



United Nations Population Fund



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**National Workshop on gender-related laws, policies
and practices in Lebanon
Beirut, August 7 & 8, 2018
Road map**



From
the people of Japan



Introduction about the report

The United Nations Population Fund (UNFPA), the United Nations Development Programme (UNDP) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) conducted in 2018 a joint study in 20 Arab countries, including Lebanon on laws, policies and practices related to gender-based justice and equality.

The concerned authorities involved in this mapping, namely UNFPA, UNDP and UN Women, have considered to further develop the mapping, include it new centres and conduct an in-depth analysis of the most prominent gaps and challenges that hinder the achievement of gender-based justice and equality in Lebanon, which makes the present report as a simplified advocacy tool that can be used by various actors to promote gender-based justice and equality in Lebanon. The report was developed through individual consultations and consultation meetings in which international and national organizations, representatives of governmental and non-governmental institutions and bodies and a number of legal experts have participated.

Regarding the national workshop

To complement action to the report with a view to an in-depth debate of the most of the problematics and issues dealt by this report, UNFPA on behalf of UNDP and UN Women has organized a national workshop on gender-related laws, policies and practices in Lebanon, which was held in Beirut on the 7th and 8th of August, 2018.

The workshop was held in the presence and the participation of a large number of representatives of embassies and national and governmental institutions, in addition to the participation of national and international non-governmental organizations' representatives. About 135 persons participated in the workshop: 75 persons attended in the first day and 65 persons attended in the second day of the workshop. The State Minister for Women Affairs in Lebanon has also participated in the opening session.

At the beginning of both days, the workshop covered the presentation of report parts and the most prominent conclusions stated thereof. The two days were divided into the following points:

In the first session of the first day, the workshop addressed an overview of the discriminatory legislations and laws in Lebanon; while in the second session, it dealt with the social, economic, political and civil rights for women in Lebanon.

In the first session of the second day, the workshop addressed the title of the protective laws in Lebanon; while the presentation and the debate in the second session focused on the national and international protective mechanisms of gender-based discrimination and violence.

The workshop adopted the working method of the parallel sessions in addition to working in groups in order to reply on questions previously prepared by the organizing authority.

This document spots the light on the most prominent recommendations and points that were raised by the groups during the presentation and the debate.

A group of experts specialized in various social, economic and jurist fields also participated in submitting the working papers.

- 1) At the legislative and constitutional level: What is required for a Constitution that ensures rights and the gender-based non-discrimination? How the legislative paths could be reinforced in Lebanon in trends that are more recent and in a way that starts from human rights approaches?

a. In the recommendations related to this question that were stated in the report:

- At the constitutional level: The Lebanese State shall include in the Constitution a provision that defines and prohibits discrimination as mentioned in the Convention on the Elimination of all Forms of Discrimination against Women, in line with article 2(a) of the Convention. In addition, the provision shall be included in the Constitution upon the position and the location of the international conventions in the legal pyramid to the Lebanese State. Moreover, article 9 & 10 of the Constitution shall be amended to guarantee gender-based equality in the context of religious freedom and sectarian variety, as well as the amendment of the law on the establishment of the Constitutional Council in light of experience and according to the advanced readings submitted by the judges of the Constitutional Council itself.
- At the level of the Lebanese Penal Code: A definition and an elaboration of sexual violence shall be included in the Lebanese Penal Code, and criminalizing marital rape through:
 - ✓ Amendment of article 503 of the Penal Code and cancellation of the expression “other than his spouse”.
 - ✓ Chamber of deputies’ adoption of the legal proposals submitted to eliminate article 518 and to amend articles from 505 until 519 to ensure the real meaning of the amendments approved on the content of article 522 of the Lebanese Penal Code.
 - ✓ Adoption of a law criminalizing sexual harassment.
 - ✓ Adoption of an amendment law proposal of articles from 252 until 548 of the Lebanese Penal Code.
 - ✓ Abolition of criminalization of adultery from the provisions of the Lebanese Penal Code through repealing articles 487, 488 and 489.
 - ✓ Amendment of provisions governing abortion according to laws adopted by some states.
 - ✓ Repeal article 534 of the Lebanese Penal Code.
 - ✓ Adoption of laws on the Protection of individuals from any discrimination based on their gender identity and their sexual orientation.

