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Lebanon and Syria

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*Women's Rights in Lebanon
– The Difficulties of Reaching
Gender Equality*

The Lebanese Fall

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Firstly,

Lebanon is currently experiencing one of the most difficult times in history as the country is wrestling with a dire economic situation, a global pandemic and political instability.

The Lebanon Papers series therefore aims to offer an overview on the current situation in Lebanon and provide possible solutions for a better future.

Its purpose is to prevent disinformation by ensuring sound reporting while explaining the challenges as simple as possible for the information to be accessible to as many people as possible. The paper series consist of well-founded reports on different topics using political, economic and judicial perspectives in order to achieve a comprehensive coverage. The fourth issue of the series addresses the situation of women rights in Lebanon. Even though, important efforts have been undertaken by NGOs, international institutions and governmental entities to ensure equality, women are still discriminated against in the country's laws, economic practices, and social and political norms. Therefore, this paper will analyse the current state of discrimination against women in Lebanon and discuss possible solutions.

We hope that you will enjoy reading our paper series and are looking forward to any feedback that you might have.



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Meet the Author

I am a graduate lawyer specialised in International, European law and Human Rights. After completing my legal studies at the Ludwig-Maximilian-Universität in Munich I moved to Beirut in order to gain work experience in the region. Currently I am doing my LL.M. in public international law remotely at Utrecht University. During my studies in Munich I gained work experiences, both in law firms such as Freshfields or Beiten Burkhardt, as well as through an internship in a foundation in Bogotá. Cultural exchange, languages and the interaction of traditions and history of each country in the respective legal system, have always fascinated me. I am particularly interested in the question of how best to consolidate the principles of the rule of law. However, it is not only legal aspects that need to be considered, but also the interplay between politics, religion and society,

Equality –

One of the cornerstones of every society

Equality – one of the cornerstones of every society, yet its fulfilment remains difficult to achieve. Throughout the world women are fighting to be seen, respected, and treated as their male counterparts. The #MeToo movement raised new awareness towards the issue and shed light on the fact that national legislation as well as societies as such are not complying with the principle of equality. Therefore, the elaboration of women’s rights, their thorough implementation, and the education of society remains crucial, this was displayed during the pandemic. Although the movement limitations are aiming to condemn the number of infections caused by the Covid-19 virus, they simultaneously result in a dramatic increase in domestic violence around the world. Countries from all continents are affected. Most of these countries have ratified international treaties such as the Convention on the Elimination of all forms of Discrimination Against Women (hereafter CEDAW)¹, and are in principle obliged to implement the rights of the Convention into their national legal framework and moreover, to guarantee their protection by a functioning executive. So how can a pandemic lead to the fact that the functionality of these institutions must be questioned, as no effective protection is being assured to the women affected? Yet it is not the pandemic that is to blame for the rising number of women suffering from domestic abuse. Covid-19 has led to the exposure of already existing weaknesses within the legal framework and within society, that are in desperate need to be addressed properly.



Lebanon committed itself, as many other countries, to eliminate all forms of discrimination against women by ratifying the CEDAW. Yet its compliance with the obligations deriving from the treaty leave room for improvement.

To name an example: Lebanon ratified the CEDAW by entering a reservation regarding Art. 9 para 2 CEDAW, that guarantees “women equal rights with men with respect to the nationality of their children”². Therefore, it excluded the provision of granting women equal rights with men with respect to the nationality of their children, which is not in compliance with the object and purpose of the convention.

Why is it so difficult for countries to comply with the objectives of international treaties, despite their ratification? The national challenges Lebanon is facing to properly guarantee the right of women passing on their nationality, are far more complex than one would think at first sight. These challenges are primarily due to political, cultural, and religious constraints. It is easy to be guided by prejudices concerning gender equality in the Islamic region, instead of constructively analysing the challenges and providing support for their solution. The increase in domestic violence during the pandemic is the best example of how these prejudices are unfounded, as solutions must be found on a national level in countries all around the globe.

