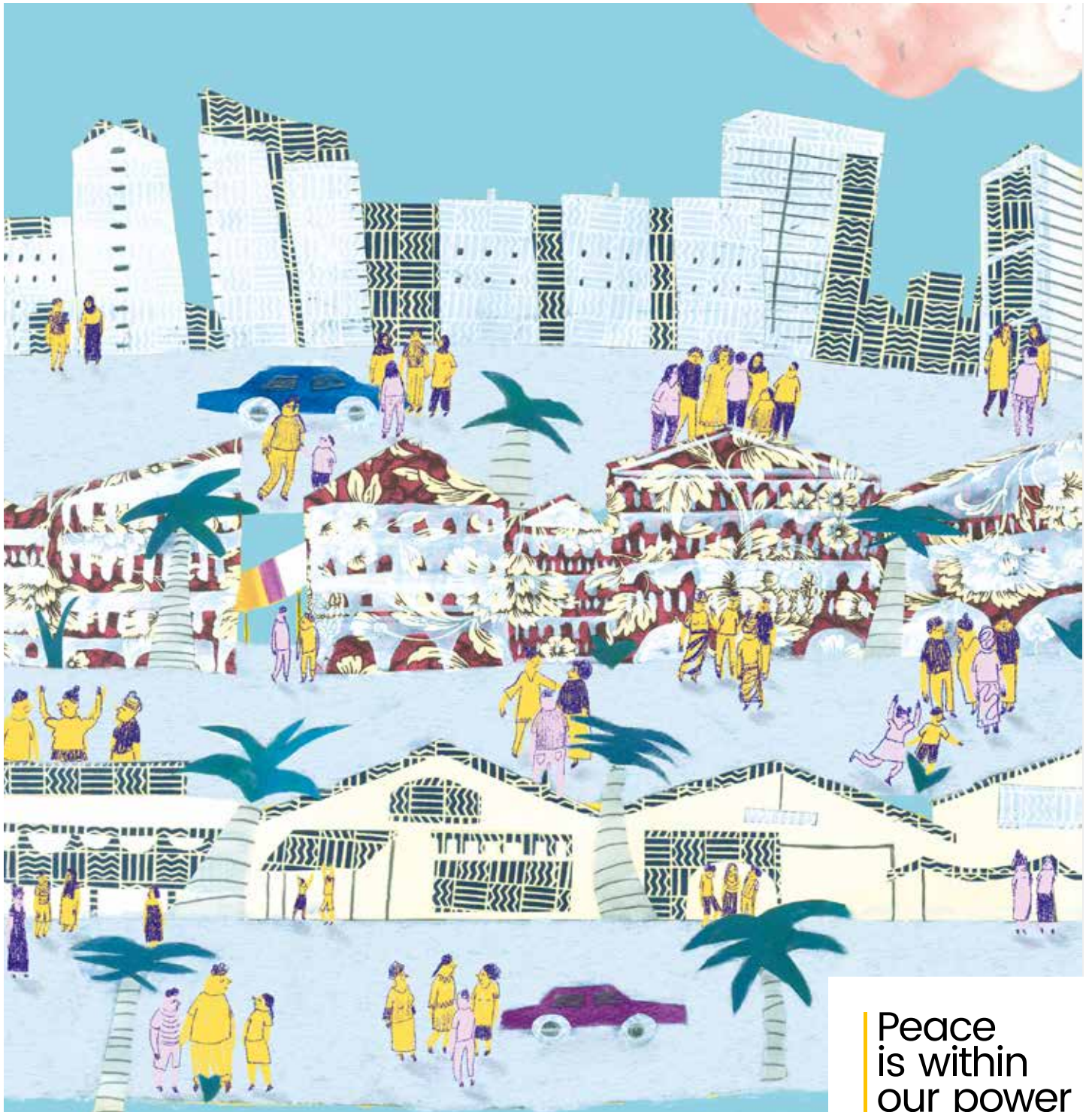




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# Gendering state-citizen relations in Lebanon

The case of the Family Violence Bill 2014



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# **Gendering state–citizen relations in Lebanon**

The case of the Family Violence Bill 2014

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**December 2016**

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# Executive summary

This report examines the nature of interaction and engagement between Lebanese citizens' collectives and the state on gender-specific matters, through the case study of the Family Violence Bill that was passed in 2014. It analyses the practical ways in which civil society organised and engaged with the state to lobby for the Family Violence Bill prior to its passing. The report argues that the modalities of advocating for policy change on a gender-specific issue within the Lebanese confessional political system are very complex and not conducive to change. This is because it relates to matters of women's rights and intimate social organisation within a complex and hierarchical system of power.

After exploring the gendered nature of citizenship and tracing a historical examination of the women's movement in Lebanon, the report examines the intense lobbying efforts for the Family Violence Bill. Civil society's efforts, spearheaded by KAFA, focused intensely on informal channels, such as outreach and work with media networks, key backers within the political system or through public mobilisation. As the issue touches directly on personal status matters, which religious authorities have legal power over, this presented an additional layer of institutional difficulty. While the objective of this report is not to make judgements regarding potential successes or failures, the approach taken proved effective in passing the bill, but not without setbacks.

With large-scale protests held in Beirut in September 2015 over a protracted garbage collection crisis, debates about the most effective means of political activism and citizen engagement have emerged in the country. Examining constructive state–citizen engagements is necessary to achieve successful and sustainable statebuilding and peacebuilding. This report aims to fill the knowledge gap on various formal and informal processes, realities and dynamics of state–society relations in Lebanon. The focus on state–citizen engagement over a gender-specific issue shows how an already complex situation becomes even more intricate when it is perceived as infringing upon established power structures and entrenched social norms.

# 1. Introduction

On 1 April 2014, the Lebanese parliament passed the Bill on the Protection of Women and Other Family Members from Family Violence. Women's rights and civil society groups both welcomed and criticised the passing of the bill. Some praised the legislation for specifically acknowledging gendered violence in Lebanese civil law, thus taking away legislative power from the 15 religious courts dealing with all personal status matters. However, others criticised it for compromising too much on the demands of religious and political authorities, such as the de facto legalising of marital rape.

The objective of this report is not to make judgements regarding potential successes or failures, but rather to examine the practical ways in which civil society organised and engaged with the state to lobby for this bill. Potential questions examined as part of this study include the following. What does the history of the women's movement in Lebanon tell us about current priorities and ways of engagement? What tools and techniques were used to get the attention of the public and politicians among all the other socio-economic and political issues facing Lebanon? How did the dynamics between women's rights and civil society groups and the Lebanese state officials and religious authorities play out so that the bill was passed in this way?

One may ask, why is all this even relevant? Looking at constructive state–citizen engagements is necessary to achieve successful and sustainable statebuilding and peacebuilding. Statebuilding and peacebuilding efforts operate within a certain local framework of economic, political, social and cultural power dynamics, in which state–citizen relations are embedded. Knowledge gaps exist around the various formal and informal processes, realities and dynamics of state–society relations in different contexts, and, where research does exist, often a gender lens has not been applied.

This report aims to help fill the knowledge gap on this issue in Lebanon by examining family violence issues, specifically around the Bill on the Protection of Women and Other Family Members from Family Violence.<sup>1</sup> As little of the extensive literature on gender and civil society has been engaged in Middle Eastern debates on citizenship, and analyses of Middle Eastern societies have tended to overlook the gender dimensions of state–citizen relations,<sup>2</sup> this report also aims to fill this analytical gap.

The main research question underpinning this report is as follows: *What is the nature of interaction and engagement between citizens' groups or collectives and the Lebanese state?* This question seeks to investigate the nature of the Lebanese state and citizens; how the Lebanese state engages citizens' groups; and how citizens' groups seek to engage or influence the Lebanese state at different levels. This includes the formal and informal channels, resources, structures, institutions and procedures used by citizens and citizens' groups in their bid to engage, influence and participate in public policymaking on the issue of family violence. The findings are based on key informant interviews with women's rights activists and civil society representatives who were themselves at the forefront of lobbying efforts in Beirut in June and July 2015, as well as an extensive literature review.

1 For more details on the Law, see: KAFA, Zalfa's questions on the Law to Protect Women and Other Family Members from Family Violence, 2014a, <http://www.kafa.org.lb/zalfafaq.pdf> (English version) and <http://www.kafa.org.lb/zalfa> (Arabic version)

2 S. Joseph, Gender and citizenship in Middle Eastern states, Middle East Research and Information Project (MERIP), 26(198), 1996, <http://www.merip.org/mer/mer198/gender-citizenship-middle-eastern-states>



## 2. Conceptual framework: Gendered state–citizen relations in Lebanon

This section will provide a conceptual framework to gender and state–citizen relations in the Middle East, and more specifically in Lebanon.

