

National Situation Analysis Report:

Women's Human Rights and Gender Equality

Lebanon

*Enhancing Equality between Men and Women
in the Euromed region (2008-2011)
Programme financed by the European Union*



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*"This report has been drafted by independent experts.
It does not necessarily reflect the views of the European Union."*

Table of Contents

List of Acronyms	6
1. Executive Summary	7
2. Introduction and Objectives	11
2.1. Programme Context	11
2.2. Objectives of the situation analysis and expected results	12
3. Methodology	13
4. National Context	15
5. Legal framework and national context: Women’s human rights and equality	18
5.1. The national legal framework	18
5.1.1. The Family Codes and the religious communities	18
5.1.2. The Civil Code on Inheritance	19
5.1.3. The Nationality Code	20
5.1.4. The Labour Code	22
5.1.5. Challenges and approaches to enhancing equality from a legal point of view.	22
• <i>The restrictive interpretation of the concept of citizen.</i>	22
• <i>Discrimination in communities</i>	23
• <i>Rights of women immigrants</i>	23
• <i>Proposals for legislative reforms.</i>	24
5.2. Participation of women in decision-making: private sphere and public sphere.	25
5.2.1. Women’s participation in politics	25
• <i>The under-representation of woman and the debate on quotas</i>	25
• <i>Lebanese political culture and the elites</i>	26
• <i>The electoral system</i>	27
5.2.2. Women’s participation in the labour market	28
• <i>Employment in the public and private sectors</i>	28
• <i>Education</i>	29

6. International reference framework.	30
6.1. The international legal framework: the CEDAW	30
6.1.1. Reservations to the CEDAW.	30
6.1.2. CEDAW reports	30
7. National initiatives: Public policies and strategies for women’s human rights and equality.	33
7.1. The National Lebanese women’s committee	33
7.2. The State’s initiatives to enhance women’s rights and equality	35
• <i>The political will</i>	35
• <i>Political participation</i>	35
• <i>Legal reforms</i>	36
• <i>Other institutional initiatives</i>	36
7.3. Strategies and actions for combating gender violence	36
7.3.1. Awareness of public authorities and the role of NGOs	36
7.3.2. The bill incriminating violence against women.	37
7.3.3. Honour crimes	39
7.3.4. Women in conflict zones.	39
7.3.5. Public awareness on the impact of gender-based violence	40
7.4. The following up and implementation of the Istanbul ministerial conclusions	41
8. Results analysis and priorities for future action	43
8.1. Main results of the situation analysis	43
8.1.1. Progress: enhancement of women’s human rights and equality.	43
8.1.2. Challenges and limits	44
• <i>The Istanbul process</i>	44
• <i>Coordination of actions</i>	44
• <i>Institutional weaknesses</i>	44
• <i>The political agenda</i>	45
• <i>Financial resources</i>	45
8.2. Priorities for future action	46
8.2.1. Development of institutional capacities	46
8.2.2. Development of strategic planning	47
8.2.3. The networking of actions: women’s participation in politics and the fight against violence	47

8.2.4. The Nationality Code and the Civil Code on Personal Status	47
8.2.5. Cultural resistance	48
9. Bibliography	49

List of Acronyms

ALVF	Lebanese Association for Combating Violence Against Women
AWO	Arab Women’s Organisation
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
DGGS	Directorate-General for General security
DGSI	General Directorate for Internal Security
DRE	Foreign Residents Department at the Ministry of Labour
EU	European Union
GBV	Gender-based violence
ILO	International Labour Organisation
KAFA	Arab neologism meaning “That’s enough”
LCW	Lebanese Council of Women
MFA	Ministry of Foreign Affairs
MOSA	Ministry of Social Affairs
NCLW	National Commission for Lebanese Women
OMSAR	Office of the Ministry of State for Administrative Reform
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
UNRWA	United Nations Relief and Work Agency for the Palestinian Refugees in the Near East
VAW	Violence against women
WEPASS	Women Empowerment: Peaceful Action for Security and Stability

1. Executive Summary

The programme “Enhancing Equality between Men & Women in the Euromed Region” referred to as the Euromed Gender Equality Programme (EGEP) is of three years duration (15 May 2008 – 15 May 2011); it is funded through the European Neighbourhood and Partnership Instrument (ENPI) and is implemented in the nine countries of the southern part of the EU neighbouring area: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory (OPT), Syria and Tunisia.

The regional programme has three main purposes:

- Purpose 1: Support and reinforce current dynamics that favour both *de jure* and *de facto* gender equality and that provide support to the promotion of women’s rights in the region;
- Purpose 2: Improve understanding and knowledge of the various forms of violence against women;
- Purpose 3: Ensure that the Istanbul ministerial conclusions on “Strengthening the role of women in society” are being followed up.

The present report is implemented under Purpose 1 of the EGEP programme. With a view to supporting current dynamics and strengthening the capacity of qualified actors in order to promote equality between men and women, situation analyses have been conducted in eight partner countries (Algeria, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia). The process has been twofold: the drafting by a national expert of a situation analysis report and the presentation, debating and validation of the findings of the situation analysis report during a national multi-stakeholder validation workshop.

The **overall objective** of the national report is to conduct a situation analysis of women’s human rights and gender equality, with an emphasis on legal reforms, participation in decision making in public and private life and violence against women. The **specific objective** of this report is to provide an inventory of national efforts towards the realization of women’s human rights. The analysis is conducted with constant reference to the CEDAW and the Istanbul Ministerial Conclusions and highlights the common principles of the two instruments as applied to the national context.

The **methodology** adopted to conduct the situation analysis is based on an examination of primary and secondary sources and on assessment interviews with stakeholders.

Main findings: efforts made and actions taken

The partnership established between the government and NGOs since 1993, has brought Lebanon into the dynamics of legal reforms and international actions promoting women's rights. Its participation in the Peking Conference, the drawing up of a report on the situation of women in Lebanon, undertaken for the first time in 20 years, the ratification of the CEDAW in 1996, the many Arab and Euromed regional meetings and the synergies they have created, all these elements have succeeded in gathering wide social forces on the gender issue. In their wake, it became increasingly urgent to set up a national reference body for issues concerning progress in the situation of women.

The National Commission for Lebanese Women (NCLW) was set up in 1998. However, it took more than ten years to succeed in having its budget incorporated in the Provisional State Budget (the first one in 2009). This recent event had the immediate effect of setting this institution, created by a law, just like any ministry, on a more solid base as a public institution charged with a nationwide mission.

Since the ratification of the CEDAW (1996), a moderate change in mentality and increase in the deployment of the "gender" agenda in the associative life has been observed. It is evident that gender issues have worked their way into the public context, via the media. Public opinion has become more familiar with debates on equality, on combating all forms of discrimination.

As far as combating violence against women is concerned, national efforts were first of all efforts of non-governmental organisations. Gradually, awareness of the issue has developed in the public administrations. Over the last few years, actions have focused on the identification of acts of violence. Awareness-raising programmes have been set up, aimed at the security and safety professions in general and actions have been carried out in educational institutions. However, no specific legal provision has been introduced that penalises sexual harassment, and domestic violence continues to go unobserved and unsanctioned.

Main findings: restrictions and limits

In reality, the situation of Lebanese women has always been highly two-edged: on the one hand, a wide emancipation of women, schooling on a footing with men, active participation in the various fields of social, economic and cultural life and on the other hand, a great discrimination in the family codes and a striking backwardness in political participation.

Articles 9 and 10 of the Constitution provide for the autonomy of religious groups in managing the personal status of their congregations and have thus put provisions on the family code into the hands of each religious community. Lebanese women are thus subject to different family codes depending on which religion and denomination they belong to. In all these different community codes women are discriminated against in terms of rights and obligations, although this discrimination differs from one community to another. In general, these codes concern the rights and obligations of the two spouses, conditions of marriage, divorce, protection and succession of citizens belonging to Moslem communities. These different discriminations are based on a conservative conception of roles in the family and more broadly, of social roles. The same goes for the attribution of nationality, which is based on a patriarchal legacy.

In the public sphere, over 50 years have passed since the law of 1953, which recognised equal rights for men and women in elections, voting and candidacy. However, women's rate of participation in political life is still very low, including in candidacy.

The analysis of the situation of women in Lebanon has highlighted problems in both form and substance. Firstly, many legal, social and cultural challenges remain. Secondly, the status report points to the failure of the public institutions concerned, the scattering of actions and the personalisation of power in the non-governmental organisations and associations. These limitations lead to a lack of coordination between actors and actions implemented and even a certain incoherence. While certain organisations are mobilising a great deal of resources to claim women's right to bestow nationality on their husband and children born of marriage with a foreigner, they seem to be underplaying the fact that the conditions of the marriage itself are unfair as there is an inequality of rights between the two spouses. This split is partly the result of the Lebanese consociative system and of the existence of different communities and loyalties.

National priorities and perspectives for future action

This inventory highlights three aspects that require particular attention in the context of an intervention or support strategy. These are:

- The development of the **institutional capacities** of the Lebanese parties concerned, in both the public and associative sector;

- The development of **strategic considerations** to which the public institutions concerned and the Lebanese non-governmental organisations and associations should adhere, with the technical support of bilateral and multilateral agencies. This mainly involves promoting the setting up of mechanisms constantly to renew the national strategy for Lebanese Women through a participative approach;
- The development of a network of actions promoting the active participation of women in **decision-making** in public life and a network of pressure groups **combating violence against women**.