- At the level of Personal Status Laws: The Lebanese State shall adopt an optional civil law of personal status consistent with Lebanon's international obligations and ensures women equal rights to men. In addition to the amendment of article 95 of the Code of Civil Procedure whereas the power of the general authority of the court of cassation includes the consideration of the decisions rendered by religious courts. At the legislative level, it is necessary that Lebanon fulfils all its obligations by protecting children, especially girls, as it is approved in light of the international conventions; particularly CEDAW convention and the Convention on the Rights of the Child (CRC). Also, a legislation that determines age of marriage by 18 as a minimum for boys and girls children shall be adopted.
- At the level of nationality law: The Lebanese Nationality Law shall be amended whereas the first article thereof becomes as follows: "is considered Lebanese anyone who is born to a Lebanese father or a Lebanese mother", as well as the amendment of article 5 thereof concerning the non-Lebanese husband to become alike the Lebanese wife who gets the nationality after being married to a Lebanese man.
- At the level of Labor Law: Proposed amendments shall be adopted to labor, social security and commerce laws. In addition to a strict enforcement of the laws issued in favor of the working women and finding sanctions for non-implementation.

b. In proposals resulted from working groups

- Create a clear and coherent legislative policy that studies the impact of its implementation in order to be possibility applied and not opposed through working on all sectors and developing laws, which consider the current and emerging issues as well as girls and women's rights.
- The Ministry of Justice shall set up rule and standards and shall take measures that help courts accelerating the procedures related to justice.
- Set up clear standards for civil society partnership in attending meetings of parliamentary committees aiming to study the proposals and draft laws related to gender issues.
- It is important to work according to a clear legislative vision relying on national strategies and plans.
- It is important to continue promoting the legal knowledge for all societal categories through recent means and participatory approaches.
- Work on increasing social awareness and change social practices and stances related to gender issues, in conjunction with the work towards legislative paths and the need to target women from all regions.
- Organize periodic dialogue sessions with parliamentarians on different human rights and gender issues.
- Set up mechanisms to implement laws and protect survivors of violence (attached to the experience resulted from protective laws enforcement including law no. 293 and 164).

- Contact with parliamentarians and practice pressure in order to create parliamentarians who support gender issues.
 - Work with media to raise awareness and education of issued laws, as well as raising awareness of discriminatory laws in order to create a public opinion that advocates gender issues. In addition to the importance of using media to identify the new protective laws.
 - Work with women sectors in political parties to be supporting entities that help in practicing pressure for the adoption of gender agenda.
 - Set up studies and researches on social and economic rights and classify data related to gender-based action; especially those related to informal economy from a gender perspective.
- 2) Recently, some states work on adopting a comprehensive legislation to combat all types and forms of gender-based violence. Could this form one of the adopted policies in the coming period in Lebanon? What is the importance? What are the obstacles facing these policies? What are the opportunities available for that in Lebanon?

a. In the recommendations related to this question that were stated in the report:

- Get acquainted with the legislative guide issued by the United Nations, which stresses on the commitment of the state towards “criminalizing sexual assaults within marriage (i.e. marital rape). Otherwise, through stipulating that sexual assault provisions are applied “regardless the nature of the relation between the perpetrator and the complainant”; or to say “Marriage or any other relation does not form a defence against the accusation of sexual assault by virtue of the legislation¹.

b. In the proposals resulted from working groups

- Set up a study compared with experiences made by Arab and non-Arab States related to this kind of laws.
- Draft a comprehensive typical bill.
- Draft a bill according to a participatory approach by various protagonists, parties and actors on gender-based violence through conducting an in-depth comprehensive national dialogue on law with different actors and stakeholders to express their point of view therein.