### 2.1 Gendering ‘citizenship’ in the Middle East

Citizenship consists of a set of legal, political, economic and cultural practices that generate social processes by which subjects are imagined and constructed.<sup>3</sup> While constitutions in the Middle East have been written in the gender-neutral language of the universal citizen, state institutions and political processes have reproduced gendered inequalities while attempting to conceal or justify them based on family, religion, history or other cultural terms, as will be explained further below.<sup>4</sup>

Women’s centrality in reproducing ‘the nation’ as an imagined community<sup>5</sup> and their symbolic significance as bearers of honour and tradition strongly frame the nature of their citizenship. This symbolic equating of ‘women’ with the ‘nation’ often leads to the practical subordination of women in reality through calls for the preservation of ‘traditional’ families, codes of ethics, values and conduct. Conversely, ideals of modernisation tend to highlight women’s education and empowerment. Preserving and governing the nation, as well as the state, results in moves to control various aspects of women’s lives.

**What is gender?** While sex refers to the biological attributes of men and women, gender refers to the social constructions of masculinity and femininity – that is, the norms, roles and expectations associated with and deemed appropriate for men and women. Gender does not exist as a stand-alone category but intersects with different social markers, such as social class, age, ethnicity, confessional and political affiliation, sexual orientation, disability, location of residence and more. The interplay between these various markers produces a wide array of gendered social relations, ordering people’s lives and creating different hierarchies of power.

In the liberal construct of citizenship that is dominant in most Western countries, the unit of society is the individualised citizen who is the bearer of rights and responsibilities vis-à-vis the state. Accordingly, the citizen is not assumed to have strong identities and loyalties in relation to other collectivities. This representation is more complicated in the context of local dynamics in the Middle East. While most constitutions articulate notions of the individualised citizen, social constructs of citizens as “members of subnational communities” are also included. In other words, citizens are “formally recognised as members of family units, religious sects, ethnic, tribal or other subnational groups”.<sup>6</sup>

It is often in relation to women that Middle Eastern practices of citizenship highlight the importance of various subnational collectivities that are constructed by and around male-headed families. Thus, women are recognised and treated as citizens in the context of their positions within patriarchal structures<sup>7</sup>

3 S. Joseph, Citizenship and gender in the Arab world, *Al-Raida Journal*, Issue 129–130(8), 2010, <http://iwsawassets.lau.edu.lb/alraida/alraida-129-130.pdf>

4 S. Joseph, 1996, Op. cit.

5 See: B. Anderson, *Imagined communities: Reflections on the origin and spread of nationalism*, London: Verso, 2006

6 Paragraph based on S. Joseph, 1996, Op. cit.

7 This report defines patriarchy as “the privileging of males and seniors and the legitimating of those privileges in the morality and idiom of kinship”. S. Joseph, *Problematizing gender and relational rights: Experience from Lebanon*, *Social Politics*, 1(3), 1994, pp.271–85

– that is, as subordinate mothers, wives, sisters or daughters. Similarly, their value as members of society is often depicted in terms of familial roles and responsibilities. Given the importance of family in patriarchal structures, women are expected to continue prioritising their subordinate familial roles, even after achieving public status as individuals.<sup>8</sup>

In the context of Lebanon, although not unique or exclusive to it, the liberal Western-centric understanding of citizenship does not hold as the construct of selfhood is linked to a relational notion of rights, which Joseph (1996) defines as “generated by and embedded in significant relationships”. Thus, one comes to have rights by having relationships with people who have access to resources and privileges: “Citizens in Lebanon often exercise and experience their rights by knowing people upon whom they can make claims and who are situated to serve as providers or links to providers.”<sup>9</sup>

Moreover, the state is not a stand-alone and unified entity with a coherent set of interests. Rather, it is composed of different and often conflicting sets of interests embedded within communities and shaped by individuals enacting rituals of statehood, and is thus gendered too. Debating where the boundary between state and society lies, Mitchell argues that it is drawn internally as a result of power relations, which reinforce the *effect* that the state is a stand-alone entity.<sup>10</sup> The modern modes of organisation and control create the latter, even though the boundary of the state never marks a real exterior since neither ‘state’ nor ‘society’ is a freestanding object or actor.<sup>11</sup>

Analysing and understanding the state thus means reversing the starting point of enquiry and looking into the structures of power that create this *effect* in the first place. As the state does not exist on its own, but is part of the social world, subjects’ understanding based on experiences of interactions with agents and institutions of the state very much shapes its nature and making.

*Political familism*,<sup>12</sup> a concept coined by Suad Joseph, provides a useful analytical framework for state–citizen relations in Lebanon. This framework encompasses complex political processes that involve a web of entwined familial, kinship and patronage linkages. As a two-way process, citizens depend on their immediate and extended families to extract resources and privileges from the state, and in return state actors deploy these familial ties to mobilise supporters.<sup>13</sup> With almost all political blocs based on family allegiances and gendered patronage networks, political familism is institutionalised. This in turn enables the passing of political loyalties and positions from one generation to the next.<sup>14</sup>

## 2.2 Lebanese citizens and institutionalised hierarchies

While the previous section defined and highlighted the intrinsically gendered nature of citizenship and the state, as well as providing a conceptual framework through which to understand state–citizen relations in Lebanon, this section will provide more context to the Lebanese reality.

8 S. Joseph, 1996, Op. cit.

9 Ibid.

10 T. Mitchell, The limits of the state: Beyond statist approaches and their critics, *The American Political Science Review*, 85(1), 1991, p.89

11 Ibid., p.90

12 S. Joseph, Political familism in Lebanon, *The Annals of the American Academy of Political and Social Science*, 636, July 2011, pp.150–163

13 D. Khoury, Women’s political participation in Lebanon, Heinrich Boell Foundation Middle East, 23 September 2013, <http://www.boell.de/en/2013/07/25/womens-political-participation-lebanon>

14 Ibid.





Photo: © Nadim Kamel/International Alert

Different hierarchies and forms of citizenships exist in Lebanon, all of which are most entrenched through sex.

In 1996, Lebanon ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).<sup>15</sup> The move was considered a major achievement in relation to gender equality, especially by women's organisations who had lobbied intensively for its adoption.<sup>16</sup> However, the Lebanese government had reservations about Article 9, Paragraph 2, and Article 16, Paragraph 1 (c, d, f and g), relating to the nationality rights of female citizens and to personal status laws, which in essence countered the very purpose and objectives of CEDAW.<sup>17</sup>

The roots of the personal status laws can be linked to the Ottoman millet system,<sup>18</sup> and their institutionalisation in the modern Lebanese state stems from the French Mandate period.<sup>19</sup> Since its adoption in 1926, the Lebanese constitution and subsequent parliamentary decisions have dictated that all 18 confessional communities must establish their own personal status court systems autonomous from the state. To date, there are 15 separate personal status laws for the country's 18 official confessional communities.<sup>20</sup> All matters related to family, such as marriage, divorce, inheritance and custody of children, remain the exclusive responsibility of religious institutions, which define family through male kinship.<sup>21</sup>

This means that men and women of different confessions have different rights based on different statuses and conditions set by religious courts. Maya Mikdashi argues that Lebanese citizenship is gendered

15 UN Women, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Full text of the Convention in English, 2009, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

16 R. Salameh, Gender politics in Lebanon and the limits of legal reformism, Civil Society Knowledge Centre, Lebanon Support, 2014, <http://csc.kdaleel-madani.org/paper/gender-politics-lebanon-and-limits-legal-reformism-en-ar>

17 Ibid.

18 The Ottoman millet system can be defined as a "political organisation which granted non-Muslims the right to organise into communities possessing certain delegated powers, under their own ecclesiastic heads" – K.S. Abu Jaber, The millet system in the nineteenth-century Ottoman empire, *The Muslim World*, 57(3), July 1967, pp.212–223

19 P. Kingston, Women and political parties in Lebanon: Reflections on the historical experience, in *International Alert*, Emerging voices: Young women in Lebanese politics, 2009, pp.11–12, <http://www.international-alert.org/sites/default/files/publications/092011LebanonGenderFINAL.pdf>

20 Human Rights Watch, Unequal and unprotected: Women's rights under Lebanese personal status laws, 2015, [https://www.hrw.org/sites/default/files/reports/lebanon0115\\_ForUpload.pdf](https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf)

21 R. Salameh, 2014, Op. cit., pp.5–6

through two registers of recognition: one's biological sex (male or female) and one's confessional affiliation.<sup>22</sup> Rather than assuming a single mass of Lebanese citizens, different hierarchies and forms of citizenships exist, all of which, however, are most entrenched through sex.<sup>23</sup>

For instance, while divorce is not permitted for some Christian men and women, men are granted more grounds for divorce or annulment. Christian men can unilaterally convert to Islam, allowing them to enter into new marriages without obtaining a divorce. However, no similar processes exist for Christian women.<sup>24</sup> Sunni and Shia Muslim women have limited access to divorce, while “men... have a unilateral, unlimited right to pronounce a divorce, with or without cause”.<sup>25</sup> As there are differences between men and women of the same confession, there are also significant differences between women of different confessions.