The interviews conducted for this report also shed light on the need for action concerning the woman's right to give her **nationality** to her children born of a marriage with a foreigner, and the revision on the legislation governing **personal status**.

2. Introduction and Objectives

2.1. Programme Context

The regional programme “Enhancing Equality between Men and Women in the Euromed Region” (EGEP) has been implemented within the framework of the Istanbul Ministerial Conclusions on “Strengthening the Role of Women in Society” and is of three years duration (May 2008-May 2011). It is funded through the European Neighbourhood and Partnership Instrument (ENPI) of the European Union (EU). The programme is implemented in the nine countries of the southern part of the EU neighbouring area: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territories, Syria and Tunisia.

The overall objective of the programme is to enhance equality between men and women by building on the capacity of key actors, particularly State actors, and by supporting existing positive trends and dynamics relative to women’s role in decision-making in the public as well as in the private sphere, and also to provide a follow-up for the Istanbul Ministerial Conclusions.

The programme is based on three main purposes:

- Purpose 1: Support and reinforce current dynamics that favour both *de jure* and *de facto* gender equality and that provide support to the promotion of women’s rights in the region;
- Purpose 2: Improve understanding and knowledge of the various forms of violence against women;
- Purpose 3: Ensure that the Istanbul Ministerial Conclusions on “Strengthening the role of women in society” are being followed up.

With a view to supporting current dynamics and strengthening the capacity of qualified actors in order to promote equality between men and women, Situation Analyses have been conducted in eight partner countries (Algeria, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia). The process has been twofold: the drafting by a national expert of a Situation Analysis Report and the presentation, debating and validation of the findings of the Situation Analysis Report during a national multi-stakeholder validation workshop.

2.2. Objectives of the situation analysis and expected results

The **overall objective** of the national report is to conduct a situation analysis of women’s human rights and gender equality, with an emphasis on legal reforms, participation in decision making in public and private life, and violence against women.

This report also sets as **specific objectives** the identification of the main issues, obstacles, opportunities and challenges regarding women’s participation in decision-making in public and private sectors, and the eradication of gender-based violence in the light of the CEDAW and the Conclusions of the Istanbul Ministerial Conference (2006). This analysis will also produce a status report on legislation, strategies, social and political dynamics and mechanisms relating to the implementation of the CEDAW, especially in the light of the recommendations of the International Committee following up the application of the CEDAW.

In this context, the report highlights the evolution of the awareness of the issues and the gradual commitment to implementing the various Conclusions and recommendations, whether in civil society, NGOs or at State level. It also details the difficulties encountered in implementing the CEDAW and Istanbul Ministerial Conclusions.

3. Methodology

The **overall methodology** adopted to conduct the situation analysis is based on a desk review of secondary sources and on conducting rapid assessment interviews with stakeholders as primary sources. The analysis of the findings of both the review and the rapid assessment is embedded in the frameworks of the CEDAW and the Istanbul Ministerial Conclusions.

The situation analysis does not intend to prepare new assessments but rather to draw up a status report and compile existing information to allow government actors, civil society organisations and other regional and international partners to ensure consistency and reinforce synergies of actions and interventions. Interviews were conducted with a representative sample of stakeholders to assess actions and issues in the promotion of women's human rights at national level.

In the final stages of the situation analysis process, a national validation workshop was organised (19 August 2009) to allow all stakeholders to debate and validate the findings of the situation analysis and to agree on a set of national priorities. The planning and organizing of the workshop was conducted in close collaboration with the National Women's Machinery to ensure appropriation and commitment at the national level. The workshops brought together representatives of the National Women's Machineries, line Ministries, members of the Parliament, researchers, civil society and women's organisations, journalists and representatives of funding agencies. The findings of the report were debated and validated with all participants to build a consensus on the findings, priorities and perspectives for future action.

The findings of the national situation analysis and the national priorities, as validated by the national workshops, were presented and debated at the regional roundtable organised in Brussels on 15-17 March 2010. The roundtable brought together representatives from southern and northern Mediterranean countries with the objective to share, discuss and finalize the national situation analysis reports and the regional compilation report produced on the basis of the national reports.

The **specific methodology** is based on information gathered from the analysis of several categories of documents: the national survey on the living conditions of households of 2008, the qualitative survey conducted for this paper on 21 persons in charge of public institutions and civil organisations, the statistics bulletins of the Pedagogical Development and Research Centre (CRDP), Lebanese national and parallel reports on international women's conferences (Beijing, Beijing +5, Beijing +10 and Beijing +15), as well as the national and parallel reports submitted to the CEDAW International Follow-up Committee.

Furthermore, the situation analysis draws on notions developed in general works on the consociative political system, on the historical formation of Lebanon, on the concepts of patriarchy and patrimonialism, and on the social roles of women and men.

In order to analyse more deeply current dynamics, the archives of certain of the institutions and NGOs concerned were consulted. Finally, this study has taken into account the exchanges that took place during its validation seminar, held by the NCLW on 17 August 2009. The conclusions and recommendations of the working groups held during this seminar have provided additional information, which has been incorporated in this report.

4. National Context

History and political structure

The State of Grand Liban was proclaimed on 1 September 1920, adopting a republican regime and a parliamentary democracy on its first Constitution, declared in 1926. The Republic of Lebanon has been independent since 22 November 1943. It is a founder member of the Arab League and of the United Nations Organisation.

Lebanon has a surface area of 10,452 km² and an estimated population of approximately 5 million. Being a country with a high emigration rate, the dominant ideology still holds to the idea of the two facets of Lebanon: “the resident facet and the emigrant facet”.

The political system adopted by Lebanon is that of a “consociative” democracy, i.e. the political system that deliberately seeks to include the different groups that form it in the political process.

Lebanese consociative democracy is based on 4 principles:

- The national coalition government;
- Proportional representation by quotas of the segments making up the country’s society;
- The right of veto;
- The autonomy of groups or segments in certain fields. Indeed, consociative democracy is based on the assertion that the national collective is composite or even plural, i.e. that it is composed of segments or groups that differ from one another and that have peculiarities that derogate from the Nation-State model and from the national cohesion that underlies it.

The consociative political system has the peculiarity of not being based solely on the Constitution, but also on Pacts and Diets. For Lebanon, the Pact of 1943 accompanying its independence, specified power-sharing rules based on 6 seats for Christians against 5 seats for Moslems. In 1989, the Taef Agreement, a national consensus agreement which put an end to the hostilities that had been raging since 1975, modified the basis for power sharing and introduced the rule of parity between Christians and Moslems and that of the proportional representation of each religious community.

Lebanese political life has always been characterised by competition between political formations of various ideological obediences, this competition encouraged by the system’s liberalism, itself consolidated by the deep-rootedness of a liberal economy and of a cultural

diversity owing to the multi-community fabric of Lebanese society. However, this political competition has often been hijacked by confrontations of a denominational and sectarian nature.

Furthermore, political life in Lebanon remains exposed to the impact of the regional and international struggles for influence that have accompanied the Arab-Israeli conflict since the war of 1948. It has been particularly affected by the massive presence of Palestinian refugees living in 13 camps surrounding several Lebanese towns as well as the capital Beirut. This partly explains the explosion of violence and the military confrontations that have occurred especially since 1975 between certain Lebanese political formations and the Palestinian Feyadin. It also explains the rising tension in Lebanon parallel to the violence in the Occupied Palestinian Territories and the difficulties that are arising in the Middle-East peace process in general. This explains why Lebanon has been shaken by several confrontations with Israel over the last thirty years, including the occupations of 1978, 1982 and the wars of 1996 and 2006.

We should also note the entry of Syrian troops into Lebanon from 5 June 1976, who controlled the military and political situation of the country up to 27 April 2005, the date of their withdrawal, which followed the series of political assassinations and acts of terrorism that began to shake Lebanon in October 2004.

These many conflicts, occupations and confrontations have made for an exceptional political situation in Lebanon for several decades and have had the effect of hiding many social problems and fundamental rights – including women's rights – by always making the issues of national sovereignty, liberation and national defence the priorities.

Human development and the gender gap

In the Human Development Index (UNDP 2005), Lebanon is classified in 81st place in the world ranking with an average level of human development. It is 8th out of the Arab countries. The average life expectancy is 72 years (74.2 years for women and 69.8 years for men).

The national survey on the living conditions of households of 2008 evidences an imbalance between the sexes in the bands of the age pyramid that refer to the active population (i.e. between 25 and 65 years but especially between 25 and 34 years), in which men are less numerous due to emigration, which is mainly masculine. The survey evidences a high average marriage age for both men and women: 28.9 years for women and 32.7 years for men (2007). It also points to a fall in the birth rate as children between 0 to 4 years and 5 to 9 years are estimated at 6.9% and 8.3% respectively, while children between 10 - 14 and 15 - 19 years are estimated at 9.4% and 9.7% respectively.

