

In the name of religion

Women's unequal rights in Lebanon



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Freedom of Religion or Belief, Religious Autonomy and Women's Rights: an explosive Lebanese formula

In principle, freedom of religion or belief (FoRB) must not be used for ends that are inconsistent with the Universal Declaration for Human Rights or other relevant human rights instruments. Religious-based discrimination is prohibited under international law: an individual's right to manifest their religion or belief shall not have the effect of impairing the enjoyment of the rights to equality and non-discrimination of any member of society. Both Article 30 of the Universal Declaration of Human Rights¹ and Article 5 of the International Covenant on Civil and Political Rights² further clarify that no human right can be raised as a basis for extinguishing another fundamental human right.

However, FoRB and women's rights are often seen as conflicting or incompatible because religious beliefs and traditions has often been invoked as a legitimate "justification" for restrictions on gender equality, violence or discrimination against women and girls or against people on the basis of their sexual orientation or gender identity. It has also been used to justify harmful practices by invoking religious customs, such as child marriage and crimes committed in the name of 'honour.'

In Lebanon, religion occupies an important hegemonic position in the daily lives of individuals and groups and assumes an influential role in the social, political and economic affairs of the country. As a result, the entire status of women within the family and in society is at issue. Gender-based discrimination is deeply rooted in the dominant culture and is largely based on or imputed to religion. It is often underestimated and tolerated by the State or society and sometimes sanctioned by law. In some cases, it assumes very cruel forms and denies women their most fundamental rights, such as the right to life, integrity or dignity. It is thus very important to understand the impact of religion on women's rights in Lebanon.

Lebanon is characterized by its pluralistic legal system. This notion has strong Constitutional basis in Article 9 of the Lebanese Constitution³ which guarantees freedom of religion to all and grants each of the recognized religious confessions (communities) the right of to regulate the personal status and affairs of their members. Not only does each confession have its own laws, but some of them (Muslim Denominations) also receives state funding for and runs its own religious courts to adjudicate cases related to marriage, divorce,

1 Universal Declaration of Human Rights, <https://www.un.org/sites/un2.un.org/files/udhr.pdf>

2 International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

3 The Lebanese Constitution, <https://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanese%20Constitution.pdf>

custody of children, inheritance, and other family issues. The state, for its part, legislates and adjudicates regarding all other matters, such as those pertaining to criminal conduct, citizenship and political rights.

Although Article 7 of the Constitution⁴ guarantees equality of all before the law, the multiplicity of laws-religious and civil- implies that Lebanese citizens are treated differently in key aspects related to their lives: women, in particular, are predominantly affected. Religious institutions that regulate areas such as marriage, divorce, and child custody are dominated by traditional patriarchal values and discriminatory practices. They uphold and perpetuate interpretations of religious tenets that promote gender-based violence and discrimination against women, girls and LGBTQ+ persons.

Women in Lebanon have seen their ability to fully enjoy their human rights impeded by State and non-State actors relying on religious “justifications” for their actions. Violations to women’s rights have been carried out in the name of religion and enforced through law and policy or excused due to the intransigence of religious tradition and culture.

In principle, the discrimination based on sex should be deemed unconstitutional, as it constitutes a breach to the afore-mentioned Article 7. Nonetheless, the Constitution does not address the validity of personal status law in case of conflict with constitutional provisions and religious institutions are largely immune from state intervention. They are even granted the right to petition the constitutional Council for review of laws that might be interfering in what they claim as their exclusive jurisdictions.

This research will not merely concentrate on the treatment of women and gender equality under religious personal status law (Section III). It will also address the extent to which religious interpretations have been enforced through reservations to international human rights treaties and civil laws and policies (Sections II and IV), and have hindered women’s leadership and equal participation (Section V). The precepts and attitudes of religion pervade society. The values of the dominant religions are part and parcel of and underpin the culture and laws of the State. The research will lastly draw the necessary conclusions to combat practices or norms that are detrimental to women’s status in the light of religion and traditions (Section VI).

4 idem

Impact of Religion on Lebanon's Obligations under International Human Rights treaties: Religiously-based reservations

Lebanon ratified a number of international human rights treaties which protect rights that advance gender equality, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997.⁵ However, it has made reservations on Article 9, paragraph 2 regarding equal rights with respect to nationality of children and Article 16, paragraph 1 (c, d, f and g) relating to equality in marriage and its dissolution and family relations.⁶

In fact, religious traditions that are grounded in patriarchal interpretations lie behind the withdrawing from these specific provisions. The Lebanese State, seeking to ensure that there is no normative dissonance between its international commitments and religious ethos of its communities, has asserted that, in the event of a conflict between national laws that are religiously based on informed religious requirements and obligations under the human rights treaty, the legally protected religious norms prevail.

