



Lebanon National
Gender **Observatory**
المركز الوطني اللبناني
للمساواة بين الجنسين

Gender Analysis of the Lebanese Legal System

Need for reform of discriminatory laws and
practices affecting the lives of women

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EuroMed Feminist Initiative
المبادرة النسوية الأورومتوسطية
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SUMMARY FINDINGS

- Women suffer from discrimination and injustice due to fractured and religiously influenced Personal Status laws;
- Women are deprived the right to pass their nationality, contributing to greater discrimination and statelessness;
- Gaps in the Lebanese Penal Code lead to increased protection risks and discrimination against women and girls;
- Working women face discriminatory coverage, inequality in benefits and lack of support services; and many, particularly foreign nationals, are working in sectors excluded from coverage under the Labour Law entirely
- Successful past and ongoing local advocacy efforts have led to reform in multiple areas of legislation;
- Reform of legal system towards gender equality is hindered by religious, political and social influences;
- Priorities for reform can be split into reforming existing discriminatory provisions and introducing new provisions that actively meet the needs of women, foreign nationals and those who have been rendered stateless



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Scope & Purpose: the Lebanese National Gender Observatory (LNGO) presents its second brief focusing on the legal system’s gender sensitivity. The following brief discusses the remaining gender-blind legislations, presents the achieved and continuing efforts for reforms and the priorities for future advocacy, and offers recommendations for multiple governmental, non-governmental and civil society actors that can influence change in legislation.

Approach & Method: the LNGO conducted a review of key legislative documents, reports and assessments on the gender equity of the Lebanese legal system. In addition to five key informant interviews with stakeholders involved in legislation, the justice system and local advocacy media campaigns. Special thanks to participating interviewees - Layal Bou Moussa, Activist & Journalist, Al Jadeed; Leila Awada , Lawyer & Co-Founder, KAFA; Zoya Rouhana President & Co-Founder, KAFA; Mostafa El-Chaar, Founder, My Nationality, My Dignity Association; Manar Zaiter, Lawyer; Brigitte Chelebian, Lawyer - for sharing their knowledge and experience and participating in the interviews that informed this brief.

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01 Introduction

Discrimination against women is pervasive throughout Lebanon's legal framework. Whilst at a national level, the Lebanese constitution specifies that "All Lebanese shall be equal before the law...", and..."¹, and whilst Lebanon has ratified several important international agreements including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC);² However, inequality is entrenched within the legal system, with the presence of overtly discriminatory legal provisions,³ absence of specific protections, the use of discriminatory practices in the implementation of laws and the influence of religious institutes.

Prominent among these issues is the example of Lebanon's personal status laws. There are 15 personal status laws, instead of a unified civil code that regulates personal matters, including those of women.⁴ These laws are in place due to the ***influence of religious authorities and conservative politicians from all sects***, which have promoted this system as crucial to maintaining Lebanon's diversity. However, this has led to citizens being treated differently in key aspects of their lives and the impact is particularly pronounced among women who are treated inequitably when compared with men, among all confessions.⁵ Lebanese women from the various sects face increased risks of Sexual and Gender-Based Violence (SGBV) under religious laws, and challenges in obtaining fair decisions in terms of child custody, divorce and inheritance cases.⁶ In addition to these sect-based laws, other legislation such as the Labour Law and the Penal Code also include provisions that are discriminatory at points towards women, and fail to safeguard them at others. In addition, women working informally and migrant domestic workers are excluded from the labour law entirely. Migrant domestic workers are subject to the Kafala system, which governs the work of 250,000 women domestic workers and has led to widespread cases of abuse, neglect and forceable detentions. Cases of abuse have seen a rise during the COVID pandemic and the economic crisis.⁷

Discriminatory practices also exist in the implementation of laws. For example there are gaps in knowledge around gender-sensitive practices when dealing with SGBV cases. This includes security personnel handling SGBV cases, as well as civil and religious judges that continue to hinder Lebanese women's access to justice.⁸ The legal system also suffers from a ***selective enforcement of laws***, and there are several provisions missing that guarantee equality across different pieces of labour law and criminal law legislation.⁹

¹ Article 7, Lebanese Constitution. Available at:

² <https://www.icj.org/wp-content/uploads/2019/07/Lebanon-Gender-Violence-Publications.pdf>

³ <https://www.icj.org/wp-content/uploads/2019/07/Lebanon-Gender-Violence-Publications.pdf>

⁴ https://www.ecoi.net/en/file/local/1248706/1002_1421739841_lebanon0115-forupload.pdf

⁵ <https://thearabweekly.com/lebanese-women-press-equal-personal-status-rights-international-womens-day>

⁶ https://www.ecoi.net/en/file/local/1248706/1002_1421739841_lebanon0115-forupload.pdf

⁷ <https://www.dw.com/en/lebanons-migrant-domestic-workers-suffer-amid-economic-crisis/a-53992510>

⁸ Ibid

⁹ <https://www.icj.org/wp-content/uploads/2019/07/Lebanon-Gender-Violence-Publications.pdf>

While multiple improvements have been noted over the last years, there are many gaps that remain, hindering Lebanon’s progress against the workplan set up under the National Action Plan for 1325¹⁰ and allowing for discrimination on the basis of gender, limit women’s access to rights and offer little protection against violence¹¹.