In economic life, 21.1% of women were active as against 67% of men in 2007. There has been a slight increase, as the rate in 2004 was 20.4. But there are variations in the economic activity rate for women according to age bracket. The highest rate is 42.6% in the 25-29 years age bracket in 2007, while in 2004 it was 37.3%. The economic activity rate for women also varies from region to region. It peaks in Beirut with 32.2% and falls in the regions and particularly in the periphery.

The average unemployment rate is 10.2% for women and 8.8% for men. It is 11.1% for graduates (11.4% for women as against 10.9% for men). The highest unemployment rate is in the indeterminate education level category (23.5% of unemployed persons). Women account for 70.5% of this category.

Women's health indicators show clear progress. In 96% of births the mother received medical care and 100% of births are performed under medical supervision. But for medical care provided to mothers after the birth, the figure falls to 52% of cases.

5. Legal framework and national context: Women's human rights and equality

5.1. The national legal framework

In reality, if under the Lebanese Constitution adopted on 23 May 1926, all Lebanese people are equal before the law, in rights as in obligations, this is not the case in day-to-day reality. In a liberal, open and sharply contrasting social context, the Lebanese woman seems to be emancipated and able to progress easily in social and professional life, but on the other hand, she has been and continues to be a victim of discrimination in various situations and in various spheres.

In its 1926 Constitution, Lebanon declared the equality of its citizens before the law, as well as their democratic freedoms. Freedom of association has been firmly set in Lebanese tradition since the 1909 law, while Lebanon was still attached to the Ottoman Empire. This law has allowed hundreds or even thousands of non-governmental organisations and associations to develop. Similarly, political parties and political organisations of all obediences have seen the light and have developed in a climate of relative freedom in Lebanon.

Furthermore, articles 9 and 10 of the 1926 Constitution, granted the freedom to religious denominations to practice their faith, to worship in their own way, to open their schools subject to respect for public order and to manage the personal status of their congregations. However, this last issue directly concerns the Lebanese Woman as it concerns the family code (marriage, divorce, guardianship, filiation) and inheritance rights for Moslem communities.

5.1.1. The Family Codes and the religious communities

Indeed, articles 9 and 10 of the Constitution provide for the autonomy of religious denominations in the management of the **personal status** of their congregations and have therefore put provisions relating to the family code into the hands of religious communities.

Thus the Lebanese woman is subject to different family codes depending on which religion and denomination she belongs to. In these different community codes, women are discriminated against in their rights and obligations concerning their family connections and relationships.

Furthermore, this discrimination differs from one community to another. It governs the rights and obligations of the two spouses in relation to marriage, divorce, guardianship and inheritance for citizens belonging to Moslem communities.

These different discriminations are based on a conservative conception of roles in the family and more broadly to the gender social roles. This conception is reinforced by the family codes in both the Christian and the Moslem communities. In both cases **guardianship** of the children falls to the father and he alone is considered to have charge of them. This is the reason why in bank operations, a woman cannot open an account in the name of her children in Lebanon, if they are still minors. Today, the modification of this measure, which requires nothing more than a circular from the Banks Association, is facing strong resistance on the grounds that it contravenes the principal of paternal guardianship of children who are minors.

Today, Lebanese women are all discriminated against in the family codes. But this discrimination varies in degree according to the religion and denomination to which they belong. Feminist non-governmental organisations have focused their claims and actions strategies on the need to improve women's rights in the various community codes, i.e. on the need to introduce a common civil code for all Lebanese citizens, which would provide for equal rights of the two spouses in the family.

An optional draft civil code for marriage was submitted to the Council of Ministers in 1998, having been approved by the President of the Republic. It received 21 votes in favour out of 30 but was nevertheless not sent on to the Chamber of Deputies due to the street protests it triggered, with the backing of certain religious leaders, both Christian and Moslem.

Indeed, conservative pressure has resisted the demand for equality, explaining the several aborted attempts to implement a civil code for personal status that would grant equal rights and obligations to the two spouses in the family.

5.1.2. The Civil Code on Inheritance

The Civil Code on Inheritance, introduced in 1959, was accepted only by the Christian communities, who don't have a religious code of inheritance. Moslem religious leaders were opposed to this civil code of inheritance and when it was ratified they demanded that Moslem citizens be excluded from it. This is what happened and this code was called "the civil code on inheritance for non-Moslems".

At this stage, we note a clear difference between the conditions of inheritance provided in the Civil Code on Inheritance (1959) applied to non-Moslems and the conditions of inheritance in Moslem communities. Then, there are differences among the Moslem communities themselves. For example, in Sunni community law, in the absence of a direct male inheritor,

direct female inheritors have no access to any inheritance. This is shared between the inheritor's paternal uncles. This is not the case in the Shiite Moslem community, where women have access to all their inheritance when they are direct inheritors. This goes back to a difference in interpretation of the Koran itself, which speaks of the "Walad" (boy or child). For the Sunnis, "Walad" is interpreted as referring to boys only, for Shiites it refers to both boys and girls.

Furthermore, the verse of the Koran that explicitly provides that a man inherits twice as much as a woman is also subject to more than one interpretation. A first literal interpretation, which holds strictly to the text and contravenes the principle of equal inheritance rights, deprives women of an opportunity equal to that of men to benefit from their family assets and their enrichment. This reason alone has structuring effects on the balance of social forces and in particular on the connection men and women have with resources and therefore with power.

A structural reading of this same verse is based on the assumption of the equity of the Koranic text. It notices that men's rights are considered to be double those of women in the specific context of the distribution of family responsibilities and rights. Now, in the Koran, all family responsibilities fall to the man. We conclude that unequal responsibilities are associated with unequal rights and the corollary to this assumption would be that: equal responsibilities are associated with equal rights. Of course, it is a question of balance of power between men and women and not just of formal logic.

For the sociological interpretation, unequal attribution of inheritance rights is based on the principle of exogamy as applied by tribes. As tribes are in permanent competition, giving equal shares to the women called upon to marry men outside their tribe would have the effect of reducing the assets of their tribes of origin, and would therefore lead to the weakening of those tribes.

In the field of inheritance, resistance from the community is very strong. The only observable cases of deviance are those of Sunni men, who, having no direct male heir among their children, convert to Shiism just in time to ensure that their direct female inheritors have access to their entire estate. A great number of political figures have opted for this conversion. Rather than accept the application of a flexible case law to satisfy their aspirations, they prefer suddenly to change their religion rather than seeking to amend a text or instance of case law to guarantee equality for their children.

5.1.3. The Nationality Code

Similarly, and in confirmation of the currently accepted idea that children belong to the father, the nationality code authorises the man alone to grant Lebanese nationality to his spouse after one year of marriage, whatever her country of origin, and to children of his born of a

marriage with a foreigner. On the other hand, the Lebanese woman cannot grant nationality to children of hers born of a foreign father.

The nationality issue is a highly emotive one in Lebanon. Its detractors invoke fear of the settlement of Palestinian refugees in Lebanon, present since 1949 under the supervision of the UNRWA. But another reason has been discretely put forward, concerning the fear of the growing demographic imbalance between Christians and Moslems. This fear is based on the apprehension that polygamous marriages could be contracted with Lebanese women and that this situation could put the woman herself at risk, since a foreigner could marry her according to the community code, have children with her, and then turn his back and leave. No law would exist to allow him to be pursued beyond Lebanon's borders to force him to assume his marital or parental responsibilities.

Furthermore, claiming rights under civil law while being subject to community law creates great ambiguity. Paradoxically, if the Lebanese woman was able to bestow nationality on her children, she would still not be able to open a bank account for them. The campaign launched to have the woman's right to bestow nationality on children of hers, born of marriage with a foreigner, has also been criticised for being eclectic, i.e. seeking the lifting of the reservation in article 9, clause 2 of the CEDAW and closing its eyes to the reservation in article 16 of the same Convention but regarding equal rights in the marriage.

Now, article 9, clause 2 of the CEDAW provides that the State grants women equal rights to those of men with regard to bestowal of nationality on children. This is where the discrimination really lies, since in Lebanon the nationality code is based on *jus sanguinis* and not on *jus soli*, but in a limited way, since the blood tie is recognised for the father only. The nationality code grants the man the right, without reservation, to bestow his nationality not only on his children but also on his wife, after one year of marriage and whatever her nationality of origin.

How is it that this right recognised for men has not given rise to a reservation due to the risk of settlement by Palestinians or of demographic imbalance, while these reasons are invoked in order to exclude Lebanese women from this right?

In this regard, a so-called intermediary bill was drawn up by the Home Affairs minister to except marriages with Palestinians. But it was rejected by the President of the council who saw it as just another discriminatory measure. The best thing would be for the National Lebanese Women's Committee to take the initiative to bring the various projects and campaigners together around the table, with the agenda being to propose a revision of the nationality code, to include specific conditions for the bestowal of nationality both for men and women, and that nationality not be granted automatically and unconditionally under any circumstances. These conditions could re-establish equality between men and women

and protect Lebanese women from the possible ill consequences of marrying a foreigner under a community code.

5.1.4. The Labour Code

In the labour code, the interpretation of provisions was mainly restrictive, given that the notion of employee has for a long time been considered to refer to men only. Women were therefore excluded from provisions relating to the social security of the employee and employee's family.

In 1998 a ruling of the tribunal recognised the equality of employees, male and female, vis-à-vis the right to social security benefit. But today, this provision continues to be applied discretionally in many companies. Thus, the conditions for benefiting from family allowances and retirement pensions continue to be subject to discrimination between male and female employees, even though the labour code has been revised.