The aim of CEDAW is to eradicate gender-based discrimination in both the private and public spheres of women's lives. Making reservations based explicitly on religious law exemplify the conflict between the Convention's goals of equality and the religious and cultural practices in Lebanon that perpetuate women's subjugation, inequality, lower social status and lack of equal treatment and protection.

CEDAW Article 9, paragraph 2

"States Parties shall grant women **equal rights** with men with respect to the nationality of their children."

⁵ Ratification status of Lebanon: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=96&Lang=EN

⁶ CEDAW reservations: http://www.bayefsky.com/html/lebanon_t2_cedaw.php

CEDAW Article 16, paragraph 1

“States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;”

Enforcement of Religious Family Laws: Personal Status laws

The Lebanese state does not have a unified family law regulating personal status matters. It has delegated authority in administering personal status rights and affairs to religious communities. The Lebanese legal system is thus characterized by legal pluralism among 18 recognized religious communities, including 12 Christian, 4 Muslim, the Druze, and Jewish confessions. Thus, Lebanese citizens are governed by 15 separate personal status laws which are administered by separate religious courts.⁷

The multiplicity of personal status laws means that Lebanese citizens, are treated differently and unequally, when it comes to key aspects of their lives; they are accorded different degrees of protection, depending on their religious identity. It also means that religious principles that promote gender-based discrimination against women and girls are enforced, including in marriage, divorce, inheritance, and custody of children.

Religious (mis)interpretations in Lebanon enforce an actual ideology of male superiority and legitimize the prevailing stereotypes and traditional roles of men as breadwinners and women as wives and mothers responsible for the upbringing of children. As a result, religious personal status laws have led to control women's and girls' status, sometimes denying them the most basic rights, and leaving them at risk of sexual and gender-based violence within their religious communities without any legal remedy.

Furthermore, they have created inequality among women themselves, with some enjoying better conditions related to personal status issues than others, depending on their confessional identity.

This reality is intensified by the fact that women's representation in spheres of public life, including religion, is limited and sometimes non-existent. The perception of women as secondary to men and unworthy of leadership in key decision-making instances is a mere reflection of the patriarchal division of roles and the inferior status of women within the family, placing the husband at its head and imposing upon the wife responsibility for the care and domestic affairs.

⁷ Human Rights Watch, *Unequal and Unprotected: Women's Rights Under Lebanese Personal Status Laws* (2015), <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>.

“Personal status laws are ridiculous. They are adjudicated based on religious texts. A lot of the laws are “left-overs” of ancient colonial countries, or Ottoman laws that come from a very long time, All these laws are patriarchal, made by men for men, with a local lens”

- Dr. Charlotte Karam, Founder of the Center of Inclusive Business and Leadership for Women and Associate Professor at the Olayan School of Business, American University of Beirut.

1. Marriage

In Christian, Jewish and Muslim religious traditions, the institution of marriage elevates the position of men as the head of family concentrating power over intimate decisions in their hands while treating women as inferior and subordinate to men. Consequently, women are either registered under their father or their husband’s civil record. Marriages are contracted before the authority of the confession to which the groom is affiliated, unless the couple agree to choose the authority of the confession to which the bride is affiliated.⁸

Child marriage

Child marriage is designated a human rights violation by various international law instruments including the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights and the Convention on Consent to Marriage, and the Convention of Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. However, despite Lebanon being a signatory to these conventions, child marriage continues to be legal and practiced by Lebanese communities in several areas across the country where gender roles are more rigid and among refugee communities.

Early marriage is viewed as a guarantee of a long period of fertility in a woman whose main role, as perceived by religion, is that of a mother and a wife. Thus, child marriage is not prohibited by the religious personal status laws in Lebanon. Furthermore, since marriage is under the jurisdiction of religious courts, there is no national civil law prohibiting child marriage. In addition, the minimum age of marriage varies among religious communities and most religious groups do not stipulate that marriage under the minimum age set in the law makes the marriage void and criteria for validity remains subject to judicial discretion⁹.

All religious groups allow girls under the age of 18 to marry, and at a lower minimum ages than boys. Among Sunni and Shiite Muslims, marriage of girls as young as 9 years can occur. Among the Jewish denomination, girls as young as 12.5 years may marry. Among Syriac Orthodox and Armenian Orthodox churches, a girl may be 14 years old when she marries. The marriage age for boys of most religious groups is 18, although marriage of younger boys can be approved.¹⁰

⁸ idem

⁹ KAFA, Islamic Personal Status Law in Lebanon, <https://www.kafa.org.lb/ar/faq/personal-status-law-islamic>

¹⁰ United Nations Children’s Fund, Lebanon, MENA Gender Equality Profile (2011)

A baseline survey conducted by UNICEF in 2015-2016 found that 6% of Lebanese girls and women aged 20 to 24 years were married before the age of 18, compared to 12% of Palestinian refugees living in Lebanon, 25% of Palestinian refugees from Syria and 40.5% of Syrian refugees.¹¹ Those numbers have been reported to have dramatically increased as of 2019 as a result of the COVID-19 pandemic and the economic crisis.¹² Child marriage takes place without any oversight from the state. Religious judges ignore the issue of consent, which remains the prerogative of the legal guardian, who is almost always the father or another male relative.