The table below, sourced from the regional study on “Engendering the Response to the Syrian Crisis” commissioned by the EuroMed Feminist Initiative, provides an overview on gender equality in Lebanese Legislation:

Table 1: State of the current legislation for Lebanon in terms of gender equality and international standards ¹²

Status	Criminal laws	Personal status laws	Labor laws
Gender equality and compliance with international standards	<ul style="list-style-type: none"> - Domestic violence - Rape - Femicide - Human trafficking 		<ul style="list-style-type: none"> - Equal pay for the same work - Maternity leave and pregnancy protection
Only some aspects of gender equality are addressed	<ul style="list-style-type: none"> - Exoneration in case of marriage - Criminalization of harassment - Criminalization of same sex sexual conduct 	<ul style="list-style-type: none"> - Polygamy - Custody - Inheritance 	<ul style="list-style-type: none"> - Maternity leave meet ILO standard
Minimum or absence of gender equality	<ul style="list-style-type: none"> - Prostitution prohibited - Adultery criminalized 	<ul style="list-style-type: none"> - Marriage age - Rights in marriage and divorce - Guardianship of the child 	<ul style="list-style-type: none"> - Equal pay for equal value - Protection for domestic workers - Gender specific restrictions

In the following sections, insights from legal and advocacy experts and findings from the desk review aim to shed additional light on how women are impacted by criminal, personal status, labor and nationality laws. These laws often affect women and girls’ ability to make key decisions, limit their independence, increase their risk of facing violence and put the well-being of their families at stake. Following this, the brief examines the continuing efforts for reforms and offers recommendations for multiple governmental, non-governmental and civil society actors that can influence change in legislation and the functioning of the legal system.

¹⁰ EFI regional report

¹¹ <https://www.icj.org/wp-content/uploads/2019/07/Lebanon-Gender-Violence-Publications.pdf>

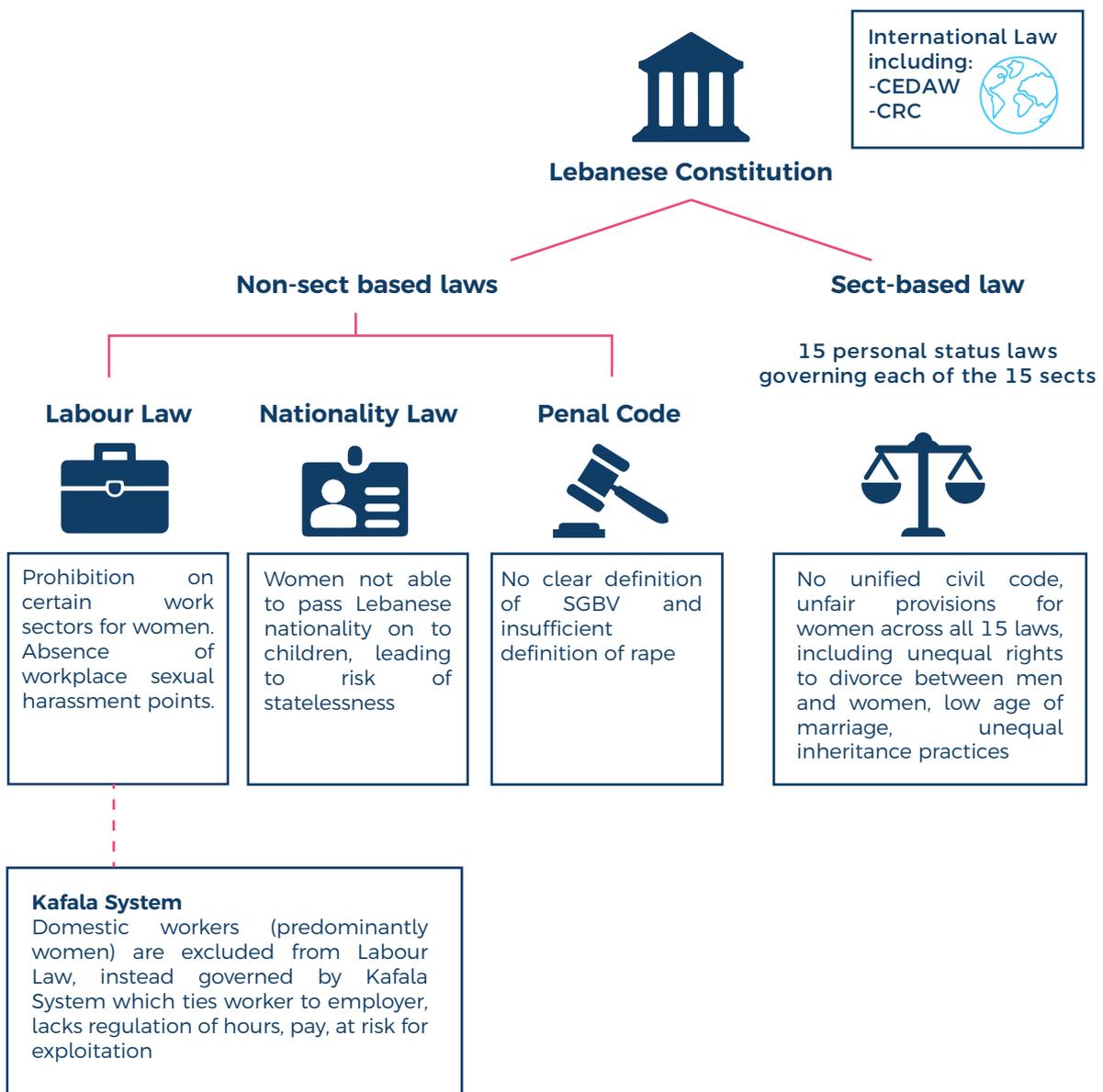
¹² UNDP (2018), Regional – Gender, Justice, and the Law.