In order to get a better understanding on why the implementation processes of laws aiming to reach gender equality are so challenging, one must take a look at the development, the hurdles and the improvement of women's rights in Lebanon.

Therefore, it is important to take a glance at the following: The international legal framework, how it can be incorporated into the national legislation and why the implementation process remains to be difficult.

¹ CEDAW, 1249 U.N.T.S., p. 13

² CEDAW, 1249 U.N.T.S., p. 13, Art. 9 para 2



I. International Legal Framework and Lebanon's Contribution

The external circumstances out of which the first movements were born, had a huge impact on the status of women living in Lebanon. Despite being one of the smallest among Arab countries, Lebanon has made a name for itself as a cultural capital within the region – known as the Switzerland of the Middle East during the French mandate. Eighteen different religious denominations, as well as the imprints of the Ottoman Empire and the French mandate have led to an unusual diversity, that left its mark on the Lebanese society. Further, Lebanon played a pioneering role, contributing substantially to the preparation and formulation of the Universal Declaration of Human Rights (hereinafter UDHR) in 1948. The UDHR has become a fundamental instrument, enshrining the core human rights, which should be universally applicable to everyone and based on the principle, that “all human beings are all born free and equal in dignity and rights.”³ Lebanon was one of the initial signatories to the document. During the drafting process ambassador Charles Habib Malek, who was contributing to the work, pointed out: “Human rights must define the nature and essence of human beings. They must not be accidental. They certainly must not be changing with time and place.”⁴ Since then, the UDHR has been enshrined in the preamble of the Lebanese Constitution, making its principles constitutionally binding and even giving them precedence over the national legislation. After the enactment of the UDHR, nine international human rights treaties with their own monitoring bodies, one of which is the aforementioned CEDAW, were established to better protect the principles enshrined in the UDHR. Each of these treaties focuses on the insurance of one specific category of rights. Through ratification of these treaties and their monitoring bodies (anchored in the Optional Protocol of each treaty) by the member

“All human beings are all born free and equal in dignity and rights.”

states, the laws enshrined in the respective convention become binding and each state is obliged to implement the corresponding standards in their national legal framework. The percentage of the human rights treaties Lebanon has so far ratified is quite high, especially in comparison with its neighbouring countries, indicating Lebanon's willingness to comply with the conventions at the international level and at the same time to fulfil its obligations at the national level.

³ Art. 1 UDHR

⁴ Joint Press Statement 70th anniversary of the Universal Declaration for Human Rights, (10.12.2018) https://www.un.org.lb/library/assets/ER_UNSCOL-OHCHR%20joint%20Press%20Statement%2070th%20anniversary%20of%20UDHR-033952.pdf (viewed: 16.12.2020 14:25)



II. Women's Movement in Lebanon

It is within the historical, political, and legal background that the Lebanese women's rights movement emerged. It can be traced back to the mid-nineteenth century with the rise of the Arab liberalism, known as النهضة (Al Nahda) – Renaissance. “The pioneers of the Nahda regarded women's inferior status as the basic cause for the backwardness of the Arab and Islamic societies and were unanimous in affirming that there will be no renaissance for Arabs and Muslims without the renaissance of Arab women.” The movement was led by educated elite men and a minority of women with the focus on women's education, so then in turn women would be able to better educate their children. The demand to enforce access to education for women was posed while a wave of female journalists emerged. Their demands were partly fulfilled by making education accessible for girls of the upper classes, mainly coming from the Christian community. These women began to establish their organizations and publish their articles and activities in their newspapers. Therefore, the 1920ies were marked by a wave of uprising organizations and magazines, formed, and released by women. Among them: Minerva (1917) founded by Marie Yenni, Fata al-Watan (1919) founded by Mariam A'Zammar, Al-Fajr (1919) founded by Najla' Abi Al-Lama'.⁶ These organisations led by women were focused on promoting to grant increased access to education, health, services, and professional training to other women. At the same time women fought alongside men to liberate Lebanon from the Ottoman Empire. These efforts slightly opened doors for women to start making greater demands concerning the insurance of equal civil and political rights. Despite incorporating equal civil and political rights for *all* Lebanese citizens in the constitution of 1926 by the French mandate authorities in agreement with the Lebanese authorities, the election law did not give women the right to vote. Which in turn resulted in new movements led by women's rights activists.