A revision of the labour code adopted by the Chamber on 26 May 2000 "forbade the employer from discriminating between men and women employees in terms of type of job, salary, employment, promotion, professional aptitude and dress". This revision also provides for 7 weeks' maternity leave on a full salary, and for the fact that notices of dismissal cannot be given to:

- Pregnant women;
- Women on maternity leave;
- Any employee on ordinary leave or on sick leave.

5.1.5. Challenges and approaches to enhancing equality from a legal point of view

The restrictive interpretation of the concept of citizen

Among the challenges to and limitations on equality at a legal level, we note the restrictive interpretation of the concept of citizen as set out in the Constitution and in several applicable codes and laws: labour code, family code(s), criminal code, tax laws, among others. The recommendation of the International Commission following up the International Convention on the elimination of all forms of discrimination against women (CEDAW) demands that men and women be mentioned or that the CEDAW be referred to as an internationally ratified convention in the preamble to the Constitution. This recommendation would strengthen the efficacy of the CEDAW as it would enable judges to refer to it in their rulings. Obviously the critical problem of the reservations against certain provisions of the CEDAW remains

and steps must be taken to lift these quickly. The question of the unified family code, which would include marriage, divorce, sharing of property, sharing of responsibilities, inheritance, is considered crucial but appears to be approached from two different angles.

The community angle: Christian women are greater in number and are demanding the introduction of a civil code. But they are not unanimous in demanding it. On the other hand, Moslem women are lesser in number and more discreet about making this demand. Rather they attack certain provisions of community laws regarding personal status and demand their amendment.

The ideological angle: right/left, because many left-wing Moslem women have secular demands.

Discrimination in communities

Women are also victims of many forms of discrimination within community regimes. Their situation ought to unite them against the various discriminatory regimes. But this is not the case. Women seem to be separated or even divided by the stakes of the power struggle between communities even though they have no power within their own respective groups. We see, for example, quite influential feminist NGOs limiting their claims to just the issue of women bestowing nationality on children of theirs born of a foreign father. They attack the reservation lodged by Lebanon against article 9, clause 2 of the CEDAW, concerning nationality but completely ignore the reservation lodged against article 16 of the same convention regarding the family code. Certain women's NGOs demand the deconfessionalisation of politics. However, use of this expression points to a reservation against the implementation of a unified civil code for personal status. Other NGOs demand secularisation and the introduction of a civil code. Here are women who are politically divided along community dividing lines.

At this stage, women's participation in politics can, coherently, only be considered to be part of a more general participation of women in decision-making, at all levels, both in private and in public life. In this context, a link appears between status in private life and status in public life and consequently any attempt to disconnect the two fields would be entirely artificial.

Rights of women immigrants

A critical question in the field of human rights in Lebanon and recognised as priority in international circles, being the object of a recommendation by the CEDAW international follow-up committee and figuring in the Istanbul Conclusions, is that of immigrant women.

Between 1973 and 2006, over 100,000 women have migrated from poor countries to come to work in Lebanon. The majority of immigrant women end up working in domestic service.

As in many other countries, these women are not protected by local legislation. They are often subject to ill treatment, such as non-payment of their salary and, in some cases, psychological, physical or sexual abuse.

Over the last few years, the ILO has lobbied for immigrant domestic workers' rights to be recognised by the region's governments.

A Lebanese Labour Ministry programme has been launched, in cooperation with the High Commissioner for Human Rights, the United Nations Development Programme and the Caritas Lebanon migrants centre. In 2006, the ILO held a national awareness-raising workshop on the situation of female immigrant workers employed in households and identified possible measures to be taken to put an end to the difficulties they are facing. The key recommendations drawn up following this workshop are to introduce a standardised work contract for all household employees, contract which could be promoted by placement agencies across the country, and to provide immigrant domestic workers with booklets informing them of their rights as workers.

Following these recommendations, the Lebanese Ministry of Labour promulgated a decree establishing a high-level national organisation committee to review local labour law, draw up a unified contract for household employees and produce a "rights and responsibilities booklet" for this category of worker by the end of May 2006.

Furthermore, there seems to be a shadowy area in Lebanon regarding the conditions for the entry and temporary residence of "artists". It is suspected that this category hides a large number of sex trade cases. The conditions for temporary residence set by the general security service, i.e. 6 months which cannot be renewed if the country's borders are crossed within this time, seem to be over-accommodating for abuses that could be committed against many foreign girls misinformed about the nature of the work awaiting them.

A monitoring and information programme is necessary for two categories of women: maids and artists.

Proposals for legislative reforms

Alongside these critical issues, we should mention the bills and proposals to amend certain provisions of the labour and social security code, the criminal code, the commercial code, among others, awaiting debate in the Chamber of Deputies. Lobbying actions must be initiated in order that they be ratified by the Assembly.

Among potential supporters are the women elected to Parliament for the term 2009-2013. There are only four of them : HE Bahia Hariri, HE Gilberte Zouein, HE Cetrída Geagea, and HE Nayla Tuéni. Mrs Gilberte Zouien, Member of Parliament since 2005, has presided the

Parliamentary Committee on women and children. She herself has forwarded these amendment proposals and bills. Mrs Bahia Hariri, national education and higher education minister in the outgoing government, a close relation of the president of the council responsible for forming the government and a highly influential political figure, could also give her support to the aforementioned bills.

5.2. Participation of women in decision-making: private sphere and public sphere

5.2.1. Women's participation in politics

The under-representation of woman and the debate on quotas

Despite the general declaration of the Constitution regarding the equal rights of citizens, successive laws clarified that these provisions concerned male citizens only, thereby excluding women from political rights until 1953. In the early 1950s, protest movements were organised against this discrimination, campaigns were conducted in the press, and symbolic street demonstrations were held for women's political rights to be recognised. The electoral law was thus revised in 1953 and recognised women's political rights.

However, this formal recognition has not changed the real situation very much. It wasn't until 1963 that a woman was elected ex officio to continue the term of her father, a deputy who had died in an aircraft accident. Subsequently, a woman was appointed deputy in 1990 following the assassination of her husband, about to be sworn in as president of the republic.

After 1992, date of the first parliamentary election after the war, the presence of women in the Parliament varied between 2 and 4%. In the 2005 chamber, there were 6 women out of 128 deputies. In the 1990 elections, there were only 4. While the State proudly announced it had conducted "the most democratic elections ever", there were only 12 female candidacies in the June 2009 elections as against 587 male candidacies, while in the 2005 legislative elections there were 14 female candidacies and 34 candidacies in the 2000 elections. Therefore, the number is decreasing from one election to the next.

The various researches carried out in Lebanon on women's participation in politics have until now been limited to observing her absence or low rate of her participation, despite the highly liberal nature of the Lebanese political system and its formally democratic and competitive character. Positive action measures have traditionally not been welcomed by the Lebanese, even among active and militant women.

Here, research has shown that initiatives at the top can unblock situations of socio-cultural resistance. Thus, the appointment of women to government belongs to the ruling elite and not public opinion. If the latter is conservative and resistant to change, the former should be more enlightened and above all aware of progress worldwide and Lebanese commitments to international standard instruments. However, in practice everybody holds on ferociously to what they have and women do not have a lot of political weight in their respective communities or political parties.

Feminist NGOs and enlightened professional sectors (lawyers, magistrates, intellectuals) appear to be convinced that there is no way forward other than the adoption of quotas for women. The National Commission for Lebanese Women has rallied to this strategic choice. A memorandum initiative was taken and a document submitted to the President of the Chamber in December 2008 in the voting session for the current electoral law. It called for an increase in the number of seats in the assembly from 128 to 142 seats. The 14 new seats would be assigned to women, half of these to Christians and half to Moslems, in compliance with the Constitution. This memorandum referred to the consociative political system itself, which provides for quotas to guarantee and protect the right of participation of the various communities. It was distributed to members of parliament in a plenary session and was commented on but was not accepted.

Furthermore, and as article 95 of the Constitution of 1926 provided that provisionally and for reasons of fairness, communities had to be fairly represented in the government, certain women's NGOs included in their agendas a demand that community quotas in political representation be eliminated. This demand is known to the Lebanese public by the expression "political deconfessionnalisation".

Lebanese political culture and the elites

The electoral reform as a whole was aborted under the pressure of ferocious resistance from the traditional political class, composed of associated community elites. In reality, it is easy to see that the formation of political elites and ruling elites in general in Lebanon is confined to narrow circles of a few families, who hold the political influence in each community and often in an entire region or district. This situation is hardly comparable to the feudalism phenomenon in Europe, but it is nevertheless exceptional in the circulation of political power resources, as power is more often than not returned to the same family. Curiously, when the male successor is not available, or is absent, a minor or in prison, there is no cultural resistance to the succession being guaranteed by a woman of the family. Discrimination against women thus appears to be relative and not systematic.

If the first channel of circulation of power resources is heredity, the second is economic wealth and/or the position one holds in the highly complex world of corporations. The third

channel of circulation of power resources are the political parties but this channel remains relatively weak due to the absence or insufficiency of democracy in the functioning of the political parties themselves, which are more often than not family-controlled.