For example, compared with Sunni women, Shia women's access to divorce is even more limited and lengthier as it can take up to two years to obtain.<sup>26</sup> While Druze women obtain custody over male children until they are aged seven and over female children until they are aged nine by default, Roman Orthodox women can only gain custody of their children upon the order of the Roman Orthodox Personal Status Code. This would allow them to retain custody of their male children until they are aged 14 and female children until they are aged 15.

It is important to study the legal system as a whole in order to understand the position of male and female citizens in relation to the law and the state: the civil and personal status laws together institutionalise gendered categories of citizenship.<sup>27</sup> Nationality laws forbid Lebanese women from passing on their nationality to their families if they choose to marry a non-Lebanese citizen, causing numerous administrative challenges such as difficulties in registering for schools or obtaining the right to work.<sup>28</sup> Moreover, in the census registry, men represent the heads of families while women are registered under either their father's family census record or that of their husband.<sup>29</sup> As part of her findings, Mikdashi noted that women do win divorce cases against men, although the latter technically have more rights under the law by using “their class position, their personal connections, or by gaining the sympathy of the judges, clerks, and legal secretaries”.<sup>30</sup>

22 M. Mikdashi, A legal guide to being a Lebanese woman (Part 1), Jadaliyya, 3 December 2010, [http://www.jadaliyya.com/pages/index/376/a-legal-guide-to-being-a-lebanese-woman-\(part-1\)](http://www.jadaliyya.com/pages/index/376/a-legal-guide-to-being-a-lebanese-woman-(part-1))

23 Ibid. – “There is no abstract mass of Lebanese citizens; there are Lebanese male citizens and Lebanese female citizens.”

24 Ibid.

25 Al-Akhbar English, Lebanon's religious courts system discriminates against women: HRW, 19 January 2015, <http://english.al-akhbar.com/node/23272>

26 Human Rights Watch, 2015, Op. cit., p.7

27 Ibid.

28 R. Salameh, 2014, Op. cit., p.7. See also: F. Charafeddine, Predicament of Lebanese women married to non-Lebanese: Field analytical study, 2009, [http://www.undp.org.lb/communication/publications/downloads/mujaz\\_en.pdf](http://www.undp.org.lb/communication/publications/downloads/mujaz_en.pdf)

29 M. Mikdashi, 2010, Op. cit. See also: D. Khoury, 2013, Op. cit. – “One of the main forms of identification for a Lebanese citizen is the *raqm sijl al-3adli* or the family registration number, shared by members of the same family through the male line. It connects family members and extended kin relations under one unit; women are added to their spouse's registration number when they marry, and revert to their father's number when they divorce. Thus, at this basic level of identification, the state views the woman not so much as an individual, but as a member of a social unit headed by a male relative.”

30 Ibid.

## 3. Understanding the actors and the framework

This section will give a brief history and outline the nature of citizens' groups working on gender issues, as well as outlining the formal ways of engaging with the state.

### 3.1 History and nature of women's rights groups in Lebanon

Lebanon has a long and dynamic history of women's activism and movements. By 1947, two major women's advocacy groups existed in Lebanon – the Lebanese Women's Union and the Christian Women's Solidarity Association.<sup>31</sup> In 1950, both entities formed a joint executive committee, and, two years later, some members of that committee decided to form a permanent organisation known as the Lebanese Council of Women.<sup>32</sup>

The Council successfully lobbied for women's voting rights in 1953, for eliminating the law forcing women to denounce their Lebanese citizenship upon marrying foreign men, for ending bureaucratic restrictions on women's right to travel without the written consent of their fathers or husbands, and for reforms in honour crimes legislation, among others. In 1990, women's advocacy groups successfully advocated for the Lebanese government to give supremacy to international treaties over Lebanese law. The work of the Council encompassed high-level advocacy work, and its active founders and members comprised women from upper social classes of society who were partly also active in the formal political sphere by running for parliamentary and municipality elections.<sup>33</sup> Women's organisations have long been advocating for the issues addressed in CEDAW to be reflected in national law and to be properly implemented.

The women's movement emerged through the proliferation of structured and independent advocacy associations, which set their discourse apart from the rest of the charitable system, which mirrored a confessional structure and control. Many active Lebanese women's rights organisations exist today, some of which are organised under coalitions, such as for instance the Lebanese Council of Women. It is not uncommon for organisations to establish coalitions as essential components of advocacy campaigns. In the case study examined in this report, a national coalition was also established with the aim to advocate for the bill protecting women from family violence.<sup>34</sup>

Following the Fourth World Conference on Women in Beijing in 1995, issues of domestic violence started receiving the necessary attention from women's groups and were put on the agenda.<sup>35</sup> The Lebanese Council to Resist Violence against Women (LCRVAW) was established in 1997 to work specifically on the issue of violence against women. This group lobbied for legal changes, provided legal counselling and aid for women in court and through a hotline for survivors, and organised public campaigns to raise awareness on the issue.<sup>36</sup> LCRVAW was one of the first Lebanese NGOs that offered

31 R. Stephan, Women's rights activism in Lebanon, in P. Arenfeldt and N. Golley (eds.), Mapping Arab women's movements: A century of transformations from within, Cairo: The American University in Cairo Press, 2012.

32 Ibid. See also the Lebanese Council of Women's official website, <http://lcw-cfl.org/home>

33 Ibid.

34 Ibid.

35 Interview with Arab Institute for Human Rights, Beirut, June 2015; L. Khattab, Civil society in a sectarian context: The women's movement in post-war Lebanon, Lebanese American University, 2010, p.161, [https://laur.lau.edu.lb:8443/xmlui/bitstream/handle/10725/237/Lara\\_Khattab\\_Thesis.pdf?sequence=1](https://laur.lau.edu.lb:8443/xmlui/bitstream/handle/10725/237/Lara_Khattab_Thesis.pdf?sequence=1)

36 Interview with LCRVAW, Beirut, June 2015

direct services to female survivors of violence, paving the way for others. Out of LCRVAW, KAFA emerged in 2005 also as a non-profit, non-political and non-confessional NGO. In particular, KAFA aims to mitigate the causes and results of violence against and exploitation of women and children through advocacy and lobbying, awareness raising, and offering direct multidisciplinary services to vulnerable women and children.<sup>37</sup>

From around 1995 to 2005, more NGOs started working directly on the issue of and with women survivors of domestic violence and sexual and gender-based violence (SGBV).<sup>38</sup> Over these years, direct services were set up and provided, including direct hotlines, shelters, counselling and legal aid. However, the impact of this work was restricted due to structural issues. As one interviewee stated: “We were delivering but not able to help in the most meaningful way, because the laws did not leave scope for it. We got to a point where we realised that something had to be done about the laws.”<sup>39</sup>

Previously, heads of confessions exerted a certain amount of pressure on women’s rights groups, limiting the space to advocate effectively about domestic violence issues.<sup>40</sup> However, the issue of SGBV became a top priority for international aid agencies, which pledged to double their support for anti-domestic campaigns and activities.<sup>41</sup> Many civil society activists who had worked since the Beijing Declaration and Platform for Action<sup>42</sup> to mitigate the effects of domestic violence for survivors started moving beyond service provision and towards lobbying for the introduction of a law protecting women from family violence, a gap that had been identified through their continuous work.<sup>43</sup> KAFA has spearheaded this effort and made the latter a key focus.

The women’s rights movement in Lebanon has faced a significant amount of criticism over the years. A perceived lack of vision, consciousness and intentions of the movement has been critiqued by academic, civil society and political entities, as well as their lack of capacity to organise collective mobilisations free of class and factional interests.<sup>44</sup> Joseph has argued that women’s organisations in Lebanon are based on “patron-

**KAFA** (Enough violence and exploitation) was established in 2005 by a group of multi-disciplinary professionals and human rights activists as a Lebanese non-profit, non-political and non-confessional civil society organisation (CSO). It works on gender equality through advocating for law reform, influencing public opinion, conducting research and training, and providing women and children who are survivors of violence with social, legal and psychological support.

client models of organisation”, whereby the leader is “at once the head of the organisation, benefactor, often sole or main decision-maker, and frequently the founder of the organisation”,<sup>45</sup> which limits the ownership of the cause by a broader constituency. In addition, critics contend that the women’s movement and their agenda are captives of international aid and foreign funding. It is argued that this has led to an increasing rift between voluntary-based women’s movements and larger professional NGOs, a de-politicisation of gender-based agendas, and partly a lack of local recognition as well as problems of accountability.<sup>46</sup>

37 R. Stephan, 2012, Op. cit.

38 Interview with LCRVAW, Beirut, June 2015

39 Interview with the Lebanese Women Democratic Gathering (RDFL), Beirut, June 2015

40 L. Khattab, 2010, Op. cit., p.161

41 Ibid., p.162.

42 For more information, see: <http://www.un.org/womenwatch/daw/beijing/platform/>

43 Ibid.

44 R. Stephan, 2012, Op. cit.

45 S. Joseph, The public/private – The imagined boundary in the imagined nation/state/community: The Lebanese case, *Feminist Review*, 57(1), 1997, pp.73–92

46 L. Khattab, 2010, Op. cit., pp.44–48

While political and ideological factions entrenched in Lebanese society have indeed influenced the Lebanese women's movement, with perhaps the most vivid example being the lack of unified vision and message, the struggle and activism of Lebanese women have resulted in many positive outcomes for gender equality and human rights. However, it should be highlighted that the women's rights NGOs with the most visibility and strong networks internationally and nationally are non-confessional, non-political, secular organisations that tend to be led by urban and well-educated women, who can engage with international donors, fulfil their requirements and speak English or French. As in other contexts, women dominate the women's rights movement, as very few men are frontline activists.

