government.⁹⁷

Lebanese women married to foreign spouses cannot, however, pass their **nationality** to their children or spouse.⁹⁸ This particularly affects women married to Palestinian refugees (of whom there are approximately 350,000 in Lebanon), whose children are then denied citizenship rights, including access to education and healthcare, and must obtain residency and work permits in order to live in Lebanon legally.⁹⁹ There have been several campaigns in support of Lebanese women’s right to extend their nationality to their foreign spouses and children of that union, with a particular focus on the problems

⁸⁸ SWMENA Project, Lebanon: Social Attitudes Toward Women Topic Brief (2011) pp.2,5

⁸⁹ Idem, p.7

⁹⁰ To learn more visit <http://baladi-lebanon.org/baladi-plus/> <http://baladi-lebanon.org/baladi-plus/>

⁹¹ World Bank (2013)

⁹² Idem

⁹³ SWMENA Project, Lebanon: Economic & Educational Status Topic Brief (2011) p.7

⁹⁴ UNICEF (2011) p.4

⁹⁵ Freedom House (2013)

⁹⁶ Chemali Khalaf (2010) p.275

⁹⁷ Freedom House (2013)

⁹⁸ World Bank (2013); UNICEF (2011) p.2

⁹⁹ UNICEF (2011) p.2; Chemali Khalaf (2010) p.252

they face. The Minister of the Interior responded by issuing Decree 4186 in 2010 to accord foreign husbands and children of Lebanese women courtesy residency rights.

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