Unfortunately, this movement was soon eclipsed again as other priorities came to the fore: Lebanon's independence from the French mandate. Due to external circumstances, women and men joined forces once again to fight together for the independence of their country. After this goal was achieved in 1943, it was difficult to pick up where the previous battle for equal rights had left off. Despite not needing any kind of justification for their demands, women reasoned their claim for equal civil and political rights with the fact that they have been fighting alongside men for the independence of their country and are therefore entitled to be granted the same rights. Due to the new political system in place, which was and is until now, characterised by confessional structures, equal rights for women regarding the right to vote and the right to participate in political elections was not implemented. This in turn led to a new wave of feminist movements joining forces to stand up for their rights. However, these emerging organisations were divided according to their religious denomination. Thus, two main groups were formed: a Muslim one, and a Christian one. The fruits of the movement were first and foremost the establishment of the Lebanese Council of Women (hereafter LCW) in 1952, which acted as an umbrella organisation, for various smaller ones. Rather than encouraging women's organisations to set their own agendas, the LCW was influenced by the political establishment in power. It was thus organised similarly to the Lebanese government in place, alternating leadership's affiliation between Christians and Muslims. The main issue of the work of the organisations defending and demanding equal rights, was that they were led by an elite. This elite had no interest in defending women belonging to lower economic background and therefore the LCW's work was mainly focused on preserving their status quo instead of addressing social problems in a constructive manner. Finally, women were granted the right to

vote and to participate in elections in 1953, although female representation in parliament was not achieved until 1990, with only one exception in 1963.

After the civil war found an end in 1990, women's movements experienced a shift regarding their main cause of work. Focusing more on positive discrimination, gender-based violence, as well as full citizenship. With the ratification of the CEDAW and the accompanying obligations the National Commission for Lebanese Women – NCLW was created in 1996, which two years later became a national institution by Law. Together with civil society actors focused on equal rights, the NCLW was able to implement two strategies, both aiming to achieve full equality between men and women in all legislation.

Due to the previous institutionalisation of feminist NGOs, the government had some influence on the structure as well as the content of their work. With the increasing number of international NGOs specialising in women's empowerment, political influence on their agendas became increasingly difficult. At the same time providing the independence of their work, as well as achieving and implementing their objectives.⁷

⁶ Aida Al-Jawhari, Ramziyat al-hijab mafahim wa dalalat (The symbolism of the veil, concepts and significations), Center for Arab unity studies 2007

⁷ Mona Chemali Khalaf, Women's rights in the middle east and north Africa – progress amid resistance Lebanon, 2010, p. 2



III. Main Challenges of Reaching Gender Equality

The current challenges that need to be overcome in order to achieve equality are composed of two aspects: Firstly, the challenges concerning the legal framework, as well as their implementation through the jurisprudence by judges. Secondly, the obstacles coming from the society itself, due to cultural constraints and traditions.

Despite Lebanon’s high ratification rate concerning international conventions such as the CEDAW, its compliance within the national legal framework leaves room for improvement. Therefore, women cannot grant nationalities to their children, when married to a foreign husband, Dr. Kholoud Khatib, professor for international and humanitarian law at the Lebanese University and Co-founder of LOUDER (Lebanese Organisation for Unity and Defending Equal Rights), explained. Until now there is no existent quota for women representation on a political level, that would allow them to take part and contribute to decision making policies, she continued. Further, there is no supportive environment that would help women be able to follow their own career, while having a family. Until today, there is still a difference in sanctions regarding crimes such as adultery depending on the gender, Dr. Khatib explained. Meaning, that the men’s sanction is up to one year, whereas women can be incarcerated for up to two years. Moreover, the man solely faces a penalty if he conducts adultery at home, while for the woman it is sufficient to be unfaithful regardless of the place, to have to bear the consequences, Dr. Khatib pointed out.