02

Legal inequality affecting the lives of women in Lebanon

There is a significant proportion of legislation in Lebanon that either fails to provide adequate protection to women and other marginalized groups or that actively discriminates against them in their daily lives.

National laws continue to overlook key rights for women, such as the right to pass nationality to spouses and children. Other laws that will be presented later in-depth, remain ambiguous, allowing for misinterpretation and discrimination. Moreover, many laws lack specific gender consideration where needed or are explicitly discriminatory toward women and girls, particularly the personal status laws.¹³ The figure below offers an overview of some of the major issues at a legislative level that will be examined in this section.



¹³ Lamia Rustum Shehadeh, 2010, Gender-Relevant Legal Change in Lebanon, Vol 22, 3, Women in the Middle East, pp.210-228.

This figure showcases several of the legal areas where laws fail to adequately consider or protect women, or where they actively discriminate against women. These laws transcend all aspects of women's lives – from family affairs, governed by personal status laws, to their economic activity under the labour law, the current legal framework is inadequate for women. These legal areas are considered in turn below.

Women suffer from discrimination and injustice due to fractured personal Status laws

The Lebanese Constitution identifies religious institutions as the exclusive entities for the regulation of family matters, through personal status laws. Whilst provisions vary between sects, a common theme across all of these laws is the unequal treatment of women as compared to men.¹⁴ This stipulation in the Constitution allowed for the existence of 15 separate personal status laws (12 Christian, four Muslim, one Druze and one Jewish) that handle family affairs, including divorce, custody and age of marriage, according to religious norms and beliefs. Without a unified civil code, many women across different sects, in addition to non-Lebanese women, fall victim to discriminatory laws and harmful practices during court proceedings.

Discriminatory personal status laws affect the lives of women and girls from cradle to grave. During an interview with KAFA, the participant stated that by virtue of these religious laws, women are not treated as independent individuals, but are always tied to men, be it their father or husband. This starts from the civil registry, which identifies men as heads of households. Discrimination also extends to inheritance laws among Muslim sects, that are male biased and allocate a higher percentage of inheritance to males. Another interviewee observed, that all sects discriminate against women when it comes to marriage and divorce. Divorce application processes favor men.

In addition, ***fractured religious court procedures*** and a lack of accountability have led to numerous reports of ***abuse and maltreatment of women in legal processes***. Key informants noted that religious figures are the ones who make the decisions in these courts, and often follow religious beliefs and not legal criteria. In addition, a key informant¹⁵ noted that most of the religious judges lack formal training to be a judge. Some of the cases of abuse reported by the informant include a woman who was told to “improve her attitude” in order to be granted longer visitation rights to her daughters after a divorce.

It should be noted that religious influence does not only affect personal status laws, but influences changes to domestic violence, protection and early marriage laws. The KAFA representative stated that religious institutes still oppose amendments to the Penal Code (discussed later on), particularly for articles covering sexual abuse, domestic violence, and early marriage among others.

¹⁴ Unequal and Unprotected: https://www.ecoi.net/en/file/local/1248706/1002_1421739841_l_banon0115-forupload.pdf

¹⁵ Ms Manal Zaitar

‘ Sometimes women and men are asked to go to Syria and file a divorce/complaint, knowing that the Lebanese law is also applicable to them. ’

Ms Brigitte Chelebian

Women are deprived of the right to pass their nationality, contributing to greater discrimination and statelessness

The Lebanese nationality law has gender-discriminatory provisions, mainly Article 1.1 which limits the ability to have a Lebanese nationality to “every person born to a Lebanese father”. Women cannot pass on the Lebanese citizenship to their spouse and offspring, except for rare and exceptional cases. As with the personal status laws, religious institutes and sectarian political interest play a pivotal role in denying women the right to pass citizenship to their kin. During an interview with Ms Abou Moussa¹⁶, she noted that the government has used the citizenship as a form of political favor, noting multiple instances of naturalization in the 90s.