This characteristic of the concentration of power within a few families in each community must be given a qualified explanation. It is particularly present in Christian communities although it is in these same communities that the first political parties in Lebanon in the modern sense were created. Apart from the Arslane and the Joumblat, the two Druze families that manage a situation of bipartism in the Druze community, the other politically influential families in the other communities have not been around for long. Several political figures emerged as leaders due to their own or their families' participation in the creation of modern Lebanon or in the process that led to its independence. There have also been the historic events of the liberation, the road to sovereignty, but above all there have been a series of political assassinations, which have engendered compassion in Lebanese public opinion and permissiveness with regard to automatic succession by a family member. Indeed, in nearly all instances where a politician dies, people almost automatically look to a relative of the deceased to step in.

Taking these considerations into account, we can put forward two explanations as to why this family influence, that often generates hereditary-type political succession in the way of the old monarchies, has persisted for so long.

The first explanation is related to the consociative nature of Lebanese democracy. The distribution of power into quotas assigned to the different communities strengthens the "patriarchy". Furthermore, the political weight of each depends on the degree of identity fanaticism of its discourse.

The second explanation concerns the electoral system adopted in Lebanon, which causes a great deal of perversion in political representation and in the perception of the political weight of each faction.

The electoral system

The Lebanese political system distributes seats in an arbitrary fashion among regions and constituencies. The electorate is mixed but unequally distributed in terms of community composition. The rate of participation is often low. Sometimes the electorate of a community to which a seat is assigned is non-existent or very small. Furthermore the one-round, simple majority ballot system, applied to an open list, covering a social patchwork, ends up weakening the persons elected because the candidate who wins may have only a few more votes than the runner-up. The constituency's votes will be widely scattered and the one elected will not be representative enough. On the contrary, several opinion brackets would not be represented at all.

The arbitrary distribution of seats, gerrymandering, the open-list ballot, the one-round majority vote, further polarise public opinion into identity, extremist community discourses. As patriarchy strengthens, communitarianism rallies to it, reproduces non-ideological community dividing lines and generates clientelism. Political power returns to “patrimonialism”, i.e. the appropriation of power and the confusion between private interests and public interests.

In such an electoral system, women are marginalised. The fact that women can stand as candidates does not mean that they actually do, because the basis of representation is community identity, the same identity that discriminates against women in their personal status.

We thus observe that it is men who stand for election and that the one with the most identity discourse wins. Furthermore, women’s organisations, which are very active on the social front and in awareness-raising activities on women’s rights and equality of opportunity, today known as the advocacy NGOs, cannot form a women’s electoral block due, on the one hand, to the distribution of community quotas, and also due to gerrymandering and an electoral system that dilutes gender issues within extremely general political agendas. We should mention in passing, that electoral campaigns are quite often very weak and go no further than slogans. Furthermore, gender issues are completely absent from political agendas, both those of independent politicians and those of political parties. The most significant thing of all is perhaps the near-absence of gender issues in the political agendas of the most diverse partisan groups: right-wing groups, left-wing groups, progressive groups, Christian and Moslem factions. In the 2009 legislative elections, gender issues were absent from political campaigns and from all candidates’ programmes.

In the previous Chamber, the positions of women deputies were mixed. Some showed visible disdain for gender issues, proclaiming that it was not the women’s NGOs that elected them. Others rallied to the demands of the feminist NGOs and wherever possible forwarded and supported bills to revise legislative texts to eliminate the forms of discrimination against women they contained.

5.2.2. Women’s participation in the labour market

Employment in the public and private sectors

Public sector employees are estimated at 15.7% (16.1% men and 14.7% women). In the administrations in 2004, only 6.67% of women occupied top-level positions. In 2007, a woman magistrate was appointed president of the military court.

In terms of women’s participation in decision-making, we observe a slight change, as since autumn 2004, there has been at least one woman in the government. In the Parliament, there were 6 women in 2005, while there are only 4 in 2009.

51.8% of the active Lebanese population are employees. $\frac{3}{4}$ of women fall into this category. 9.5% are company bosses (1.7% of women / 12.1% of men), 23.3% are self-employed (10% of women and 27.7% of men).

A comparative study, conducted in Lebanon, Syria and Iraq¹ concerning the social roles of women who are economically active, has shown that women who work are above all still trying to reconcile their work with their domestic tasks. Thus, a woman's economic activity does not appear to lead to a relative redistribution of roles in the household. Life has changed, women's social roles have evolved, but family structures continue to resist this evolution.

The intellectual gap between the private and public sectors, between the inside and the outside, is generated on the one hand by the resistance of family structures, and contributes to expanding women's social roles without really getting to their roots on the other hand.

Education

The CRDP (Research centre on pedagogical development) has drawn up statistical data on gender, which gives us quite a clear idea of the access girls have to the various levels of education. The schooling rate in Lebanon is shown to be extremely high and stands, for girls and boys, at 99% for the 5 to 9 age group and at 95% for the 10 to 14 age group.

After 14 years, the rate for girls is higher than that for boys. Similarly, in higher education the rate of young women is higher than that of young men. This data is all the more significant if we consider that only 1.2% of women over 70 years of age have a university degree, compared to 23.2% of the 25 to 39 age group. This shows how much progress Lebanon has made over the last few decades in extending women's access to university education.

The statistical data on education also indicates that there is a higher rate of girls among students who excel in further education. 90% of girls, and in the different branches of the Baccalaureat: 70% in science, 90% in economics and 100% in humanities. As for illiteracy, this affects only 6% of men and 12.4% of women, in the older age groups. The man/woman gap between 10 and 29 years varies between 1% and 1.9%.

Regional differences do exist, however, particularly between the centre and periphery. Furthermore, a large difference still exists in science and arts orientations between female and male students.

¹ Fadia KIWAN , in collaboration with A. Athath, Z. Salem Sakr , and M. Mahmoud, "The social roles of the economically active woman", CNFL Publications, Beirut, 2008

6. International reference framework

6.1. The international legal framework: the CEDAW

6.1.1. Reservations to the CEDAW

Lebanon ratified the International Convention on the elimination of all forms of discrimination against women (CEDAW) on 16 April 1997. However, Lebanon's positions towards international legal standards instruments are quite ambiguous.

Lebanon considers itself to be a founding member of the United Nations Organisation and of the League of Arab States. In the preamble to the Constitution, revised in 1990 by the constitutional law of 21-09-1990, following the Taef Agreement, two explicit provisions have come to confirm Lebanon's commitment to adhere to International Charters and Conventions:

- "Lebanon's commitment to the United Nations Charter and to the Universal Declaration of Human Rights, specifying that the State translates these principles into all spheres and sectors without exception" (paragraph b of the preamble);
- "Lebanon is based on the equality of rights and obligations for all citizens, uniformly and non-preferentially."

On ratification of the International Convention on the elimination of all forms of discrimination against women (CEDAW), Lebanon lodged reservations against article 9, clause 2 and against article 16, clause 1, relating to the equality of the two spouses in marriage and to the choice of family name. The Government of the Lebanese Republic declared, in accordance with paragraph 2 of article 29 of the Convention, that it would not be bound by the provisions of paragraph 1 of this article.

6.1.2. CEDAW reports

In accordance with the mandate assigned to it by law 720/1998, the National Lebanese Women's Association has up to now acted as the link with the CEDAW international follow-up committee. It has therefore already drawn up three successive reports on the current status of women in Lebanon and on progress made in this respect.

The first preliminary report and the second were presented together in 2004 and examined by the International Follow-up Committee in its 33rd session in July 2005. This Committee's observations and comments can be grouped into three positive observations and six negative observations accompanied by recommendations.

The positive observations include the fact that Lebanon has ratified the CEDAW, that the rate of economically active women has reached 25%, and that some improvements have been made to women's working conditions. Furthermore, the increase of the rate of women in professional and public positions, and above all in the upper spheres of the public administration and in the judiciary, has been appreciated.

Lebanon submitted its third report in 2007, which was examined by the International Committee on its 40th session in January 2008. This report stated light improvements in quite a short time as only a year elapsed between the two reports. It focused specifically and in detail on personal status in Lebanon's different religious communities.

On the analysis of the CEDAW reports, concerns were clearly expressed regarding non-discrimination and the equal participation of women. They were as follows:

- The formal and ineffective character of rights equality in several areas;
- The absence of deliberate measures taken to effectively achieve conditions of equality;
- The absence of a unified personal status code applied to all Lebanese women;
- The small, not to say non-existent, resources available to the National Lebanese Women's authority to execute its functions;
- Lebanon has not strived to lift the reservations it lodged against certain provisions of the CEDAW;
- The persistence of acts of violence against women and the persistence of legal provisions protecting the criminal, allusion to the crime of honour;
- By the time the 3rd report was submitted, there had been no change, measure or provision to adhere to the provisions of the CEDAW;
- The provisions of the CEDAW and comments of the International Committee are not widely known;
- The need to continue and enlarge awareness-raising and information campaigns for the CEDAW so that they reach the authorities (parliament, government, civil servants, judicial authority) and also the education sector, the media, the private sector, civil society organisations and non-governmental organisations, especially women's;
- The need to take measures to guarantee the equal share of property acquired by the two spouses during the course of their marriage, in the event of a divorce;
- The need to continue to restructure the provisions of the penal code, in particular to eliminate: mitigating circumstances in the so-called crime of honour, the release of a

convicted rapist if he marries the victim and finally, the exclusion of rape committed by the husband from any sanction;

- The need to take measures to protect women and girls with special needs, and women responsible for families whose members include persons with special needs;
- To eliminate discrimination against women from provisions relating to tax rebate for spouses and male parents;
- To pay particular attention to the implementation of provisions protecting migrant women, mainly employed in domestic work, and to ensure that the bill being drafted on this subject is finished quickly.
- To take effective measures to protect women who are victims of the sex trade and to combat this practice;
- To draw up legislative provisions and take specific measures to protect women and girls against violence, especially domestic violence;
- To increase coordination between the various Ministries concerned and identify and create focal points to handle the circulation of information and the collaboration between the different state departments involved in combating all forms of discrimination against women.