¹OHCHR commentary on the bill for the protection of Women and Family members against Domestic violence. Prepared by Nada Darwazeh , OHCHR

3) How it can be argued towards provisions and judicial jurisprudences neutral to the gender perspective and responsive to the issues of the most marginalized categories?

a. In the recommendations related to this question that were stated in the report:

- Activating judiciary role by reinforcing action by law and by considering the files according to human rights approaches.
- Accelerating trials in the gender-based violence files.
- Providing gender approaches for all religious court actors.

b. In proposals resulted from working groups:

- Train and sensitize judges on gender issues through gender integration in judges' training curriculum on which the Supreme Judiciary Council is working.
- Documentation, dissemination and mainstreaming jurisprudences responsive to gender issues or that protect the issues of the most marginalized categories and spots the light thereon through media.
- Disseminate and mainstream jurisprudences that are not responsive to gender issues and spots the light thereon through media.
- Work with all judiciary system actors: attorneys and public prosecution, and train them on gender issues and best practices.
- Organize a national dialogue on the means of activating the judiciary role in developing laws and achieving equality through exchange of experiences and practices with other states.
- Promote the means of judiciary usage of international conventions in the judicial jurisprudences and provisions.
- Integrate the international conventions and their usage in judicial provisions into an official curriculum for trainee judges.
- Exchange of experiences with judges from different states on the role of judiciary on the protection of marginalized groups' rights.
- Develop the relationship between the judiciary authority and various non-governmental actors working on gender issued through promoting dialogue and joint action.

4) What are the procedures and measures that should be taken to operationalize and promote women participation in parliamentary, ministerial, party and syndicate public life in Lebanon?

a. In the recommendations related to this question that were stated in the report:

- Take specific measures including private and temporary measures in line with article 4 (paragraph 1) of the Convention on the Elimination of all Forms of Discrimination against Women in accordance with the two general recommendations no. 23 & 25 issued by the Committee on the Elimination of Discrimination against Women.

b. In proposals resulted from working groups:

- Provide information of projects and employment in municipalities to all parties, especially women through online platforms.
- Assess current status concerning women status in parties, municipalities and parliament; in addition to conducting an in-depth analysis to know participation levels and to understand the real obstacles, which allows the production of serious instruments to women's access to the system.
- Adopt quota in all municipal committee.
- Integrate gender perspective into educational curriculums.
- Electoral law reform (candidacy fee, electoral expenditure ceiling...)
- Build women capacities to candidacy through promoting their capacities to play leading roles.
- Determine the practical entry points to women access to municipalities and syndicates in a way that reinforces women participation.
- Create coordinating frameworks and alliances to unify labour force on the participation of women in politics.
- Work on modifying the stereotypes, behaviour change, stances and community's perspective towards women during media campaigns that aim to promote the leadership picture of women, through raising supporting awareness to women participation in public life. In addition to target different segments and sectors of society through raising awareness among different parties and political leadership in order to support women achievement of leadership positions.
- Work with media to support and advocate women in politics and to allocate areas for candidate women to present their issues and by modifying the existing picture of "women the commodity" through media.
- Work with leaderships in parties and syndicates on gender issues.
- Develop the Political Parties Act.
- Argue towards developing internal laws and politics to parties, municipal and syndicates responsive to gender perspective.

5) What are the measures that should be taken to draft development politics that are not neutral from gender perspective?

a. In the recommendations related to this question that were stated in the report:

- The Lebanese State shall prioritize the implementation of the sustainable development agenda, especially the fifth goal thereof related to gender equality and girls and women empowerment, as well as ensuring serious partnership with civil society that is working on gender-based equality and justice whether in planning to execute the agenda or within assessment and following-up paths. In this context, various actors who are working on development and jurist field shall link between the sustainable development agenda and human rights mechanisms, in addition to national strategies design and programmes that analyse both context and clarify the way of their interaction.

b. In proposals resulted from working groups:

Participation of women and women groups in all strategies and policies development stages, integration of marginalized categories issues and rights in strategies and drafting policies based on real study of the marginalized groups' special needs.

- Build policies according to good indexes.
- Determine the concerned parties of strategies.
- Formulate strategies according to participatory approaches and making discussion with different social, political and economic bodies.
- Assess policies periodically.
- Conduct unified claiming campaigns that target men and women to argue towards drafting general policies responsive to gender.
- Foster networking and coordination among various actors working on gender issues.
- Networking with media to raise awareness on gender-based justice and equality.
- Develop knowledge on the development agenda 2015-2030.
- The Lebanese Government shall start to monitor the implementation of the fifth goal of the development agenda.
- Build capacities of different stakeholders of gender development agenda.
- Develop linkage instruments between the development agenda and the human rights convention, especially the Convention on the Elimination of all Forms of Discrimination against Women.