Religious institutes have resisted granting women the right to pass the nationality, for fears of “upsetting the sectarian balance” in Lebanon.¹⁷ This stems from the belief that the majority of Lebanese women who are married to foreigners are married to Palestinians. However, this is not the case, as only 3,707 Palestinian heads of households in Lebanon were found to be married to someone from a different nationality¹⁸. Ms Abou Moussa continued to say that religious and political forces have used these concerns to continue with discriminatory practices.

The “outdated nationality law”, as described by Human Rights Watch, has been strongly related with statelessness¹⁹. In a study by Frontiers Ruwad Association, **73% of stateless people in Lebanon, not of Palestinian descent, had Lebanese mothers.**²⁰ **Stateless individuals have restricted** social and economic freedom, increasing the challenges that they have to overcome over all stages of life. According to UNHCR²¹, there are three main reasons for statelessness: 1) exclusion from the 1932 census 2) discriminatory legislation that denies women the ability to pass on the nationality to their children and husbands; and 3) administrative reasons where individuals have no birth registration and cannot prove paternal Lebanese heritage.

The head²² of My Nationality, My Dignity association described some of the limitations that stateless individuals such as himself face. A stateless person in Lebanon **cannot obtain any formal identification from the government**, only a signed paper from their notary with their name, and indicating their status as a stateless person.

¹⁶ A reporter at local news station “Al Jadeed” who has been involved in numerous awareness and advocacy campaigns for gender equality and women’s rights.

¹⁷ Ms Manal Zaiter

¹⁸ <https://www.hrw.org/news/2018/10/03/lebanon-discriminatory-nationality-law>

¹⁹ Human Rights Watch Submission to the Committee on the Elimination of Discrimination against Women on Lebanon

²⁰ Human Rights Watch Submission to the Committee on the Elimination of Discrimination against Women on Lebanon

²¹ <https://www.unhcr.org/lb/stateless-persons>

²² Mr. Mostafa El Chaar

Without identification, stateless individuals struggle to access services such as education and health care and face restricted mobility within Lebanon, as one participant noted that many individuals fear crossing security checkpoints that are common between areas across Lebanon; and furthermore they may not be able to leave the country. Stateless students are faced with additional restrictions and rules when enrolling in educational institutes,²³ with one interviewee noting, 'if the father is not Lebanese, the children are not treated with equality in schools: with each new school year there are new rules that the non-Lebanese children pursuing an education must follow'²⁴. There was a concern raised that statelessness could actually drive early marriage, with parents trying to marry their children as they cannot obtain nationality for them, themselves. Finally, stateless individuals can suffer from significant economic inequality, with increased difficulties in finding sustainable and formal employment opportunities in the absence of any form of legal status.²⁵

Case Study 1 - The impacts of statelessness, the consequence of gender discriminatory legislation

Mostafa Al Chaar, the founder of the My Nationality, My Dignity association was born to a Lebanese woman and a stateless man of Syrian origin. Mostafa's father was not included in the 1932 census, even though his brothers received the Lebanese nationality. As a consequence, three generations of Mostafa's family face the repercussions of statelessness, despite the fact that they are all either married to or children of Lebanese women.

Mostafa described the difficulties his father faced, and that he continues to face, as a stateless person. He cannot leave the Lebanese territories without hiring a lawyer to obtain a certificate from the General Security, which costs USD 5,000, a substantial amount for a person who already has challenges in obtaining a job. Mostafa is now married to a Lebanese woman, but owing to his status he can get no documentation for his marriage or his children. He also cannot own property, a car nor any legal documentation such as a driver's license.

The My Nationality, My Dignity was launched to abolish the discriminatory nationality law and to correct the legal status of all stateless individuals. When asked about the drive behind the association's work, Mostafa gave numerous examples of how stateless people suffer in Lebanon.

One of the stories he told was about Rami, the stateless son of a Lebanese woman. Rami spent his life unable to get an education, or hold a dignified job. When faced with all the challenges that accompany being stateless in Lebanon, Rami resorted to drugs in order to cope, and ended his own life at 23 years of age.

²³ Interview, KAFA

²⁴ Interview, KAFA

²⁵ <https://www.equaltimes.org/being-stateless-in-lebanon-means?lang=en#.X8llkBMzbeo>

Gaps in the Lebanese Penal Code lead to increased protection risks and discrimination against women and girls

Lebanon has a strong patriarchal society which contributes to **stereotyped behavior and practices that discriminate against women**, whether in their households, their jobs or their communities. The penal code **lacks adequate sanctions to prohibit such behavior**, that can contribute to SGBV.²⁶

Multiple key informants and desk review²⁷ sources noted that the Lebanese **Penal Code offers no clear definition of SGBV**. The only partial reference exists in Penal Law No. 293, which is the Law on the Protection of Women and Family Members from Domestic Violence. In addition, an interviewed lawyer noted that domestic violence laws do not make any specific protection for individuals with non-binary gender identities, as well as women with disabilities. The interviewee also stated that penal laws fail to address the abuse faced by migrant workers.