In 2008, the International Committee once again pointed in its recommendations to the lack of commitment from the Lebanese authorities to the equal rights issue and to the absence of measures taken to implement provisions on equality. This lack of commitment was reflected in the weak position and scarce resources of the National Lebanese Women’s Committee. Ten years after its creation by a law passed in Parliament, most of those in charge of the various ministries and in various positions of public responsibility still thought it was an NGO.

The International Follow-up Committee, in its 1st and 2nd reports, also called upon the Lebanese authorities to work with civil organisations in the following report and to include detailed information in it on personal status in the various community regimes.

In its 3rd report in 2008, the International Committee again called for greater collaboration with civil organisations and especially with NGOs. It also requested that Lebanon’s next report be drawn up through a participative process, including all partners, public, private and collective organisations, and also those funding women’s programmes.

7. National initiatives: Public policies and strategies for women’s human rights and equality

The first steps towards the implementation of the CEDAW were taken in 1993, when an initiative was undertaken to convince the government to participate in the Beijing conference. Women’s organisations succeeded in convincing the government to form a joint delegation, bringing together the ministries concerned and the main women’s associations. Lebanon had been absent since 1975 due to the hostilities. It had therefore missed the Mexico, Copenhagen and Nairobi conferences. Lebanon consequently reappeared on the international gender equality scene in Beijing.

7.1. The National Lebanese women’s committee

The government – NGO partnership established since 1993 has brought Lebanon into the dynamics of legal reforms and actions promoting women’s rights. Its participation in the Beijing Conference, the drawing up of a report on the situation of women in Lebanon, the commitment to apply the Beijing action plan, the many Arab and Euromed regional meetings and the synergies they created, all these elements succeeded in gathering wide social forces on the gender issue. A restricted Beijing follow-up committee was formed and the government ratified the CEDAW in 1996. It became increasingly urgent to set up a national reference body to follow up issues concerning progress in the situation of women.

The Beijing follow-up process quickly pushed to institutionalise such a reference body, via a law ratified in the parliament on 5 November 1998, creating the National Lebanese Women’s Association. This marked the introduction by the State of a national body specialised in gender issues, with a mission to advise the government, alongside its other functions as a focal point for external relations, as “monitor and measurer” of progress made and progress outstanding in women’s rights and gender equality issues.

However, law 712/1998 institutionalising the National Committee solved some problems and raised others. A national reference body had just been created as interlocutor for the international organisations, public bodies and ministries and also for NGOs and civil society associations. Its purpose was the nationwide coordination of the following activities: production, circulation of information, channelling of funds and support of field actions. This said,

the National Committee's composition did not cut through the ambiguity of the relationships with NGOs and with the Ministries.

Composed of figures with experience and/or expertise in the gender field but in a private capacity, the Commission did not satisfy NGOs, who wished to be a part of it on an equal basis. However, although it is understandable that NGOs keep a distance from the State to conserve their manoeuvring margin, since the National Commission was created, leaders of several NGOs have actually become hostile to it. Furthermore, and in the absence of a clear-cut distribution of tasks and good governance among governmental institutions, various ministries have continued to ignore and overlap on the Committee's functions. It is above all the Ministry of Social Affairs, which has traditionally presented itself as the only legitimate representative of women's affairs that has continued to carry out its actions and initiatives without coordinating with the national commission.

For its part, the government did not assign regular resources in the State budget to the National Commission for the first ten years of its existence. Set up to institutionalise the reference body on gender issues, the Commission waited ten years for regular subsidies, which it received in a random and irregular fashion from the State just like certain non-governmental organisations and associations.

In reality, drawn between setting up either a Ministry dedicated to women's status or a National Committee assigned to this task, The Beijing Follow-up Restricted Committee opted for the second, justifying its choice with these three arguments:

- As gender-related issues are transversal, putting them into a Ministry could restrict their importance by confining them to one portfolio among the many others in a government.
- Civil society being traditionally very active in gender issues, it was felt that a body that would create general policy lines in this field was needed, a sort of government think tank with the task of advising, making proposals and coordinating activities of a transversal nature.
- Lebanon chose to align itself with the model applied in Egypt, Syria, Jordan, Bahrein, Arab countries who have opted for a Supreme National Committee, presided by the First Lady of each country, rather than the scenario of a Women's Ministry as chosen by some of the Maghreb countries.

7.2. The State's initiatives to enhance women's rights and equality

The political will

After the autumn 2004, internal security issues joined those of national defence, economic development, the fight against corruption, the establishment of a law system, the consolidation of democratic practices, among others. With so many problems, successive governments have put the gender equality issue on the back burner.

However, in the declaration of intentions of the first Seniora government of July 2005, the government undertook to "...apply all Lebanon's commitments relating to the recommendations of the Beijing Conference." This declaration was not followed by effective measures but at least marked a breaking of the silence and the entry of gender issues into the public debate. The declaration of intentions of the second Seniora government of July 2008 was more specific, affirming that "...the government will continue its work in the financial, economic, social and political fields; ... and will strive to apply Lebanon's commitments as provided in the International Conventions it has ratified or recommendations it has approved, in particular the International Convention on the elimination of all forms of discrimination against women, the CEDAW, which requires legislation and measures to be taken to achieve gender equality. This declaration also specified, for the first time in 10 years, that the government recognised the need to activate the National Commission and to develop its capacities so that it could assume its role in this field.

Parallel to this government announcement, the National Committee succeeded for the first time in incorporating its budget in the Provisional State Budget for 2009. This had the immediate effect of setting this institution created by a law, just like any Ministry, on a solid footing as a public institution charged with a nationwide mission.

Political participation

In 2009, the Ministry of the Interior, in collaboration with the Lebanese Women's Council and the UNDP, launched a campaign to boost women's participation in the 2009 elections. The result was a fiasco in terms of the number of candidacies – just a dozen – but women's presence in electoral offices was increased in the form of civil servants and, in particular, the teaching body, which accounts for the majority of office staff.

As for executive power, it was not until 2004 that two women were appointed ministers. Since then, the government has included one woman only on each reshuffle.

Legal reforms

In the penal code, several articles discriminate against women. Most of them have been gradually eliminated. Only a few provisions remain subject to penal code amendment proposals and have not yet passed the study stage in parliamentary commissions. These are essentially two provisions: the one relating to the acquittal of a convicted rapist if he marries his victim, and the one relating to the penalty provided for rape when committed by the husband of the victim.

Other institutional initiatives

In the sector-based Ministries, a few timid actions reveal a greater awareness of the gender issue. It is the case in particular for female minors, at the Ministry of the Interior, which set up a special unit, responsible for minors, since 2004. In general, a number of measures taken by the Ministry of the Interior and the Ministry of Social Affairs point to a change in mentality towards and greater awareness of gender issues, although this change is slow.

7.3. Strategies and actions for combating gender violence

7.3.1. Awareness of public authorities and the role of NGOs

Lebanese society is plagued with many forms of violence. Some are illustrated by discrimination in laws and/or in practices and others are both physical and symbolic, generated by the armed conflicts and wars that Lebanon has been through over the last four decades. In both cases, women are far and away the biggest victims of these forms of violence. In certain respects, gender-based violence is the form that dominates these many types of violence. Furthermore, there was once resistance to field studies on gender-based violence. Being largely domestic violence, it was accompanied by taboos that dissuaded the victims themselves from speaking about it, in the fear that they would be dishonoured, insulted, or blamed. Even though Lebanon drew up and submitted its national report to the Beijing conference in 1995, the only cases of violence against women it mentioned were acts of violence perpetrated by "Israeli attacks." Any effort to identify cases of violence by means of the study of appeals to civil and religious courts was hijacked.

This situation was to change gradually with the creation of NGOs specialised in combating gender based violence during the 1990s. When they were created, there was resistance to granting them the right to operate. The authorities even pressured to have their names

changed and to have the “combating violence” wording struck out. Since then, the attitude of the authorities has changed and two NGOs have started to work openly and today collaborate with several Public Ministries. Victims follow-up, support and supervision actions were gradually implemented along with several awareness raising activities.

National efforts were at first mainly those of non-governmental organisations. But gradually, awareness of the issue has developed in the public administrations, and with the creation of the National Lebanese Women’s Committee, they have begun to collaborate with actions already in place. The various measures deployed were based on the CEDAW and have been extended since Lebanon ratified this Convention in 1996.