6) What are the legislations, policies and measures that should be taken to ensure the operationalization and implementation of the protective law from domestic violence in Lebanon?

a. In the recommendations related to this question that were stated in the report:

- At the legislative level: Lebanese Parliament shall adopt an amendment bill of the Law on the Protection of Women and Other Family Members from Domestic Violence.
- At the level of services: Many actors shall continue working on raising awareness and knowledge of law no. 293 within a general national plan, and raising awareness of services provided attached to law no. 293. In addition, the concerned authorities shall establish a fund to assist the victims provided for in law. Moreover, it is important to conduct a documentation for the experiences and best practices in law enforcement no. 293, as well as the continuity of many actors to work on clarifying the ambiguity in law, especially the legal definition of violence.
- At the level related to law enforcement devices: Operationalize article 5 of law no. 293 and establish the specific paragraph on domestic violence at the internal security forces are therefore important.

b. In proposals resulted from working groups:

- Amend the Lebanese Penal Code and repeal all discriminatory provisions therein.
- Amend Personal Status Laws and adopt a civil law for personal status.
- Operationalize the special unit in the security forces stipulated in law no. 293.
- Ensure specialized investigators on domestic violence issues.
- Raise awareness of the security and military institutions' actors on domestic violence issues.
- Ensure female element in all police stations.
- Provide shelters that cover all Lebanese territories.
- Continue working on spreading knowledge of the law and protective measures through using media.
- Cooperate with Bar Association to build the lawyers' capacities on the law no. 293.
- Continue the production of literature related to law no. 293, periodically, which allows to follow-up action development thereof.

7) What are the legislations, policies and measures that should be taken to ensure the operationalization and implementation of the law to punish human trafficking?

a. In the recommendations related to this question that were stated in the report:

- At the legislative level: Law to punish human trafficking shall be amended in line with the recommendations stated in this report and other literatures. Article 523 of the Lebanese Penal Code shall also be amended to ensure the protection of women victims of trafficking from criminalization of adultery offense.
- At the strategic level: it is important that Lebanon fulfils its obligations stipulated in the international conventions related to the protection from human trafficking and commits to prevent human trafficking through following a long-term remaining protective approach to prevent human trafficking via drafting and amending the legislations, policies and strategies in which the social, psychological, judicial and security are intersected. It is also important to revise the human trafficking indexes for an optimal protection of victims.
- At the level of an optimal protection of victims: It is important to prioritize the protection of women and girls from human trafficking during conflicts in line with the general recommendation no. 30 issued by the Committee on the Elimination of Discrimination against Women 2010. In addition, protection on children as commitment to the Committee's recommendations on the Rights of the Child shall be activated.
- At the international level: it is required to commit to the submission of the periodic report to the Committee of the Child according to the optional protocol attached to the CRC on the sale and exploitation of children for adultery and pornography.
- At the cognitive level related to human trafficking: it is important to continue providing training for specialized staff to prevent human trafficking such as: law enforcement officials and migrant officials, provided that training should be responsive to human rights and the sensitive issues related to children and gender type. The protection of borders during training general security forces elements shall be activated on human trafficking concepts and means of protection. In addition, measures that hinder the process of smugglers and human trafficking networks shall be taken. It is important to activate judiciary role through promoting law enforcement and consider files according to human rights approaches. Many actors and stakeholders shall promote awareness and knowledge of law. Dialogue among many stakeholders such as governmental and non-governmental institutions shall be activated at the national level on problematics of human trafficking and adultery. Such dialogue shall elaborate clearer conception on protecting victims and state's obligations, as well as dispel confusion, which has been analysed in the previous paragraph.

b. In proposals resulted from working groups:

- Train judges and law enforcement officials on human trafficking issues.
- Create operational procedures related to human trafficking issues.
- Amend the Penal Code to ensure the elimination of contrast between the law on criminalizing adultery and the law to punish human trafficking.
- Create mechanisms to ensure victim's rights in the complaint and in completing her legal file.
- Create mechanisms to ensure compensation and damage repair and not only protection.
- Activate shelter role to provide protection for women and girls victims of human trafficking.
- Cooperate with Bar Association to build lawyers' capacities on the law.
- Raise societal awareness in all aspects related to human trafficking issues.
- Build capacities of all stakeholders on asylum and migration issues on human trafficking issues.