## 3.2 Formal ways of engaging with the state: Theory and practice

In Lebanon, the main official bodies responsible for promoting, protecting and monitoring women's rights are the National Commission for Lebanese Women (NCLW), the Department of Women's Affairs in the Ministry of Social Affairs, the Parliamentary Committee on Women and Children, and the Social and Economic Council. Within the Ministry of Social Affairs, there is also a Non-Governmental Organisation Support Unit responsible for capacity building and networking among CSOs.<sup>48</sup> The Parliamentary Committee on Women and Children was founded in October 1999 and cooperates to some extent with women's rights NGOs, for instance on joint advocacy campaigns or to access up-to-date information about needs that exist on the ground.<sup>49</sup> However, these formal channels of engagement are not straightforward to access by civil society.

“Only the weakest members of society go to the state for protection.”<sup>47</sup>

As stated in the constitution, draft laws can originate either in the cabinet of ministers, the chief executive body of the Lebanese state or in the parliament. For a proposed draft law to become actual law, the parliament must approve it. The most common procedure involves draft laws being written, edited and approved by the cabinet before reaching the parliament. Once with the parliament, relevant parliamentary committees discuss the draft law. Each parliamentary committee is comprised of 12 people, including a chairperson, a moderator and 10 members of parliament (MPs).<sup>50</sup>

As the cabinet is a smaller-scale reflection of the parliament, once a draft law is approved by the cabinet, one would assume that the parliament would approve it relatively quickly too. While the parliamentary committees and the chamber should discuss and vote on a draft law in a process that “legally should take one month”, in practice the process takes much longer. Once a draft law reaches the parliament, it often goes through different committees comprised of different parliamentarians with differing viewpoints. The committee meetings and votes are secret, and non-members can only attend by invitation. Coordination between various committees is often ad hoc, which can prolong the legislative process as the same points are repeatedly discussed.<sup>51</sup>

In practice, the fragmented and confessional nature of the Lebanese political system, including political rivalries and different interests, among them issues related to women's rights, creates a number of

47 Quote by Dala Ghandour, lawyer and mediator, Beirut, June 2015

48 UNICEF, Lebanon MENA gender equality profile: Status of girls and women in the Middle East and North Africa, 2011, <http://www.unicef.org/gender/files/Lebanon-Gender-Equality-Profile-2011.pdf>

49 Inter-Parliamentary Union, The role of parliamentary committees in mainstreaming gender and promoting the status of women: Seminar for members of parliamentary bodies dealing with gender equality, 2006, [http://www.ipu.org/pdf/publications/wmn\\_seminar06\\_en.pdf](http://www.ipu.org/pdf/publications/wmn_seminar06_en.pdf)

50 This paragraph is based on an interview held with Dala Ghandour, lawyer and mediator, Beirut, June 2015.

51 This paragraph is based on: M. Nash, Just a bill, NOW, 5 May 2010, [https://now.mmedia.me/lb/en/reportsfeatures/just\\_a\\_bill](https://now.mmedia.me/lb/en/reportsfeatures/just_a_bill)

hurdles for the smooth operation of legislative and executive processes. Taking the formal route towards the legislative process to successfully introduce a law inevitably means navigating the different formal as well as informal channels of power, which requires a prior set of knowledge, experience, contacts and advantage. It is through this process that gender dynamics come into play, as will be examined in the following sections.



## 4. Negotiating power: State–citizen relations and the bill against family violence

This section looks at the realities of engagement between KAFA and the national coalition, and the state in relation to the legislative process regarding the family violence bill.

### Timeline of events

Date	Activity
July 2007	KAFA releases draft bill
March 2008	Campaign 'towards protection of women from family violence' is launched
2008	'National coalition for legislating the protection of women from family violence' is set up, encompassing around 40 different associations (the coalition later expanded to include 60 organisations)
6 April 2010	Hariri cabinet amends and ratifies the draft bill
28 April 2011	A special parliamentary sub-committee is formed to review the draft bill
31 July 2012	Sub-committee presents an amended draft bill
22 July 2013	Parliamentary joint committees ratify the sub-committee's amended draft
8 March 2014	After six active years of advocacy, popular campaigns, networking with civil society actors and local communities, one of the biggest public gatherings on women's rights takes place in Beirut on International Women's Day – almost 5,000 people joined a peaceful march against violence against women (VAW)
1 April 2014	Lebanese parliament passes the Bill on the Protection of Women and Other Family Members from Family Violence, an amended version of KAFA's original draft

Source: Based on inputs from N. Saghie and KAFA.

### 4.1 Mobilisation of citizens' groups and working through a framework

In 2007, KAFA gathered a team of three judges, two KAFA lawyers and a representative from the Internal Security Forces (ISF)<sup>52</sup> to devise a draft bill against family violence.<sup>53</sup> In March 2008, a campaign called 'towards the protection of women from family violence' was launched, enabling a number of organisations to come together under the umbrella of the 'National coalition for legislating the protection of women from family violence'.<sup>54</sup> This coalition included a broad array of NGOs working on different human rights concerns, such as confessional associations (including the Hariri), associations dealing with physical disabilities (such as Lebanese Physical Handicapped Union), young people, and lesbian, gay, bisexual, trans- and intersex persons (such as Helem), as well as Lebanese and Palestinian women's rights groups (such as Najdeh Association).<sup>55</sup> The idea behind this coalition was to strengthen the call for and justification of the draft bill by active civil society.

52 The Lebanese police

53 L. Khattab, 2010, Op. cit., p.162

54 Ibid.

55 Ibid.

The broad spectrum of members meant that it was more representative of civil society as a whole, by transcending confessional boundaries and presenting the issue of family violence as being relevant to everyone. In this coalition, different opinions and viewpoints were discussed before a common approach was chosen to lobby for the adoption of the draft bill. During the lifetime of the campaign, meetings were held periodically with the members of the coalition. In 2008, KAFA organised a roundtable meeting, giving every partnering association the chance to present remarks, concerns and feedback concerning the draft bill.<sup>56</sup> Before the establishment of the coalition, this roundtable was held to discuss the suggested amendments on the content of the first draft of the law that protects women from family violence by NGOs in order to be reviewed by the legal committee.

Some of the opinions pointed to the limited scope of this draft bill given the existence of personal status laws, seeking to capitalise on the momentum towards the adoption of a civil code for personal status. Other comments called for the scope of the bill to be broadened to address the needs of both women and children under 18 years, rather than focusing exclusively on a law protecting women.<sup>57</sup> KAFA and the national coalition decided to focus on family violence alone rather than taking a broader approach. The reason for choosing this approach lies in the very nature of the confessional political system in Lebanon. As women's rights are tightly governed by the state and religious establishments (through civil and confessional courts), bringing about meaningful legislative changes is difficult since it would challenge political and religious leaders' power and structures, including the traditional gender attitudes and norms espoused by them.<sup>58</sup>

Therefore, KAFA and the national coalition decided to focus on one specific issue to get as many stakeholders as possible to find a common position and bring about legislative change. This approach has been criticised by some as falling victim to the system by limiting itself and de-radicalising demands due to concerns of challenging the hegemony of established religious and political leaders.<sup>59</sup> However, KAFA's approach comes as no surprise, as it seems to be based on lessons learned by previous experiences of women's rights groups lobbying the state for greater gender equality.

KAFA's chosen approach highlights the limitations of a secular civil society movement to bring about change on its own in a political and social system heavily influenced and fragmented by confessional and other factors. The associational network that was created instead became a mechanism transmitting the interests of different socio-economic classes into the policymaking arena. As the examples in the following paragraphs will show, the combination of and cooperation between secular associational leaders from civil society and representatives from confessional political parties "in an unstable, informal, yet salient network structure was therefore capable to promote incremental policy change within a context of a highly fragmented and exclusionary institutional context".<sup>60</sup>

Crucially, political success in this case relied on careful navigation between putting pressure on confessional leaders and hegemonic structures and giving into the latter when needed, positive and constructive engagement with key allies, and choosing a specific issue to tackle but framing it as a general one affecting society as a whole. Arguably, this approach, while clearly leaving the personal status laws untouched, facilitated the approval of the draft bill by the Hariri cabinet in April 2010, although it did not shield it from political and religious intervention.