Over the last few years, actions have concerned the identification of violent practices, especially in four areas: (i) the education sector, (ii) the workplace (harassment), (iii) security, general safety devices and detention centre guards, and (iv) the family. It was the NGOs, the State departments and the National Commission for Lebanese Women (NCLW) who focused on gender-based violence and set up programmes to combat this form of violence in particular.

Awareness-raising programmes were set up, aimed at security and general safety professionals. Actions were deployed in educational institutions, and those in power at the Ministry of Education began to take stock of the existence of gender-based violence.

Furthermore, we should note the attention given to gender-based violence in the NCLW’s strategic orientations (2004) and in the framework of the project of redrafting the national Lebanese Women strategy, which was carried out during 2009 in the form of a participative process involving the NCLW, NGOs and several public administrations.

7.3.2. The bill incriminating violence against women

There has not yet been any legal provision penalising harassment, and domestic violence remains unpunished. Violence against women remains therefore beyond the scope of observation and sanction.

Over the last few years, two initiatives that have brought together several NGOs, piloted by the Kafa organisation and by the ALVF, have succeeded in drafting two bills with financial aid from the European Union. One of these two bills has been finished and submitted to the Council of Ministers. This said, it has met with the reticence of the communities as it calls for the creation of special family courts.

However, this project has been constructed through a series of consultations between NGOs and certain State departments, including the general directorate for internal security, general safety, the foreign residents department at the Ministry of Labour, and the Women’s

department at the Ministry of Social Affairs. It has also received the support of the NCLW and of the Women’s committee at the Beirut Bar Association. Today, it is presented to public opinion and to the Council of Ministers as issuing from and supported by a national coalition for combating gender-based violence.

The consultations that have accompanied the drafting of the bill have provided the opportunity for exchanges between the various NGOs and State Departments on gender-based violence. Awareness of this violence has also increased and has led to growing demands for a national inquiry to be carried out in order to obtain more precise quantitative and qualitative data on the many forms and intensity of violence against women.

Two types of situation exist:

- Traditional practices, often based on local uses and customs consolidated by non-existent or complacent sanctions, such as so-called “honour crimes”, which have not disappeared altogether and are somewhat perpetuated by the non-dissuasiveness of the provision relating to them in the penal code.
- Women who live in zones directly affected by the series of wars and armed conflicts that have raged in Lebanon.

We also note among common forms of violence against women, those affecting women employed as domestic help, the majority of whom are immigrant workers. Over 150,000 persons, mostly of Asian or Sub-Saharan origin, fall into this category against whom a great number of acts of violence have been committed, as reported in various documents of the United Nations and ILO. In this area in particular, a growth in public awareness has been noticeable over the last few years, and efforts have been made to guarantee women the *de jure* and *de facto* protection required by human rights provisions and Lebanon’s international commitments.

The novelty of the bill is that it provides for protection and prevention mechanisms. It also provides for the creation of family courts, which would operate in camera and the expulsion of the convicted party from the home to protect the victim and also rehabilitation rather than a criminal sanction. This bill has raised great interest, intense debate in the circles concerned and a lot of preparation. Its forwarding to the Council of Ministers was considered a triumph, and its freezing on its transfer to a committee, a defeat. This is a bill that requires networking and a media campaign to receive outright support from public opinion. To date, the information and related campaign has not been conducted outside the active sectors directly involved.

7.3.3. Honour crimes

In Lebanon, the penal code provides for mitigating circumstances for so-called “honour crimes”, if the husband catches his wife, daughter, mother, sister or another female member of his family committing an adulterous act or in the event of an “illicit sexual relationship.”

An “honour crime” is defined as a man’s killing of his wife, daughter, sister or mother, when the latter is suspected of adultery or of having sexual relations outside marriage, to re-establish the “family’s honour”. The origin of this cruelty resides in an exaggerated concern for the family’s honour, or prestige even, which depends on the submission of women: the latter being the guarantors of the future of the clan, tribe or group of any sort, their absolute obedience is perceived as a question of survival, both material and moral.

According to statistics for the 2001 to 2004 period, a woman is murdered every month by her husband or by a relative for having “sullied” the family’s honour.

7.3.4. Women in conflict zones

Several actions have been initiated over the last few years, by NGOs, the NCLW or the Ministry of Social Affairs, in support of women living in areas directly affected by the 2006 war. These actions are mainly based on Resolution 1325/2000 of the United Nations Security Council, on Resolution 1820/2008 and on the CEDAW. These actions are based on the fact that women are habitually the prime targets of all forms of violence in a war zone or armed conflict zone or even in a post-war situation.

The Ministry of Social Affairs, for its part, tries to raise awareness and develop the capacities of the professionals at the development service centres attached to it, scattered all over the country, to deal with instances of domestic violence and provide legal support to the women who are victims of it.

As for the NCLW, it has set up an operation for women living in areas affected by the 2006 war in South Lebanon, specifically with the support of the AWO. This operation had a psychological support facet and a microcredit facet. The first facet failed because women were not willing to speak about the violent acts committed against them in their area, during and after the war.

Similarly, the NCLW set up a field intervention operation in areas directly affected by the war of July 2006 (in collaboration with the UNFPA and the Italian government). This WEPASS programme has since been extended and has received repeated financial support. It is part of the application of Resolution 1325 of the United Nations Security Council and aims to develop the capacities of women living in largely desolate localities, to raise their awareness

of their situation and their rights. In one of its facets, the WEPASS programme also supports the creation of economic opportunities in the form of microcredit companies.

7.3.5. Public awareness on the impact of gender-based violence

In Lebanon there is no general public debate and few general initiatives taken by the State executive authorities to raise public awareness as to the effects of VAW.

However, we note the CEDAW awareness and sensitisation programme set up by the NCLW, in collaboration with the UNIFEM, which focused primarily on local NGOs and women living in peripheral regions. It presented the conclusions and recommendations of the CEDAW International Follow-up Committee and succeeded in generating a wider consideration of gender-based violence. This first programme was enthusiastically received by local NGOs and by the women who participated in the ten awareness seminars. The need was felt to extend this program to professional sectors and to all public institutions.

We stress that the participants in these seminars were both attentive and at the same time a little sceptical due to the sporadic way in which they were contacted and to the absence of any communication and action network that could mobilise them to extend their operations to the population at large. A training of trainers in these sectors would undoubtedly allow to increase the results by involving these beneficiaries in all future actions.

In general, three problems still hinder actions to combat gender-based violence:

- The absence of specific, explicit legislation enabling action to be taken against persons who commit acts of gender-based violence;
- The absence of any real census of cases of gender-based violence in its various forms, situations and repercussions, and even of qualitative studies in this field;
- The resistance of the social sector to uncovering cases of war-related violence, above all domestic and family violence and the inhibitions that often prevent women victims speaking out or bringing the case to the courts or even reporting it to the Police Station.

It is true that awareness of the acuteness of the problem of gender-based violence and of violence in general in Lebanese society is growing, but this has not yet been accompanied by local, official, regulatory measures that demonstrate the Lebanese government's adherence to its international commitments.

Three types of action seem a priority in this area:

- Coordination between the different initiatives in order to federate resources and actions. At this stage, the validation seminar of this report has allowed to put the coordination

problems on the table and talk about them honestly. It seems that the various actors concerned are now more willing to collaborate and to coordinate their actions.

- Studies are needed to identify the real size of the gender-based violence problem.
- Systematic legal, psychological and social support available to women victims appears necessary or even urgent.

7.4. The following up and implementation of the Istanbul ministerial conclusions

In drawing up this report, the documents we referred to made no reference to the Istanbul Conference or process. Several partners concerned by gender issues are not even aware of the existence of this process. Some of them do not appear to see the point of setting up a Euromed process on the question, and wonder how this will be articulated with that of the United Nations. The persons interviewed also demonstrated that they do have a general knowledge of the CEDAW, even if their replies mainly concerned the provisions to which reservations were lodged by Lebanon.

Interviewees' answers concerning the parties who implement the Istanbul Conclusions demonstrated an almost complete ignorance of the existence of the process. A few answers vaguely pointed to the existence of funding from the European Union. These answers were from the heads of non-governmental organisations that have probably received financial support under EU programmes.

The Foreign Secretary did in fact attend the Istanbul Conference, but he has not passed on the information and above all the observations and recommendations to the civil organisations or to the public institutions concerned. The Social Affairs Minister was also invited, but there has been no follow-up of this or impact on the procedures and strategies of the State departments – outside the Ministry of Social Affairs – or on the feminist NGOs directly concerned.

A problem exists as to the delimitation of fields of responsibility in order to avoid overlaps and also to seek and identify synergies. There is a manifest disconnection between the United Nations' programmes and strategies, and those of the European partners.

Furthermore, there is a marked lack of synergy between the various partners, on the one hand between national/public actors and non-governmental actors, and on the other, among actors in the same sector. Each seems to act only in an atomised fashion.

In summary, the interviews conducted for this report appear to demonstrate:

- Ignorance of the existence of the Istanbul process. In the majority of interviews, the interviewer was forced to explain to the interviewee what it is and the link between the Istanbul Conclusions and the CEDAW. Where persons had heard of it, the information they could provide was vague and approximate.
- Insufficient commitment from key Ministries and lack of strategic decision-making power within State institutional mechanisms.
- A fair but not very precise knowledge of the CEDAW .