In an effort to curb this phenomenon and its adverse effects on women’s and girls’ health, education and life expectancy, three draft laws¹³ were submitted to the Lebanese Parliament to raise the minimum marriage age to 18 and prohibit child marriage but are still under discussion within the parliamentary committees. As of May 2021, the Sunni courts became the first sect to pass an amendment making marriage before the age of 15 illegal, but this only applies for 1 out of 18 sects in Lebanon.

Religious community	Age of marriage
Sunnis	18 years for males, 15 years for females. ¹⁴ The judge may authorize the marriage of a minor aged 15 and further to the authorization of his or her guardian.
Shia	At the attainment of puberty. A male is expected to reach puberty at the age of 15, a female at the age of 9.
Druze	18 years for males, 17 years for females. The Druze sheikh or judge may however authorize the marriage of a minor male having reached the age of 16 and a minor female aged 15 further to the authorization of their guardians.
Catholics	16 years for males, 14 years for females.
Armenian Orthodox	18 years for males, 15 years for females. The priest may authorize the marriage between a 16-year-old male and a 14-year-old female, in unusual circumstances or for a very important reason.
Greek Orthodox	18 years for males and females. When necessary, marriage can be held between a male who is no less than 17 years old and a female who is aged less than 15 years, taking into account the physical and health condition, the approval of the custodian, and the diocese permission.
Syriac Orthodox	18 years for males, 14 years for females.
Assyrians	18 years for males, 14 years for females.

11 Lebanon Country Brief, UNICEF Regional Study on Child Marriage in the Middle East and North Africa, 2017

12 Underage marriages increase in Lebanon during pandemic: <https://www.dw.com/en/lebanons-crisis-increase-child-marriages/a-57531628>

13 MP Ghassan Moukheiber and NCLW (2014), RDL (2016), KAFA (2016).

14 Annahar: "Good step: the Sunni sect raises the age of marriage to 15... What about the application", <https://www.annahar.com/arabic/section/77-%D9%85%D8%AC%D8%AA%D9%85%D8%B9/07052021015316103>.

“For many years, NGOs have been trying to ban marriages of minors and to raise the marriage age to 18, but this could not be achieved due to the unwillingness of religious authorities to reform the legal status. Marital rape is another example of an act that cannot be criminalized because of religion and religious authorities. Any law related to women, sexual assault, marital rape, domestic violence... is obstructed by religious men.”

- Me. Brigitte Chelebian, Director of Justice Without Frontiers

Polygamy

Whereas Christian and Druze family laws prohibit men from having more than one wife, polygamy is a religiously sanctioned practice recognized under Shia and Sunni personal status laws which means that women face further disadvantages under Muslim personal status law in Lebanon.

It is a man’s legal right to marry more than one woman, and as many as four. Muslim women, on the opposite, do not have this right.

Furthermore, since civil marriage, which is monogamous by definition, is not provided for, Muslim women, especially Shia, may have no choice but to enter a marriage with the potential of being subjected to polygamy, regardless of their wishes. A Sunni woman, on the contrary, may specifically include in the contract a clause forbidding the husband from taking a second wife.

Polygamy can also have serious financial, economic and psychological consequences for women and their children. According to CEDAW’s Article 16, “polygamous marriage contravenes a woman’s right to equality with men”.¹⁵ Furthermore, Article 9 states that “it is illegal to contract a marriage between two persons, if one of them is already bound by an existing marriage.” Polygamy is prohibited in Christian laws, nonetheless, Christian men wishing to bypass rigid divorces rules, convert to Islam to be able to marry again, without ever having to divorce their first wife, since polygamy for Muslim men is allowed in Lebanon.¹⁶

Consent to marriage

Approval of guardian

In some confessions, women are perceived as receptacles of family honour and, if they exercise freedom to choose their husband, they will be liable to punishments for violating the honour of their family.

For Sunnis and Shia, the marriage of an adult girl requires the authorization of her guardian, namely the father or the grandfather. Even if she seeks the judge’s authorization, he will inform her guardian. If the latter does not object or his objection is misplaced, the judge will grant her authorization to marry. For the Druze, the guardian’s approval is required until the age of 21.¹⁷

This form of marriage is an affront to women’s status. The adult woman is treated as a minor and needs the authorization of her guardian to get married even if she is at adulthood. For Christians, when a girl turns 18, she does not need the authorization of her guardian.