56 Ibid., p.163

57 Ibid., p.164

58 Interview with the Arab Institute for Human Rights, Beirut, June 2015

59 L. Khattab, 2010, *Op. cit.*, p.165

60 P. Kingston, Fluid boundaries, elusive concepts: The challenges of research on civil society, associational networks, and advocacy politics in Lebanon, Paper presented at the Conference in Honour of Roger Owen Centre for Middle East Studies at Harvard University, 4–6 May 2008, p.11

## 4.2 Limitations and challenges posed by confessional politics and religious establishments

Matters of violence are dealt with through criminal legislation of the civil penal code, meaning that they are dealt with by civil courts as opposed to religious courts. Given the prevalent gender norms and general taboo around family violence issues, addressing the latter is a difficult task, especially when coupled with different sets of personal status laws. In most cases of family and marital violence, Lebanese women resort to religious courts to address their complaints, as they represent the first point of contact with an official institution.<sup>61</sup>

However, religious courts often deal with familial and marital violence by “urging guidance, counselling, and other measures meant to preserve the family”. Typically, they solve personal status matters such as divorce, custody and inheritance, but are not mandated by law to protect women or other family members from violence.<sup>62</sup> In cases of divorce or separation, religious courts can consider an act of violence as evidence supporting a case; however, these religious courts are not mandated by the state to prosecute criminal cases.<sup>63</sup>

As one interviewee put it, “influencing the state is generally difficult, but on matters related to gender and women, it is even more difficult to do so, as it involves a third party – religious establishments”.<sup>64</sup> The religious establishments had a considerable stake in the outcome of the draft bill, as it would ultimately transfer an element traditionally considered under their control in the personal status laws into civil law and thus into the realm of the state. Not surprisingly, all religious establishments resisted the draft bill, with Islamic establishments showing the strongest opposition.<sup>65</sup> After the sub-committee’s first meeting in May 2011, religious establishments started expressing their opposition more audibly in different ways.

The stance of some sub-committee members “seemed to be a reflection of what their religious authorities dictated”,<sup>66</sup> exposing the close inter-reliance of religious establishments and confessional political leaders. Several religious representatives approached various TV media outlets, but struggled to get opportunities to speak on different shows and accused KAFA of sabotage. As the draft bill was heatedly debated on social media, religious representatives soon turned their attention to social media and engaged in direct discussions with Lebanese people online. Women’s rights groups intervened only when legal clarifications were needed, keeping the virtual engagement professional.<sup>67</sup> However, religious representatives had little success in attracting the necessary attention from Lebanese on social media and, subsequently, published an official statement, which was certain to receive coverage.<sup>68</sup>

In June 2011, Dar al-Fatwa, the Sunni religious authority in Lebanon, released a 16-point statement explaining why in their opinion the draft bill should not be passed in parliament, framing it as a “Western

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61 Interview with Dala Ghandour, lawyer and mediator, Beirut, June 2015

62 A. Zambarakji, Analysis: Lebanon debates laws protecting women from domestic violence, The Bureau of Investigative Journalism, 9 March 2012, <https://www.thebureauinvestigates.com/2012/03/09/analysis-lebanon-debates-laws-protecting-women-from-domestic-violence/>. Also confirmed by several interviews conducted by the author with women’s rights activists in Beirut, June 2015

63 Ibid.

64 Interview with RDFL, Beirut, June 2015

65 Almost all interviewees confirmed this.

66 J. Aziz, Islamic clerics oppose Lebanese law protecting abused women, Al-Monitor, 24 July 2013, <http://www.al-monitor.com/pulse/originals/2013/07/womens-rights-activists-lebanon-domestic-violence-law.html>

67 Interview with KAFA, Beirut, June 2015

68 Ibid.

idea designed to dismantle the Muslim family, rather than improve women’s status in the country”.<sup>69</sup> Following this statement, the Lebanese Women’s Council (LWC) published a response addressing the issues raised by Dar al-Fatwa. The LWC rejected the notion that the draft bill was incompatible with Lebanese society, that it overrode Muslim values or religious laws, or that it eliminated the role of the father in the Muslim family.<sup>70</sup>

The LWC also countered the religious establishment’s resistance through its long-standing experience in the field of women’s rights issues, basing its responses on expertise and on-the-ground facts. It highlighted how there were a significant number of cases where women were too afraid to report abuse at religious courts to protect the family’s reputation and honour. In their statement, the group added: “*Studies and surveys have shown that an oppressed woman does not always file a complaint in order to preserve her family’s reputation and there are males that do not apply religious teachings and the ethical, religious and human laws in their families. Therefore, it is necessary to have laws that deter them from making mistakes*”.<sup>71</sup>

Clerics from both Sunni and Shia religious establishments joined forces in opposing the draft bill. A meeting between both in August 2011 underlined their opposition to a law considered to be inspired by “the directives of Western organisations and their dubious sources of funding”.<sup>72</sup> Accusations and questions around funding arose several times against KAFA and the women’s rights movement. For instance, MP Samir Jisr who was a member of the parliamentary sub-committee raised issues of funding regarding one of KAFA’s campaigns in 2012 (analysed further below) by asking: “How much did this campaign cost? Where did they get the funds to organise a campaign this big?”<sup>73</sup>

The campaign launched by religious establishments took the form of visible actions such as protests and presentations on TV shows, as well as less visible forms of engagement, mainly lobbying of parliamentarians to pressurise them not to pass the draft bill.<sup>74</sup> Crucially, some leading women’s rights organisations, including KAFA, used informal channels to stay informed about, discuss and mediate various issues. As this is non-disclosed information, little is known other than the fact that channels did exist, that these were quite actively used, and that they relied on trusted individuals and allies from within different structures, including religious establishments and political representatives, who would consult with KAFA and others if and when necessary, in private rather than in public.<sup>75</sup>

### 4.3 Work behind the scenes and in the spotlight

In line with KAFA’s approach to engage a wide range of actors to push for the draft bill, a number of non-traditional allies of the women’s movement were also contacted. For instance, KAFA and the national coalition actively reached out to women’s committees in the confessional political parties and won their support for the draft bill. In this regard, KAFA’s strategy was to mitigate fears among sectarian leaders concerning domestic violence through trainings and awareness-raising efforts among women in

69 The Daily Star Lebanon, Women’s Council defends draft law to criminalise domestic violence, 4 August 2011, <http://www.dailystar.com.lb/News/Lebanon-News/2011/Aug-03/145285-womens-council-defends-draft-law-to-criminalize-domestic-violence.ashx>

70 Ibid.

71 Ibid., italics added

72 J. Aziz, 2013, Op. cit.

73 L. Haddad, Fighting domestic violence in Lebanon: Silenced by media and the state, Al-Akhbar English, 3 January 2012, <http://english.al-akhbar.com/node/3018>

74 J. Aziz, 2013, Op. cit. For example, “the protesters continued to unabashedly pressure the officials: on 4 December 2011, they visited Speaker of Parliament Nabih Berri, asking him to withdraw the law”.

75 Based on several interviews in Beirut, June 2015



Photo: Courtesy of Joelle Hatem (Creative Commons)

A protester in Beirut holds a sign saying “We did not die but saw those who did”, 2013.

confessional political parties. By publicly showing that the hegemony of their confessional leaders was not being questioned, their support was won. This support was crucial since they acted as “mobilising structures [drawing] popular support from their confessional communities to the family violence law”.<sup>76</sup>

KAFA also actively reached out to doctors, lawyers and security forces from the outset in their efforts to get the draft bill passed. The support of these actors was vital to show that the draft bill was relevant and supported. Moreover, KAFA organised a roundtable with media representatives to garner their support and invested a significant amount of time in training, informing and working closely with many media channels, raising awareness around the issues of domestic violence and gaining their support as allies.<sup>77</sup> All interviewees agree that the media played a vital role in pushing the draft bill forward and pressurising the state to pass the draft bill. Without such an intensive media campaign, the bill would not have been passed.<sup>78</sup>

Behind the scenes, KAFA worked closely with heads of media channels, journalists and producers, providing expert advice and helping them to frame talk shows, reportages and issues. This relationship did not happen straightaway, but rather solidified over the years. When investigating and reporting on incidences of domestic violence that had led to the death of female victims, media channels frequently contacted KAFA to get accurate information on the cases, asking for exact locations of the incident and to be put in touch with relatives to hold interviews.<sup>79</sup>

76 Ibid.

77 Interview with KAFA, Beirut, June 2015

78 Ibid.

79 Ibid.



Women’s rights activists also acted as advisers to the media, preparing them for interviews with political and religious representatives.<sup>80</sup> Critically, the media’s proactive stance on highlighting issues of family violence in the country made a big difference in pushing the state towards passing the bill. Numerous talk shows on the issue of family violence were aired and cases were reported until “everyone in Lebanon knew that domestic violence was a big concern and needed to be tackled”.<sup>81</sup>

However, at the same time, pressure from religious establishments – to amend the law by broadening the focus to family members and not criminalising marital rape – increased and bore results. This led to internal quarrels within the sub-committee, with two MPs leaving the sub-committee due to disagreement over amendments to the law. Confirming the withdrawal of one of the MPs, Strida Geagea from Lebanese Forces stated that amendments had shifted the focus of the draft bill from violence against women to violence within the family.