As a form of SGBV, there is a **lack of a clear definition of rape**. While rape outside of marriage is criminalized, the sanctions do not extend to marital rape. Some advances have been achieved with the removal of Article 522 of the Penal Code in 2017, that exonerates the perpetrators of kidnapping and adultery when marrying their victim. However, sexual offences against women who marry the perpetrator are exonerated under articles 505 and 518 of the Penal Code.

Moreover, the Lebanese Penal Code contains **multiple articles that are discriminatory against women**. For example, Articles 539-546 **explicitly prohibit abortion**, even for victims of rape. During an interview with KAFA, the informant stated that abortion is punished no matter the cause of pregnancy. This has led women to seek **illegal and unregulated abortions** in often unsafe and unsanitary conditions. There are no statistics that account for illegal procedures and how many are conducted. The only abortion statistics are reported by the Ministry of Health at 11,549 abortions in 2015, but these numbers include intra-uterine fetal demise (IUFD) statistics.^{28 29}

Additional gaps in the Penal Code are found in the human trafficking law (No. 164) which does not lay out preventive or protective measures. In addition, adultery continues to be an offence under article 562, and “unnatural” sexual acts are prohibited under article 534 of the penal code. These laws have contributed to the prosecution and abuse of women, people from the LGBTQ+ community and sex workers.

👉 LGBTQ+ are taken under the punishment laws, instead of the domestic law because they are abused in their homes. 👉

Ms Brigitte Chelebian

Working women, particularly foreign nationals, face discriminatory coverage, inequality in benefits and lack of support services

²⁶ Gender-Related Laws, Policies and Practices in Lebanon 2018, UNDP, UNFPA, UN Women

²⁷ Ibid

²⁸ Intrauterine fetal demise: unlike miscarriages, the term is usually applied to losses at or after the 20th week of gestation

²⁹ <https://www.middleeasteye.net/features/illegal-abortion-lebnon-i-couldnt-comprehend-how-painful-it-was>

‘ The law does not cover agricultural women’s rights even, despite the fact that there are many women in the field. These women have no legal protection and no social security ’

Interview, KAFA

The Lebanese Labor Law **does not offer the same protection across sectors for men and women**, who are prohibited from working in sectors such as agriculture, mining and metal work, among other areas. As such, **women working informally** in the prohibited sectors, and in the domestic sector are at greater risk of exploitation, harassment and abuse³⁰ as they are not protected under the labour law. Informal Lebanese women workers have no legal protection in case of disputes with their employers, and cannot access any social security services, such as the National Social Security Fund (NSSF).

While the Labour Law does prohibit any form of gender-based discrimination against women, whether in pay, advancement or treatment, there is a definitive **lack in enforcement mechanisms**, which means cases of workplace discrimination in both private and public sectors continue.³¹ This includes the inadequacy of some **legally mandated women support services** such as maternity leave which is limited to 10 weeks of paid leave with no guarantee of employment after the leave. While other services are entirely absent such as child day care facilities and breastfeeding locations. One key informant³² stated that the maternity leave is not long enough, and many employees fear for their jobs with no guarantee for sustained employment after their leave. **Working women do not have the same access to the same social benefits as men.** The NSSF provides men with compensation for unemployed wives, but does not do the same for women, unless they are widowed or their husbands are proven unable to work (due to a disability).³³

‘ In regard to women, there exists a segregation amongst themselves as well: a Lebanese woman married to a Lebanese man is treated differently than a Lebanese woman married to a non-Lebanese man residing in Lebanon, a non-Lebanese woman married to a Lebanese man residing in Lebanon, immigrants, women with physical and mental disabilities ’

Manal Zaiter

Finally, there are no provisions prohibiting workplace sexual harassment. Whilst Articles 385, 507, 519, and 532 of the Penal Code include some provisions on sexual harassment, this does not extend to the workplace and the Labour Law is similarly silent on the issue, creating a legislative gap. In fact, one interviewee noted they had investigated a case where they were paid to change their harassment accusations³⁴, which reflects the struggles women face in resisting harassment.

The Lebanese Labor Law proves to be particularly blind to the needs of women from foreign nationalities, especially domestic workers and refugees. As one interviewee noted: ‘foreign workers are taken advantage of in the jobs they do, especially in the agricultural domain.