8) What are the policies and measures that should be taken to promote the access of the most marginalized categories to justice in Lebanon?

a. In the recommendations related to this question that were stated in the report:

- At the level of data: Many actors working on access to justice must draft gender-based classified data comprehensive to all sectors at the national/local level.
- At the level related to law enforcement devices: Police and law enforcement officials shall be continued to be trained, according to human rights approaches to ensure the provision of security, confidentiality and privacy when notification, on dealing with and responding to gender-based violence cases. It is important to unify training curriculums concerning how to deal with gender-based violence and that training shall include all elements, constables and registrars of military and security institutions in Lebanon (including army, internal security, general security, state security, customs and municipal police). Activate mechanisms of inspection inside security institutions to monitor any breach that may be classified as gender-based violence is necessary.
- At the level of judicial devices: it is necessary to work on several levels such as accelerating trials in gender-based violence files and promoting gender approaches to all religious court actors.
- At the strategic level: The Lebanese state shall achieve gender balance within judicial and security institutions whether in number or in reaching leadership positions. The Lebanese State shall address the social factors that hinder women access to justice such as discriminatory stances, gender-based stereotypes, prejudice and sexism. Coordination and concerted efforts among international

and local frameworks are needed to be promoted in order to ensure services of better quality and strategies design according to needs.

- At the level of provided services, many actors shall:
 - ✓ Promote jurist approach for the social, psychological and legal services providers to the gender-based violence victims.
 - ✓ Address the obstacles related to the legal aid as to be one of the government's mission and not Bar Association's mission, in addition to the need of drafting it from gender perspective.
 - ✓ Activate forensic services and promote its human and financial resources, as well as developing it from gender perspective especially that the Ministry of Justice has started to work on reinforcing forensic department.
 - ✓ Promote psychological and health services for women victims of violence. The cost to obtaining psychological and health services is high in Lebanon, i.e. the limitation of the capacities of the majority of girls and women survivors from gender-based violence is to be get these services.
 - ✓ Build knowledge on gender-based violence and discrimination issues is needed. Many actors shall mainstream social knowledge on protective laws and how to get benefit of them in all quarters and regions, as well as building advocate media on women issues away from commodity and stereotype, in addition to promote media's role in raising awareness on women issues.
 - ✓ Establish a national fund to support victims of sexual and domestic violence and all forms of gender-based violence.

b. In proposals resulted from working groups:

- Train and sensitize all stakeholders on drafting policies and legislations on the rights and issues of the most marginalized categories.
- Draft policies and strategies related to them and in partnership with them.
- Draft interventions related to them after studying their needs and getting to know their problems.
- Build capacities of the individuals of the marginalized categories.
- Integrate the issues of the marginalized categories in all policies and legislations.
- Plan to programmes related to the marginalized categories based according their special needs.
- Work on their economic empowerment in conjunction with working on violence combat and psychological support and creating required mechanisms, in addition to take care of their psychological and health issues.
- Continue the legal support represented by consultation and representing them legally.

- Promote media advocacy according to human rights approaches on gender-based violence exposed against them.

9) According to your opinion, what are the priorities/measures/principles that should be taken into account in the future in national policies related to gender issues in Lebanon?

a. In the recommendations related to this question that were stated in the report:

- The national human rights plan shall be redrafted and adopted to ensure its alignment with the changes that the country had witnessed. The national strategy to combat violence against women shall be adopted with a well-defined plan of action related to it for implementation. In this context, it is necessary to set up and promote the frameworks of following-up the implementation of policies, strategies and relevant plan of action. In addition to prioritize obtaining gender-based classified national statements related to all sectors.
- The Lebanese State shall integrate national strategies related to women and gender within a strategy with clear targets and well designed to mainstream the gender perspective in all policies, programmes and laws. In addition, any future strategies are needed to be linked to the 2030 development agenda.
- The Lebanese State shall adopt the national plan related to the resolution 1325 of the Security Council, in addition to raise awareness and knowledge of different actors on the agenda of security and peace for women.