Geagea stated that “the draft law was developed in order to protect women from family violence, and any change of its title by turning it into ‘protecting family from violence’ is ignoring a bitter reality and ignoring women’s right to protection”.<sup>82</sup> Zoya Rouhana, director of KAFA, welcomed Geagea’s reaction to the proposed amendments and stated: “We wanted the state to declare that they are against violence against women, specifically. Now they have camouflaged the issue.”<sup>83</sup> While this was happening in public, private and informal channels of communication between political representatives and KAFA, as well as other NGOs, were active in negotiating wordings of and amendments to the draft bill.

At different stages of the draft law process, active and public campaigning played a major role in raising awareness and in pressurising the parliamentarians to pass the bill. In the run-up to the sub-committee presenting the amended draft bill, for instance, information that amendments to the bill would include all family members trickled down to NGOs and the public. A theatrical group was hired to act out a scene between a quarrelling husband and wife in downtown Beirut.<sup>84</sup> The theatrical scene in front of parliament ended with activists shouting slogans such as: “One woman dies every month, we will not remain silent” and “Mr Parliamentarian where have you been? We have a law to discuss”.<sup>85</sup>

In December 2011 and January 2012, as the sub-committee was on the verge of removing crucial elements from the legislation, KAFA launched an ad campaign with the precise aim of ‘naming and shaming’ parliamentarians in question, calling on them not to “mutilate and cripple the law”.<sup>86</sup> The advertisement was aired on most Lebanese TV channels. However, a few days later, Future TV, the Lebanese TV channel associated with the Sunni confessional leadership of Hariri, stopped airing it. The censoring of the advertisement showed how much campaigns of this nature were perceived to be effective. KAFA had found parliamentarians’ weak spot: public exposure of lack of cooperation.

After implementing the flashmob in front of the parliament, activists marched to Riad al-Solh Square on 10 July 2012 and raised banners addressed to MPs reading: “Your responsibility is to protect us – our responsibility is to hold you accountable.” They also distributed leaflets bearing the MPs’ photos and warning against the distortion of laws, under the slogan: “We want a law to exclusively protect women from

80 Ibid.

81 Interview with Arab Institute for Human Rights, Beirut, June 2015

82 The Daily Star Lebanon, LF threatens to pull MP from domestic violence subcommittee, 1 March 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Mar-01/165103-lf-threatens-to-pull-mp-from-domestic-violence-subcommittee.ashx>

83 Ibid.

84 S. Oulwa, Domestic violence bill advances in Lebanon, Al-Monitor, 12 July 2012, <http://www.al-monitor.com/pulse/ar/culture/2012/07/slap-in-front-of-the-house-of-re.html#ixzz3keZCirP2>

85 Ibid.

86 L. Haddad, 2012, Op. cit.



domestic violence ... Watch them and hold them accountable.”<sup>87</sup> Crucially, the direct targeting and naming of politicians pressurised them even more by exposing them to the public. The impression conveyed was that these politicians actively work against women’s rights and stand in the way of passing the draft bill.

After the sub-committee presented the amended draft bill on 31 July 2012, campaigning intensified to push the parliament to ratify the draft bill into official legislation. Given the limited scope of this report, not all initiatives can be outlined here, so a few campaigns will be highlighted instead. On International Women’s Day on 8 March 2013, for example, women’s rights activists blocked a main road in downtown Beirut and threatened an open-ended hunger strike if the draft bill was not included on the agenda of the next parliamentary meeting.<sup>88</sup> Moawad, co-founder of the feminist collective Nasawiya,<sup>89</sup> spearheaded the road blockage and announced that she would take part in the hunger strike with about 20 other activists.<sup>90</sup> Moawad argued that the aim of this action was for media coverage to spark public outrage so that MPs would be pressurised into passing the bill.<sup>91</sup>

A few days after this event, on 11 March 2013, an estimated 1,000 activists marched to the office of the Interior Ministry, demanding the passage of the draft bill and for women to be allowed to pass on their nationality to their children.<sup>92</sup> In effect, activists were building on the momentum gained to push publicly for other gender issues. This public pressure led to the parliamentary joint committee ratifying the amended draft on 22 July 2013. Only one more layer of approval was needed for the bill to become legislation, namely the parliament’s approval. In February 2014, a campaign was launched by a group called March, a civil society organisation focusing on free speech and women’s rights, entitled “What shocks you more?”. In the campaign poster, a half-nude woman with a bruised eye bore the slogan: “Nudity is a personal choice ... getting beaten up is not.”<sup>93</sup>

While the awareness-raising campaigns were rolled out, family violence continued to be perpetrated against Lebanese women. KAFA’s analysis of media reports in Lebanon indicated that 25 women were killed by family members between 2010 and 2013, and four women lost their lives as a result of family violence in the first four months of 2014.<sup>94</sup> Maya Ammar from KAFA argued that relatives felt more empowered and safer to expose the truth in public, which is why more cases were emerging.<sup>95</sup> On 8 March 2014, KAFA organised a peaceful march and protest, which turned out to be one of the biggest public gatherings on women’s rights in recent Lebanese history, with almost 5,000 people joining the march in Beirut.<sup>96</sup> In preparation, KAFA had released a video of relatives of the recent domestic violence victims urging people to join the protest.<sup>97</sup> Given the sensitive nature of family violence issues in relation to perceptions of family reputation and honour, this video is especially powerful as the close relatives of victims are the ones speaking out.

87 Ibid.

88 The Daily Star Lebanon, Women’s right campaigners threaten hunger strike over delayed action, 8 March 2013, <http://www.dailystar.com.lb/News/Local-News/2013/Mar-08/209296-womens-right-campaigners-threaten-hunger-strike-over-delayed-action.ashx#axzz2NPtLSCpW>

89 Profile of NGO Nasawiya on Daleel Madani: <http://daleel-madani.org/profile/nasawiya>

90 A. Gilbert, Starving for justice: Why Lebanese activists aren’t eating till they see change, 14 March 2013, <http://feminspire.tumblr.com/post/45350273782/starving-for-justice-why-lebanese-activists>

91 Ibid.

92 The Daily Star Lebanon, Hundreds march in Beirut for women’s rights, 11 March 2013, <http://www.dailystar.com.lb/News/Local-News/2013/Mar-11/209573-hundreds-march-in-beirut-for-womens-rights.ashx#axzz2NRJZILF7>

93 March, What shocks you more?, 13 February 2014, <https://www.marchlebanon.org/en/news-activities/news/619/en>

94 KAFA, Annual report: 2014 highlights, 2014b, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-82-635689245975040950.pdf>

95 R. Kowkabani, 8 March, Kafa’s push for women’s rights, YouTube, 27 February 2014, <https://www.youtube.com/watch?v=zomNZDe-gcw>

96 BBC News, Lebanon protesters march over domestic violence bill, 9 March 2014, <http://www.bbc.co.uk/news/world-middle-east-26502445>

97 KAFA Lebanon, حتى ما يصير فيكن للي صار فينا... الأقفاهات في تظاهرة 8 آذار, YouTube, 4 March 2014, <https://www.youtube.com/watch?v=XeQiegAewvg>

## 4.4 Passing of the legislation and its implications

### Passing of the bill

The Bill on the Protection of Women and Other Family Members from Family Violence was formally passed on 1 April 2014. It included amendments to the penal code<sup>98</sup> and introduced new elements. For example, women survivors of abuse would now be legally able to obtain a restraining order against an abuser, and be able to have access to safe accommodation including temporary shelters. Moreover, a public prosecutor in each governorate was to be assigned to receive complaints and investigate family violence. Special family violence units within Lebanon’s police force, the ISF, would be established to process complaints.<sup>99</sup>

However, KAFA and the national coalition highlighted a number of issues regarding the new legislation. Firstly, the law defines domestic violence narrowly as including “every act of violence, abstinence or threat thereof committed by one family member against one or more members as per the definition of family, encompassing one of the crimes stipulated herein, the consequences of which may cause death or physical, psychological, sexual and economical injury”.<sup>100</sup> Family violence thus only refers to violence inflicted and suffered by family members related by blood.<sup>101</sup> This automatically means that people living inside the domestic sphere but not related by blood to the family (running through the paternal line), such as migrant domestic workers, are not protected by this law. Moreover, the legislation specifically refers to “family violence” or “العنف الاسري” in the title, reinforcing this dynamic.