²⁰ Gender-Related Laws, Policies and Practices in Lebanon 2018, UNDP, UNFPA, UN Women

³¹ Ibid

³² KII with KAFA

³³ Ibid

³⁴ Interview, Journalist

There are no rules or laws that protect them'.³⁵ **Migrant domestic workers** do not fall under the Labor Law, but their work is governed by the Kafala system. The Kafala system was described by the International Labor Organization as close to forced labor, as it does not regulate working hours, holidays and in-kind compensation for labor. This has led to many abuses of domestic workers³⁶. Meanwhile **refugees face additional restrictions to what they can work**, which one key informant noted has led them to informal labor. Refugees work mainly in the agriculture sector, and are often exploited by their employers with no regulations or protective measures in places.³⁷

Focus Box 2 – A Failure to Protect: Gaps in Implementation of the Law

'Lebanon is a patriarchal society, not only in the laws'

Interview, Journalist

Whilst discrimination and gaps exist throughout the legal framework, implementation of the laws that do currently exist are also a challenge. Gaps are not only limited to the laws under the Penal Code, but are found in the implementation of these laws. In its report to CEDAW, Human Rights Watch lays out the barriers that women face while navigating the Lebanese legal system. Discriminatory court procedures, high fees, lengthy unresolved lawsuits were noted in religious courts across all sects. Moreover, none of the religious institutions offered legal support to women going through proceeding to settle family matters. The report also noted multiple cases of sexual abuse in detention centers, targeting women and vulnerable groups including LGBTQ+ individuals and sex workers.

In addition, a report by multiple UN agencies³⁸ highlights that human resource limitations have led to a lack of gender balance among law enforcement staff. Also many security and legal staff have low awareness on gender sensitive practices when handling cases of domestic or sexual abuse. This, when coupled with the lack of safe and dignified shelters for women, compromises how well sensitive cases are handled and risks furthering the trauma of victims. Procedural limitations face women living in remote areas, as they would have to travel to the provincial capital to file domestic violence complaints before the Public Prosecution.

Furthermore, there are safety and protection consideration gaps, with one interviewee from Kafa noting implementers "do not take women's conditions into consideration at all". She noted that if a pregnant women is facing trial, her specific needs and considerations can be overlooked with the absence of safe and hygienic facilities that ensure her privacy. Similarly lack of protection for women who are witnesses to cases was noted as a gap.

³⁵ Interview, KAFA

³⁶ Ibid

³⁷ Towards Decent Work in Lebanon: Issues and Challenges in Light of the Syrian Refugee Crisis - ILO, 2015

³⁸ Gender-Related Laws, Policies and Practices in Lebanon 2018, UNDP, UNFPA, UN Women

03 Reform of gender-blind legislation

Lebanon's journey of reform toward more gender equitable laws started with the enfranchisement of women in 1953. The next significant reforms occurred later on in 1983, where the law prohibiting contraception was repealed, and then in 1993 where the retirement age for women was raised from 54 to 64 equating males. Meanwhile other reforms came significantly late, such as the right to testify in real estate matters (1993), and the right to open their own businesses without the consent of their husbands (1994).³⁹ But as showcased earlier, there are remaining gaps to be addressed.

The need for legal reform was discussed in the National Gender Observatory's recent research⁴⁰, where informants called for the substitution of "patriarchal sectarian systems" with a unified civil law. This wish was shared by many local activists and civil society organizations (CSOs), who have successfully worked towards some amendments and abolition of discriminatory or harmful legislation. The following section will highlight some of the progress towards gender equality in the legal system, the remaining gaps in need of reform and the challenges facing change.

Successful and ongoing local advocacy efforts for reform in multiple areas of legislation

Some of these efforts have contributed to enhancing the **protection of women from violence**, such as the local advocacy effort headed by Abaad.⁴¹ The effort was described by the interviewed journalist⁴² as the main reason that Article 522 of the penal code, which exonerates perpetrators of kidnap and sexual assault who marry their victim, was revoked. Additionally, progress in protective laws was noted by the KAFA representative, such as giving women the option to file restraining orders, instead of complaints, against abusive husbands, which was sometimes preferable as they gain protection without imprisonment of husband and the social issues that go with this and improved shelter protection. This reduces the likelihood that the husband will be imprisoned, an issue which may lead to social tensions and marginalization/abuse of the woman by the man's family. **Ongoing efforts to enhance protection** include KAFA's work with the Ministry of Justice, the National Committee for Women's Affairs and the Internal Security Forces for inclusive laws against violence against women. In parallel KAFA are working on reaching greater awareness of these laws.

³⁹ Lamia Rustum Shehadeh, 2010, Gender-Relevant Legal Change in Lebanon, Vol 22, 3, Women in the Middle East, pp.210-228.

⁴⁰ Strengthening Access to Protection, Participation and Services for Women Refugees, Internationally Displaced People and Host Communities in Lebanon - National Gender Observatory - Lebanon. (2020).