b. In proposals resulted from working groups:

- Adopt participatory approach in drafting national policies and plan in partnership with all concerned groups and categories without exceptions.
- Draft future policies after conducting an objective assessment to the previous policies.
- Work mainly on indexes when formulating any public policy related to gender issues.
- Formulate public policies through effective coordination among different ministries and concerned national frameworks.

10) How the different national mechanisms' roles could be developed and promoted to combat gender-based violence and discrimination and argue towards national mechanisms that ensure gender-based equality and justice in Lebanon?

a. In the recommendations related to this question that were stated in the report:

- Prioritize the promotion of institutional capacities of different national mechanisms on gender issues in Lebanon and granting them jurisdiction, legal power and authority to take the decision, as well as providing them with required financial, technical and human resources to function effectively. It is necessary to ensure the independence of national human rights commission through full compliance with the principles related to the national institution post to promote and protect human rights (Paris Principles) and providing resources that reinforce their function. Creating an institutional framework on the system of gender liaison officials in competent ministries and public institutions is therefore important, as well as developing their capacities and resources.
- Providing clear mechanisms is needed to support the coordination of efforts among different ministries and national and governmental institutions. In addition, periodic meetings shall be organized to follow-up plans and efforts coordination, which had better promote the participatory approach, coordination mechanisms, cooperation and experience exchange.

b. In proposals resulted from working groups:

- Promote and activate the role of gender support officers, ensure the mechanisms of their access to information and develop their capacities.
- Create a unit on gender issues in ministries and public administrations.
- Activate coordination among different national mechanisms on gender issues.
- Adopt national plan related to the resolution 1325 according to the Lebanese context.
- Draft well designed indexes for national plans related to gender issues.

11) How it can be argued towards promoting official and non-official interaction of Lebanon with regional and international protection mechanisms?

a. In the recommendations related to this question that were stated in the report:

- At the international legislations level: The Lebanese State shall accede to non-endorsed international conventions and optional protocols related to the conventions, especially the Convention on the Rights of Persons with Disabilities, the Convention of Migrant Workers and Members of their Families and the Convention on the Protection of All Forms of Forced Disappearance. The Lebanese State shall also withdraw all its reservations on the Convention on the Elimination of All Forms of Discrimination against Women, and accede to the optional protocol attached thereof in addition to fulfilling its obligations by

virtue of Beijing Declaration and Platform for Action². In the same context, it is necessary to include the international conventions in the national legislations and to ensure the computability of this latter and its alignment with the international context regulating human rights.

- At the level of interaction with international human rights protection mechanisms: The Lebanese State shall fulfil submitting the periodic official reports in the due dates to all international human rights protection mechanisms, and facilitate access to concluded observations and recommendations addressed to the Lebanese State through disseminating and mainstreaming. It is also important to promote the cooperation and coordination among governmental and non-governmental frameworks in interaction with international protection mechanisms.

b. In proposals resulted from working groups:

- Develop the knowledge of different actors and stakeholders of the international context related to the international human rights law and the humanitarian international law. Many actors in governmental and non-governmental frameworks shall integrate human rights and gender approaches within different interventions and develop simple cognitive instruments related to integration that help in feeding these interventions in the jurist direction. It is important to build the capacities of different actors in usage of international conventions whether in defence, advocacy or pressure.
- At the national and legal level: the Lebanese State shall include article 2 of the Code of Civil Procedures in the Lebanese Constitution.
- Develop skills and knowledge of the committee concerned in drafting the report.
- Develop the participatory relationship between the committee and the non-governmental different actors.

² Undertakings stated in the Arab Declaration “ towards equality and justice for women in the Arab region” issued by the high-level Arabic conference held in Cairo in 2015 to assess the implementation of Beijing Platform for Action could be taken into account. For more information: https://www.unescwa.org/sites/www.unescwa.org/files/events/files/1500416_0.pdf