One of the law’s main shortcomings as identified by women’s rights groups is its failure to specifically criminalise marital rape. While an earlier draft of the law proposed by KAFA and the national coalition had included marital rape as a crime, the provision was removed under pressure from religious authorities. As a form of compromise, the law criminalises a spouse’s use of threats or violence to claim “marital rights to intercourse” but does not criminalise the non-consensual violation of physical integrity itself.<sup>102</sup> In other words, the law does not leave room to criminalise marital rape, but only the physical use of threats or violence to attain the latter.<sup>103</sup> Moreover, the law does not address broader issues of SGBV.

The original bill proposed by KAFA and the national coalition specifically referred to women as the biggest group of domestic violence survivors at present, as in Lebanon and in all countries in the Middle East, the legal contexts (penal code, personal status laws...) and the social contexts discriminate against women. The amendments over the course of the campaign broadened the focus to family members too, as evidenced in the title of the bill, which thus also includes men and boys even if the content of the law does specifically not refer to men, boys or trans- and intersex persons.<sup>104</sup> This shift in focus was highly contentious among citizens’ groups, with some criticising it while others welcomed it as it also legislates for the protection of male survivors of domestic violence.<sup>105</sup>

98 Lebanese Penal Code (in Arabic), <http://www.madcour.com/LawsDocuments/LDOC-1-634454580357137050.pdf>

99 Ibid.

100 KAFA, Bill for the Protection of Women and Family Members Against Domestic Violence, Draft Bill in English, 2013, <http://www.kafa.org.lb/FOAPDF/FAO-PDF-11-635120756422654393.pdf>

101 Family is defined as “the spouse, the mother, father, brother, sister, ascendant or descendent of the same, legal or illegal, as well as persons related thereto by adoption, marriage, guardianship or custody up to the fourth degree, orphans in the care thereof, or stepmothers or stepfathers” – Ibid.

102 See Article 489, Paragraphs 7a and 7b in the draft Bill.

103 Human Rights Watch, 2014, Op. cit.

104 L. Khattab and H. Myrtilinen, Gender, security and SSR in Lebanon, London: International Alert, 2014, p.5, [http://www.international-alert.org/sites/default/files/Lebanon\\_SSRGenderSecurity\\_EN\\_2014.pdf](http://www.international-alert.org/sites/default/files/Lebanon_SSRGenderSecurity_EN_2014.pdf)

105 Interview with the LCRVAW, Beirut, June 2015

The law establishes important protection measures, such as the possibility of applying for a restraining order against an assailant and the provision of emergency accommodation for victims of abuse, as well as related policing and court reforms.<sup>106</sup> In practice, however, family violence and SGBV survivors – in the vast majority of cases women and girls – risk more violence as well as social stigma by reporting their husbands to the police. Moreover, if the case is to be pursued, survivors face another range of challenges, such as the difficulties of obtaining a divorce or custody of their children.<sup>107</sup> In addition, women in these situations are often not empowered economically and lack independent financial income.<sup>108</sup>

### Vulnerable groups

While SGBV and domestic violence against women and girls are increasingly perceived as serious security issues, the perception is different for male survivors. As a predominantly patriarchal society, the cultural ideals of masculinity involve characteristics and behaviours such as providing for his family, being a decision-maker, toughness, strength and being a protector<sup>109</sup> – qualities that are internalised and reproduced by society and individuals. Male survivors of SGBV and family violence face a range of social and psychological ramifications. The pressure to conform to social ideals of masculinity, such as being able to protect themselves, means that seeking help risks making the issue public when reporting cases of SGBV and domestic violence, creating major hurdles for the men affected.<sup>110</sup> There is little understanding of issues or referral and support mechanisms for male survivors.

LGBTI persons face additional hurdles if they seek to report cases of SGBV, family violence or intimate partner violence (IPV).<sup>111</sup> While homosexuality is not explicitly outlawed, Article 534 of the Lebanese Penal Code states that “any sexual intercourse contrary to the order of nature is punishable by up to one year in prison”. While homosexuality is not punishable by itself but rather same-sex acts, the article has been used on occasion against LGBTI persons, but not systematically.<sup>112</sup> Given these circumstances, reporting of domestic violence as well as SGBV potentially puts LGBTI individuals and couples at risk of prosecution themselves.<sup>113</sup>

Another vulnerable group are migrant workers. Lebanese families employ an estimated 200,000, mostly female, migrant domestic workers, primarily from Ethiopia, Sri Lanka, the Philippines and Nepal, who are excluded from the labour law and at the mercy of their sponsors and agencies.<sup>114</sup> These women are not in control of their movement, not in possession of their travel documents and at risk of physical, psychological, economic and sexual abuse by their employers.<sup>115</sup> The family violence bill passed in 2014 does not provide any

106 E. Bramley, Why does the Lebanese bill on domestic violence fail to tackle marital rape?, The Guardian, 9 April 2014, <http://www.theguardian.com/global-development/2014/apr/09/lebanese-bill-domestic-violence-marital-rape>

107 “Based on discussions with Lebanese CSOs working on SGBV issues, reporting of cases to the police can be seen as bringing shame to the family or wider community and, as in many other countries, victims of SGBV may face accusations of having brought the violence on themselves. Women may also often feel socially and culturally constrained from visiting police stations without a male relative present, which may complicate reporting” – Human Rights Watch, 2014, Op. cit.

108 L. Khattab and H. Myrtilinen, 2014, Op. cit.

109 C. Hamieh and J. Usta, The effects of socialization on gender discrimination and violence: A case study from Lebanon, Beirut: Oxfam, 2011, p.13, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf46.pdf>

110 For more information on masculinities in Lebanon and the Middle East, see: Ibid.; S. Aghacy, Lebanese masculinities, Al-Raida, Vol. XXI, 2004, pp.104–105, <http://inhouse.lau.edu.lb/iwsaw/raida104-105/EN/p002-009.pdf>; and P. Amar, Middle East masculinity studies: Discourses of ‘men in crisis’, industries of gender in revolution, Journal of Middle East Women’s Studies, 7(3), 2011, pp.36–71, <http://mesa.ucdavis.edu/files/documents/link-documents/Amar-Middle%20East%20Masculinity%20Studies.pdf>

111 L. Khattab and H. Myrtilinen, 2014, Op. cit.

112 “Male homosexuals are most vulnerable under 534, which is most often used to charge male-male sexual acts. According to available research, females engaging in homosexual acts have been prosecuted under Article 534 at a much lower rate than their male counterparts” – M. Mikdashi, 2010, Op. cit.

113 Based on interviews held in Beirut in September 2014, those perceived as being more visibly non-conformist in their sexuality and as not having socio-economic clout were seen as facing a higher risk of harassment or persecution by individual law enforcement officers.

114 Human Rights Watch, Lebanon: Stop abuse of domestic workers, 23 March 2012, <http://www.hrw.org/news/2012/03/23/lebanon-stop-abuse-domestic-workers>

115 See, for example: KAFA, Stop the exploitation of migrant domestic workers: The newsletter, Issue No. 2, 2010, <http://www.kafa.org.lb/studiespublicationpdf/prpdf30.pdf>

protection to domestic labourers and “does not even recognise women as subjects of (Lebanese) law or as residents of a domicile”,<sup>116</sup> making them especially vulnerable in relation to Lebanese citizens.

Women in the semi-regulated sex industry, which employs an estimated 2,500 women, mainly from Eastern Europe, face similarly precarious working and living conditions to domestic workers. They have no access to mobility or travel documents<sup>117</sup> and are at high risk of violence and abuse, with little recourse to legal protection. Over two million Palestinian, Iraqi and Syrian refugees in Lebanon face different but serious types of legal precariousness related to their refugee status. This makes the reporting of SGBV and domestic violence to security providers extremely difficult, even though such abuses are a serious concern among refugee communities.<sup>118</sup>

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116 M. Mikdashi, The politics of gendered violence in Lebanon, *Jadaliyya*, 1 June 2015, <http://www.jadaliyya.com/pages/index/21747/the-politics-of-gendered-violence-in-lebanon>

117 *Ibid.*

118 L. Khattab and H. Myrntinen, 2014, *Op. cit.*

## 5. The costs and outcomes of engagement: Lessons learned



Photo: Courtesy of Joelle Hatem (Creative Commons)

Protesters in Beirut call on parliament to pass a law protecting women from family violence, 2013.