8. Results analysis and priorities for future action

8.1. Main results of the situation analysis

8.1.1. Progress: enhancement of women's human rights and equality

Over the last two decades, a change in the general mood and a growing maturity among militant NGOs has been seen in Lebanon. Certain issues once taboo have today been brought into the public debate. Women's NGOs have become more militant and have better targeted their actions and their lobbying. This comes in the wake of the preparations for the Beijing International Conference in 1995 and Lebanon's ratification of the CEDAW in 1996.

It is also certain that international pressure on the equality issue, the growing influence of international regulatory instruments, electronic exchanges, regional and international meetings and networking have boosted the movement in favour of equal rights for men and women and the gradual elimination of all forms of discrimination.

Over the last few years, timid progress has been made in gender issues, at a State level. Progress is perceptible in terms of political will and increasing attention given to the issue in the political agenda.

In July 2005, the government's programme mentioned "the implementation of Lebanon's commitments to the recommendations of the Beijing world conference on women" for the first time. This said, very few measures were then actually adopted. In July 2008, the re-elected government re-inserted into its programme "its determination to continue its work to strengthen the role of women in public life and women's participation in financial, economic, social and political" areas. The government programme also announced its intention to implement Lebanon's commitments to the international conventions it had ratified, including the International Convention on the elimination of all forms of discrimination against women (CEDAW).

In the wake of this, the activation of the National Lebanese Women's Committee, the development of its institutional capacities and the strengthening of its resources are vital in order to guarantee the institutionalisation of public action in favour of gender equality.

This Committee's most essential tasks would be to promote, orient and support programmes to develop women's and girl's capacities, and guarantee them equal opportunities in the

various areas. The Committee is also responsible for acting as a link with the exterior and for coordinating public actions in this sphere. In this respect, it is entitled to receive foreign aid to support its actions.

8.1.2. Challenges and limits

The Istanbul process

Among the various partners concerned, be it the State departments, the National Commission for Lebanese Women or the non-governmental organisations, very few people know the “Istanbul Process” and its potential. Even those who have heard of it only have vague and approximate knowledge on the subject.

Similarly, there is no trace of any actions reflecting the Istanbul Conclusions. There is some vague evidence of funds granted to Lebanon, whose donors are hardly known.

Furthermore, it does not appear that any link has been established between the Istanbul Conclusions and the CEDAW, although the Istanbul Conclusions do mention and refer to all the international regulatory instruments related to human rights, and the CEDAW in particular. The Conclusions also refer to resolution 1325 of the United Nations’ Security Council, as they call to strengthen women’s roles in areas affected by armed conflict.

In this respect, we note the absence of any direct reference to equality in marriage or in the civil code on personal status in the Istanbul Conclusions, while the CEDAW and the recommendations of the international follow-up Committee have gone a lot further in this matter.

Coordination of actions

When we look at the activities of the governmental and non-governmental actors, each appears to work alone and withhold the information it receives and the information it produces. This explains the disconnected landscape of Lebanese society: there is a breach between the government and civil society, and a compartmentalisation among public institutions, which do not even circulate information among themselves. They also seem to overlap and compete in their activities.

Institutional weaknesses

The National Commission for Lebanese Women today has only a small secretariat. This situation renders it incapable of assuming the missions with which it is charged. Also, it seems that its architecture is a double-edged sword: created in the image of other supreme national authorities in the Arab world, with a driving force linked to the fact that the First Lady of the

country is its president, it has often been subject to blocking, and the cause of friction linked to political wrangling and tension between communities.

It was not formally recognised and backed until 2008. Its budget was then integrated in the national budget, although a mere modicum (0.03% of GDP, i.e. 350,000,000 Lebanese pounds). Despite this, it has not yet been recognised by all ministries or only partially, and they are continually encroaching on its areas of responsibility. Here, real support would be needed from the Council Presidency, which is its regulatory authority, and at the same time is responsible for coordinating the different Ministries and public institutions.

Furthermore, at the level of civil society, the eclecticism with which many NGOs operate is cause for concern. Their actions and mobilisations are often fragmented and piecemeal. Some NGOs, for example, are highly active in pressing for quotas to guarantee women's participation in politics, but refuse to consider the possibility of introducing a civil code for personal status, or even of applying a liberal interpretation of community laws governing women's private lives. Such a distinction encourages discrimination and breaches between private life and public life.

The political agenda

The report has observed a near-absence of gender equality in the agendas of the political parties. The majority of political elites appear to be very reticent on the question of women's rights. A lack of legitimacy remains on women's rights issues and there is a perception that equality exists and that the claims are excessive. Furthermore the "this is not the time, there are more pressing issues, more serious problems" argument is returning to political discourse.

Furthermore, women's NGOs, although highly active, are not politically influential. It even happens that women mobilised in NGOs to lobby for the cause, become polarised within community issues.

Financial resources

The major actors suffer from a shortage of resources and finances. NGOs are always seeking donors, often foreign and with their own agendas. As for the National Committee, it receives 0.03% of GDP for its entire expenditure and it also relies on international and private donors.

In general, these limits again point to atomised actions and a lack of strategic planning. We also observe a lack of staying power for the long-term struggle. Visions are various and eclectic.

8.2. Priorities for future action

The status report, the implementation of the CEDAW provisions and of the Istanbul Conclusions and the above analysis, provide quite an exhaustive picture of the situation of women in Lebanon. This status report highlights three aspects requiring special attention within the context of an intervention or support strategy:

- The development of the institutional capacities of the Lebanese parties concerned, both in the public sector and in the civil organisations;
- The development of a strategic plan to which the Lebanese public institutions, associations and non-governmental organisations should adhere, with technical support from bilateral and multilateral agencies. This mainly involves supporting the implementation of mechanisms to update the national strategy continually towards Lebanese women in a participative approach.
- The development of a network of actions encouraging the active participation of women in decision-making in public life and of a network of pressure groups to combat violence against women.

8.2.1. Development of institutional capacities

This is a fundamental requirement if we want awareness-raising and mobilisation activities for women's rights issues to be effective. There is currently no institutional memory in the various institutions concerned: The NCLW continues to fumble timidly, the Ministry of Social Affairs is extending its actions, although this is not its responsibility, but rather that of the NCLW, as provided in the terms of its founding law.

Furthermore, the Ministry of Social Affairs does not have adequate structures to embrace gender responsibilities, on top of all its other activities. There are overlaps, dead zones and a compartmentalisation of activities that delays any consolidation. The Ministry of Education ought also to be directly mobilised on gender issues and associated with the various activities. Similarly, the Ministry of Labour and the Ministry of the Interior should be involved in the very design of the activities.

Civil organisations, for their part, and despite their dynamism, suffer from the weakness of these institutions. The development of NGOs' institutional capacities also appears to be fundamental. We need to take a look at the founding texts, the rules of play according to an internal regulation, the transparency requirement in financial questions, in both income and expenditure. Assessment procedures must also be developed. A technical support action in this area could create emulation among NGOs in a search to identify best practices.

8.2.2. Development of strategic planning

Strategic planning reduces partitioning, compartmentalisation and fragmented and piecemeal visions. Efforts to draw up a strategy have already been made on several occasions. The latest has been the exercise carried out by the NCLW, since the beginning of 2009. The most important thing in this exercise is the participative approach it adopted in the initial consultation phase.

Such an exercise deserves great support and mechanisms must be implemented to ensure that strategic planning continues permanently. The initiative for such an exercise obviously comes from the NCLW, considering its public mandate. However, this initiative would lose all its value and its efficacy if it was not extended and did not involve all the stakeholders.

This participative process would above all federate the resources of civil and public organisations in order to re-orientate political decision-makers and consolidate a real political will in favour of gender equality.

8.2.3. The networking of actions: women's participation in politics and the fight against violence

The persons interviewed appear to be divided on what the priorities are. They primarily raise the issues of the protection of women against gender-based violence and the measures to adopt to guarantee women's participation in political life, i.e. quotas.

Lebanon will hold municipal elections in 2010. The various parties are preparing to carry out awareness-raising actions and to incite a wide participation of women candidates. In order to make these actions more effective and to coordinate communication actions better, additional technical and financial support is needed before and during the electoral campaign. This should be focused on the creation of opportunities aiming to federate the various Lebanese actions in this field.

In the fight against violence, similar support appears to be necessary for the bill on domestic violence to be put through parliament and become law. A pressure and communication campaign is required to give it volume and get it the backing of public opinion.

8.2.4. The Nationality Code and the Civil Code on Personal Status

The interviews conducted for this report also shed light on the need for immediate and short-term mobilisation on the issue of the right of women to bestow their nationality on children of theirs born of a marriage with a foreigner.

The civil code on personal status also appears to be a priority. For certain actors, this would be a unified code without necessarily being a civil one. This is also what the CEDAW Follow-up Committee recommended in its 33rd and 40th sessions, at which Lebanon’s report was discussed.

8.2.5. Cultural resistance

Most of the persons interviewed recognise that cultural resistance, conservative mentalities as well as a predominance of particularities exist. They identify the need for fundamental and generalised awareness-raising work on women’s human rights and gender equality.

Here, more attention must be given to the problem of perception of gender equality issues and the question of cultural and even institutional resistance due to social conservatism.

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