⁴¹ Interview, Lawyer

⁴² Layal Abou Moussa

A more recent reform effort was the Ministry of Labor's launching of a **new standard unified contract that governs** the employment of migrant domestic workers⁴³. The new agreement would give the worker the ability to immediately terminate the contract if faced with abuse. It also guarantees a weekly rest day, overtime pay, sick pay, annual leave, and the national minimum wage. The contract also recognized worker's rights to access their official documents at all times, communicate freely and to move freely during their rest periods. The new reform also stipulated that deductions for in-kind payment of food, housing and clothing could not exceed 30% of the salary. However, despite this progress, the Ministry's initiative was stalled when an appeal was lodged by the recruitment agency federation, Domestic Worker Recruitment, which opposed the proposals set out in the new standard unified contract. The state shura council ruled in favour of the appeal and suspended the new contract's implementation.⁴⁴ This was seen as a very negative setback, with one interviewee noting that the lack of protections and consistency made it hard for them as a civil society organization to help: 'there is no law that protects them and there even is no specific policy that can be followed.

Priorities for reform to address gender sensitivity gaps in laws, and address gender-biased practices in legal processes

CSOs, local NGOs and rights activist in Lebanon are advocating for change to achieve greater gender equality in the legal system. These actors are making sure to ensure that the freedom of belief is respected, but personal matter are governed by a civil gender sensitive law.⁴⁵

There are **gaps at the international level**, in conventions that experts believe Lebanon should ratify to improve gender equality in the legal system. One key informant mentioned that the Rome Statute of the International Criminal Court is one of the essential agreements toward gender equality, as it **accounts for gender in all criminal acts**, including man-made disasters such as the Beirut Blast and acts of sexual harassment and exploitation of minors in conflicts.

Interviewed experts and reviewed reports and assessments have expressed similar **priorities for gender legal reform**. Human Rights Watch identified five key steps to improving women's rights in Lebanon, starting from personal Status and Nationality laws, child marriage laws, domestic violence and sexual harassment, as well as the right of migrant domestic workers.⁴⁶ Key informants shared similar views, and prioritized the same laws owing to their detrimental effects on the lives of women in Lebanon, with KAFA noting 'there should be one law for all that treats everyone with equality. No one should be above the law'.

⁴³ Lebanon: New Safeguards for Migrant Domestic Workers A Positive Step, But Ensure Enforcement; Amend Labor Law, 18 September, 2020, Human Rights Watch

⁴⁴ Interview, KAFA; see also: Lebanon court rejects new migrant worker contract to replace criticised kafala system, Areeb Ullah, 26 Oct 2020, Middle East Eye

⁴⁵ https://www.ecoi.net/en/file/local/1248706/1002_1421739841_lebanon0115-forupload.pdf

⁴⁶ Lebanon: 5 Steps to Improve Women's Rights: <https://www.hrw.org/news/2018/03/08/lebanon-5-steps-improve-womens-rights>

A common civil personal status law with adequate gender considerations would ensure the just and equal treatment of men and women in court. In addition, experts called for a **holistic protection from violence law** that considers all types of violence against women including forced marriage, marital and non-marital rape, domestic violence and sexual harassment, with the needed amendments to the labor law as well.

In an article on gender and legal change in Lebanon, two main areas of reform were deemed necessary⁴⁷. The first area is reform of existing laws, by eliminating discriminatory elements and establishing clear implementing regulations that will also contribute to **social behavioral** change in gender stereotypes and norms. The second area was establishment of a batch of laws that actively assure the rights of women, their protection from violence and their equality in all social, legal, cultural and vocational fields. This need, not just for reform of discriminatory legislation but for active passing of protective legislation was echoed by several interviewees.

Reform of legal system towards gender equality is hindered by religious, political and social influences

Multiple key informants have agreed that **religious institutes remain** the main barrier towards reform in legislation, particularly the gender biased personal Status and Nationality laws. In addition, the interviewed Government Law expert explained that amendments in labor and penal codes are also related to the personal status laws. He continues to state that the influence of conservative religious institutes has led to protection concerns and increased discriminatory practices in the lives of women in Lebanon. Whilst advocates have noted needing (and attempting) to involve religious bodies in reform discussion, they have also proven to be uncooperative, with one interviewee noting that the Maronite Patriarch simply refused to grant them an appointment to discuss discriminatory legislation.

As for the **influence of political parties**, multiple key informants described how reform to personal status and nationality laws is a matter of political debate. As mentioned earlier, parties fear a change in demographics when discussing the nationality law. However, as one key informant noted, it is a matter of racism and political interest, citing cases of Europeans being offered the Lebanese citizenship for political motives. Interviewed CSOs reported a general distrust when working with political parties, having faced multiple dead-end negotiations due to strict conservative agendas. An interviewed lawyer with experience in working among parliamentarians on legislation noted a **low level of awareness on gender issues among legislators**.

⁴⁷ Lamia Rustum Shehadeh, 2010, Gender-Relevant Legal Change in Lebanon, Vol 22, 3, Women in the Middle East, pp.210-228.