On 1 April 2014, after years of advocacy, popular campaigns, networking with civil society actors and local communities, and one of the biggest public gatherings on women's rights in recent memory, the Lebanese parliament adopted Law 293/2014. The reaction to the passing of the law was mixed. KAFA believed that, despite its many flaws, the law was a success – however, it highlighted the “need to continue challenging patriarchal mentalities, structures and laws”.<sup>119</sup> More specifically, the law is considered a first step in the right direction, a base from which one can work to improve domestic violence issues.<sup>120</sup>

An analysis of the events and art of engagement between state, citizens and other actors shows that the process and outcome of the engagement were the result of a combination of different factors, some planned and others unplanned, within a complex framework of gendered relations. First, KAFA's choice to focus on the specific issue of women survivors of domestic violence, framing it as a public issue rather than as a gender-specific issue, had its own reasoning behind it. Past experience of work by the women's movement, as well as the strong tradition of advocacy by their organisations and being led by an educated middle class, shaped its choice and ultimately its engagement with the state and others.

Most of the interactions and engagements behind the scenes are confidential.<sup>121</sup> However, it is clear that KAFA and other NGOs maintained a professional and solid outward stance, while working towards pushing their own agenda, especially with allies and by seeking to win over sceptics. The use of informal channels where possible and with all possible actors – such as parliamentarians from the sub-committee and other committees, various ministries such as the Ministry of Social Affairs, Justice and Interior,

119 KAFA, 2014b, Op. cit.

120 Interview with KAFA, Beirut, June 2015

121 Ibid.



judges and lawyers, the media including TV and newspapers, influential people as well as religious establishments – proved absolutely vital for efforts to move forward in the formal channels.

Ultimately, working on gender issues in Lebanon, and trying to achieve nationwide results, cannot be conceptualised as ‘state–citizen’ engagement only, but needs to incorporate religious establishments as a strong actor in the engagement. In the case of the family violence bill, religious establishments were able to exert strong authority in shaping its focus and thus amending it ‘through’ the state, even though the law would be part of the civil code and beyond religious courts’ authority.

Findings from this research revealed that civil society actors carefully navigated the different layers within the state and among religious establishments by building links with sympathisers and allies within the system. For example, while the head of the Ministry of Social Affairs alternates, the bureaucrats working within the women’s department usually stay the same. Over the years, civil society groups have built constructive working relationships with some of these individuals, who try to push for the agenda from within whenever possible.<sup>122</sup> Working with the religious establishments seems to have been much more difficult.

As one interviewee put it, “often the decision-makers are not inclined towards our agenda, but those under their authority, people in the middle ranks, tend to sympathise with civil society more”.<sup>123</sup> The ISF, as frontline representatives of ‘the state’, are being trained in the implementation of the new law by KAFA. The relationship between women’s rights groups and frontline religious representatives, including the religious courts, on the other hand is more strained and difficult to build.<sup>124</sup> Significant ideological differences between both mean that there are not too many obvious entry points for dialogue or collaboration. However, given the crucial role of religious establishments on gender issues, creative entry points, such as reaching out to those men in the middle ranks who are interested to learn more about women’s rights, are potentially needed.

Moreover, the use of public space and the campaigns played an essential role in raising awareness of domestic violence issues, but also, and perhaps more importantly, in highlighting the state’s responsibility in moving the process forward to address citizens’ rights. According to women’s rights activists interviewed, the ‘naming and shaming’ technique used by KAFA in combination with the concurrent high death rate from domestic violence succeeded in pressurising the state to adopt the law.<sup>125</sup> In other words, intensive public pressure obligated the state to act for the well-being of citizens.

On 31 May 2014, the first judicial ruling made on the basis of this law was issued in coordination with KAFA.<sup>126</sup> Details of the ruling reveal that the Beirut Summary Affairs judge Jad Maalouf not only applied the law, but also filled its legal gaps. This included defining ‘violence’ to include forms of non-physical violence such as verbal abuse or preventing someone from leaving the house.<sup>127</sup> This ruling reassured women’s rights groups of the judiciary’s ability to respond to many of their reservations regarding the practical effectiveness of the law.<sup>128</sup>

122 Ibid.

123 Interview with LCRVAW, Beirut, June 2015

124 Ibid.

125 Several interviewees mentioned the same point.

126 N. Saghieh, Interpreting Lebanon’s law against domestic violence: Jurisprudence as legal reform, Legal Agenda, 2014, <http://legal-agenda.com/en/article.php?id=626&folder=articles&lang=en>

127 Ibid.

128 Ibid.



## 6. Conclusion and summary

This report examines the relations between the state and citizens in Lebanon on domestic violence issues. Gender lies at the core of conceptions and realities of the state, Lebanese and non-Lebanese citizens, as well as their relations and interactions, reproducing complex hierarchies based on gender identities that intersect with social class, confessional affiliation, age and urban-rural location. All these aspects affect the dynamics of engagement, influence and participation at many levels. The specific focus on the engagement around the passing of the bill has highlighted a number of power dynamics of a civil society working within a confessional political system and entrenched gender norms.

The choice of working through formal channels within the system, while also intensely engaging in informal channels, has led to setbacks for citizens' demands that had to be accepted, such as the amendment to explicitly state marital right to intercourse.<sup>129</sup> The broadening of the law to include other family members such as men and children was perceived positively by some.<sup>130</sup> Arguably, however, this move was perceived by the state as a ploy to grant men more rights under the guise of "gender equality".<sup>131</sup> In addition, vulnerable groups have been excluded from the bill, such as LGBTI persons and migrant domestic workers. Multiple challenges remain regarding its implementation, such as the lack of awareness among frontline state actors such as the police in dealing with complaints and gaps in the referral system, as well as prevalent patriarchal attitudes and realities.

As large-scale peaceful protests were held in Beirut in September 2015 over a prolonged garbage collection crisis,<sup>132</sup> debates around the most effective means of political activism have emerged. As one commentator noted, "[f]or decades institutionalised activism, as in formal NGOs, has not succeeded in creating sufficient reform or momentum in Lebanon. What the garbage crisis helped create are non-institutionalised, informal and expressive forms of the true frustration of citizens everywhere".<sup>133</sup> However, sensitive topics such as domestic violence, which are perceived as infringing on confessional authorities' power, are more difficult to rally around than a crisis related to garbage collection, which affects many people in the same way. Thus, each issue needs to be examined carefully in order to assess effective modes of activism and potential types of engagement between state and society.

### Summary – state–citizen relations on family violence issues

#### 1. Drivers of engagement

What pushes citizens to work with the state on family violence issues?

- A desire to push forward the human rights agenda and frustration with continued domestic violence.
- The state is the main legislative and executive power, although that power is limited through the existence of the personal status code and the power of religious authorities.

129 N. Saghie, 2014, Op. cit.

130 Interview with LCRVAW, Beirut, June 2015

131 N. Saghie, 2014, Op. cit.

132 M. Chulov and M. Shaheen, Beirut rubbish protesters clash with police amid anger at political paralysis, The Guardian, 24 August 2015, <http://www.theguardian.com/world/2015/aug/24/beirut-rubbish-protesters-clash-with-police-amid-anger-at-political-paralysis>

133 Carmen Geha, with permission to use quote

What pushes the state to work with citizens' groups?

- Their expert knowledge and capacity on key issues such as family violence.
- The representativeness of fellow citizens' concerns.

## 2. Nature of engagement/what works well

- Strong and unified lobbying/advocacy efforts using a variety of tactics and strategies, such as direct dialogue with parliament committees and stakeholders, advocacy campaigns, and large-scale public protests and media campaigns.
- Engaging allies such as the media and other key figures (such as judges, political parties, religious institutions, civil servants) both publicly and behind the scenes.

## 3. Constraints

- Confessional political system and personal status code.
- Patriarchal and gendered social hierarchy and attitudes as well as an unwillingness to address male privilege, which permeates the system both on the 'secular' and 'confessional' side.

## 4. What works less well/doesn't work

- Lack of an overarching strategy and of consistent coordination between women's rights groups and NGOs.
- Engaging on gender-specific matters as this threatens religious authorities.

## 5. Opportunities and recommendations

### For the Lebanese government:

- Involve civil society and women's rights groups as early as possible in legislative processes.
- Ensure that concerns and voices by relevant civil society stakeholders are consistently heard.
- Take gender concerns and issues seriously, viewing them as part of Lebanese citizens' rights, and address them efficiently.

### For NGOs and citizens' groups:

- Work and consult with a broad network of stakeholders and allies to lay the foundation for advocacy efforts or engagement with the state.
- Work cooperatively with target institutions or approach individuals within institutions that would not traditionally be regarded as targets but which show a willingness to cooperate and listen to alternative viewpoints.
- Engage with the media as much as possible and support more formal engagement through more informal means, such as bilateral discussions and talks, protests and campaigning.

### For donors:

- Support the advocacy skills of women's right groups and NGOs, the workings of the Lebanese state, and strategies for engaging with state actors and key stakeholders.
- Facilitate networking and cooperation between civil society groups working on the same issues and encourage exchange of lessons learned and best practice.
- Channel more funding into SGBV and domestic violence prevention, and into awareness-raising on the importance of gender equality and gender-transformative projects among young women and men across Lebanon, including Lebanese but also refugee communities.

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