Apart from the existing inequality within the laws, the fact that there is no unified legal framework concerning family law adds further challenges. The variety of eighteen different religious denominations in Lebanon not only coined the political system but left its mark on the legal framework in place. Due to that, it is

currently nearly impossible to achieve an uniform legal framework ensuring gender equality that would be in compliance with the international conventions in place. Each of the eighteen denomination has its own family law, regulating among others custody, inheritance, and marriage. This in turn leads, inter alia, to the fact that there is no existing regulation for a minimum age of marriage and thus child marriage continues to be permissible, Dr. Kholoud Khatib continued. But the main challenge lies not only within the laws. If every religious denomination has its family law based on its own interpretation of religious texts such as the *Bible* and the *Quran*, how can a unified interpretation of these texts be guaranteed? Especially as the judges do not have to undergo any training to learn how to apply the religious sources to real life cases, she explained further. A unified interpretation of the laws would be essential to ensure legal certainty within the jurisdiction of each religious denomination. Furthermore, judges need to incorporate international standards when issuing their verdict, to ensure principles of equality and justice.

Beyond legal difficulties, culture and customs pose challenges in the struggle to achieve gender equality. Culture and custom cannot be changed through the law. Their change must come from within society and it must go hand in hand with the amendments of the legal framework in order to be able to guarantee its implementation. Therefore, women and men need to change their perspective towards the status quo of women. To achieve that, awareness needs to be raised.

The Lebanese community is a vibrant community, Dr. Khatib pointed out. Although Beirut is already home to many independent, emancipated women, working mothers and human rights activists, consciousness must be raised towards the present unequal, discriminatory treatment of women. Therefore, it is crucial to reach women everywhere in Lebanon regardless of their background as well as including men in the process of raising awareness, she elaborated. Integrating equal gender roles into the academic curriculum, plays thereby an important role. This way children – girls and boys – will be detached from a determined allocation of gender roles, starting from an early age on. It would be a holistic approach to tackle cultural constraints, passed on unconsciously throughout generations.



IV. Recent Approaches to Raise Awareness within Society



Despite the existing challenges, improvement in the battle against gender inequality can be seen. “I believe change comes gradually. We used to have no women in leadership positions, but fortunately today a slight progress can be seen”, Dr. Khatib stated. Thereby it does not matter whether these women had connections, due to their family background, in order to get to this position. Especially as most men profit from their contacts as well. Important is, that these women open the door for others and simultaneously pave the way for women empowerment. Improvement can be seen in the representation of women as candidates for municipality or parliamentary elections. At the same time there is a relevant increase of women working among other sectors in media, political analysis, as well as women leading political parties, Dr. Khatib continued.

Furthermore, the number of NGOs raising awareness concerning gender inequality, domestic violence and domestic abuse has increased rapidly. Through several campaigns, such as the “16 days of activism against gender-based violence” campaign, light is shed towards the issue. So does the application “Min Haqqiha – Its her right”, which follows the objective to raise awareness about the legal framework in place, while also explaining women’s basic rights and fundamental freedoms in an understandable manner. The idea behind the application, elaborated by LOUDER in collaboration with FNF – Lebanon and Syria, arose during the first lockdown caused by the COVID-19 crisis. As pointed out above, the issue of domestic violence and domestic abuse increased drastically during the pandemic. Due to curfew and movement restrictions, new methods



had to be found to be able to reach respective target groups. By providing a general overview about gender equality in an easy non sophisticated manner, the application tries to reach out to everyone – men and women – talking about the needs of solidarity towards everyone who encountered domestic violence, while following a holistic approach.

Lastly,

It can be said that in order to achieve gender equality in the future through the compliance with the international legal framework, one needs to believe in it. It is crucial to get the society to properly believe in gender equality, by giving society an image of women who are strong, independent, supportive, emancipated, that are succeeding making a change in the world.



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