This has posed a significant hurdle in drafting human rights laws and advocating for gender sensitive reform. Moreover, many of the legislators maintain strict conservative mentalities, with government officials still citing gender stereotypes and misconceptions on media outlets.

Key informants have also noted the instrumental **role of journalists and media outlets** in influencing public opinion and advocating for reform. However, some activists have conveyed concerns regarding the role of many outlets in spreading gender norms and stereotypes, and giving an outlet for patriarchal and at times misogynistic views.

In addition, the Kafa representative stressed the need for more **awareness and social behavioral change campaigns targeting the general population** accompanying any advocacy for legislative reform. This is mainly due to **persistence of patriarchal mentalities, and low awareness of women's rights and laws**. It should be noted that interviewed activists called for awareness campaigns targeting both genders, as this would help combat regressive and stereotypical views among men, and shed light on important legal matters and the rights of women. According to the Observatory's recent research⁴⁸, refugee and Lebanese women have demonstrated varying awareness on gender equality in the Lebanese legal system. Almost half of all of the sampled population (almost 43%) stated that they either agree or strongly agree with the statement "Equal rights for women threaten the equilibrium/harmony of the family?". Notably, a higher proportion of Lebanese women (16.2%) strongly agreed with this statement than Syrian women (14.5%). This indicates a further need to spread awareness among women on their rights, the existing laws protecting them and the additional rights that are needed, but currently not guaranteed by the law.

This section has shown that whilst there has been some important recent progress on legal equality, there are many remaining gaps to be filled. However, equally, the legal achievements that have occurred to date, show that legal reform is possible and offer lessons for the future. Reforms to promote gender equity have been hindered by religious, political and social factors and will require **interventions and advocacy among the different stakeholders influencing the laws if they are to succeed**.

⁴⁸ Table 2 p 36 Wave 1 research

04 Recommendations

The aforementioned key articles of gender-blind law in need of reform, as well as the institutional and external factors influencing equality in the legal system, should be addressed through collaborative multi-stakeholder efforts. Ministries, parliamentary commissions, CSOs, civil activists, media outlets and academic researchers all have a role to play in the transition toward a gender equitable legal system in Lebanon. As such, the following recommendations offer stakeholders specific recommendations and approaches for reform:

- Any reform for enhanced gender equality in the legal system should have a **comprehensive view of the intersectional relationship** between the private, societal and institutional spaces where women continue to face discrimination and exclusion;
- Civil society actors, political parties and legislators should all be part of the **multi-stakeholder policy dialogue and coordination** across different stages of reform efforts. This includes advocacy and awareness campaigns, drafting of gender-equitable legislation and laws and in assuring the implementation of the laws. This could be achieved through bilateral and multilateral discussions, and by applying participatory research methods that capture relevant insight from key actors, and where women's rights CSOs have a leading role. This includes the work of security and judicial personnel who are involved in the legal cases of women;
- **Government to set up oversight and control mechanisms** to monitor and uphold the implementation of laws. This is particularly true for labor laws, as public and private entities have almost no regulations that assure the implementation of anti-discrimination laws. Additional oversight mechanisms include minimum sentences for crimes against women, clear sanctions for harassment in the workplace, and safe and reliable referral and reporting mechanisms for SGBV. To ensure accountability and transparency, **third party monitoring on gender mainstreaming** could be introduced to governmental entities (such as Gender Equality Ombudsman office) assure the quality implementation of gender related laws, and the use of gender equitable and non-discriminatory practices in the legal system.
- Launching a **targeted capacity building campaign** to ensure **gender sensitive practices are upheld throughout different legal processes** through the coordination between experienced gender actors and the judiciary and security personnel (ISF). This includes the availability of trained women police staff that can act as first responders with victims of SGBV, streamlined and decentralized legal processes;

- Launching a nationwide governmental **SGBV campaign**, targeting the general population to increase awareness on women's rights when faced with abuse, and how to report cases safely and effectively. The campaign will also influence social behavior change when it comes to gender norms, roles and stereotypes that are discriminatory against women. A similar initiative could be rolled out by civil society on the discrimination facing stateless people as a result of the nationality laws
- Civil society should work with major media outlets to abide by the recent UNESCO guidance on responsible reporting on violence against women and girls and host a discussion forum on adopting this guidance in Lebanon.
- International donors should support local initiatives on Statelessness with resourcing and enable them to work in coalition.

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About the Lebanon National Gender Observatory

The Lebanon National Gender Observatory is at the forefront of engendering policies and practice by undertaking gender transformative research, providing gender analyses and gendered and evidence-based recommendations to national policy makers, and bringing together scholars, researchers, state actors and gender experts. Funded by the European Union, through the EU's Region Fund, and supported by EuroMed Feminist Initiative, the Observatory works on the engendering of Lebanon crisis response, ensuring the protection of Syrian refugee women and Lebanese women in the local communities. On a national level, it works on promoting international women's rights mechanisms in Lebanon.