¹⁵ CEDAW 2013, para. 27

¹⁶ Human Rights Watch, Women Unequal Under Lebanon’s Law

¹⁷ KAFA, Islamic Personal Status Law in Lebanon, <https://www.kafa.org.lb/ar/faq/personal-status-law-islamic>

“There is an archaic interpretation of the Quran and Hadith, a male interpretation. For example, women cannot marry before the approval of a man, a male guardian. Qiwama (guardianship) is used to control women. We should repeal it because many women now earn salaries and head households. More and more young men and women are questioning those things.”

- Dr. Fatima Sadiqi, President of the Centre for Studies and Research on Women

Approval of religious authorities: Inter-religious marriage

Marriage abides by the marriage law of the authority before which it is contracted. The standpoints of the religious communities on inter-religious marriage vary: some of them oppose it firmly while others are more tolerant but set conditions for it such as legal conversion or other forms of confirmation of confessional belonging such as baptism, even within confessions of the same religion.

The Orthodox Church authorizes the marriage of two persons of different confessions within the same religion but prevents marriage between two persons of different religions. The Evangelical Church also stipulates that the two marriage partners should be Christian, one of whom being Evangelical.¹⁸

The marriage of a Catholic man to an Orthodox woman is barred if not authorized beforehand by the competent Catholic authority. Nonetheless, the Catholic church is the only Christian church that allows its subjects to marry unbaptized individuals provided that an authorization is granted. The Druze religion strictly forbids the marriage of a Druze man or woman to a non-Druze.¹⁹

As for the other Muslim communities, they do not set conditions for the marriage of two persons of different confessions within the same religion, and authorize the marriage of a Muslim man to a woman from a different religion, and allow her to keep her religion and exercise her religious rites. However, the marriage of a Muslim woman to a non-Muslim man is considered illegitimate, regardless of his religion. The prohibition applies only to Muslim women.²⁰

2. Family responsibilities and family relations

All confessions in Lebanon practice discrimination in the sharing of family and child-rearing responsibilities. All personal status laws stipulate that it is a husband's duty to provide for his wife and family, while her duty is care for their children and home. Under these laws, a husband must support his wife and children, including by providing food, clothing, shelter, and other living expenses. The wife on the other hand must have sex with her husband and live in the marital home, completely neglecting her agency, independence, or decision-making abilities and preventing her from engaging in work or public life.²¹

18 Human Rights Watch, *Unequal and Unprotected: Women's Rights Under Lebanese Personal Status Laws* (2015), <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>

19 Idem

20 Idem

21 Gender Justice & the Law: Lebanon, <https://arabstates.unfpa.org/en/publications/gender-justice-law-lebanon>

Unequal maternal custody-paternal guardianship

The general principle across religious laws is that fathers, but not mothers, have legal guardianship (which is separate from custody) of children both during marriage and after divorce, except for Armenian Orthodox where mothers and fathers share the same rights to parental authority.²²

Child residence on the other hand is determined by the age of the child with courts favoring maternal custody when children are young and paternal custody after they pass a predetermined age, which varies across religions. These measures are not unified and continue to differentiate between boys and girls.

For instance, a divorced mother married in a Shiite court loses custody of her boys when they reach the age of two, while girls can stay with their mother until the age of seven.²³

Similarly, in the Sunni confession, the custody age of boys and girls used to be seven and nine, respectively, until a landmark Sunni code was introduced in May 2011, which allows both to stay with the mother until they are 12.²⁴

For Catholics, maternal custody of both boys and girls ends at age two, whereas for Greek Orthodox it ends at 14 for boys and 15 for girls. However, the Christian personal status laws allow religious courts to make a decision based on the best interest of the child.²⁵

However, in practice this is not applied. Religious courts generally apply different criteria to men and women in custody cases and often grant the custody of children to the father without considering the best interest of the child.

“We have many stories related to custody. One of them is Nadine el Jouni who suffered tremendously during her custody battle. She was prevented from seeing her child and launched a campaign to change the discriminatory and unjust civil status laws.

Another problem we face is when the provisions related to custody for some religious sects were modified, they did not have a retroactive effect; hence, many women were devastated and still suffered despite the changes.”

- Dr. Myriam Sfeir, Director of the Arab Institute for Women at the Lebanese American University

A mother may lose her maternal custody based on discriminatory stereotypes of motherhood, because the court perceives her as “unfit” to raise and care for her child, or because of her marriage with a man other than the child’s father; or because of lack of attention to the child’s religious education (including being from a different confession). For instance, Article 394 of the Shia Personal Status Law withdraws custody from the mother in case she remarries. In addition, a non-Muslim mother cannot get custody of her Muslim child.

²² idem

²³ KAFA, Islamic Personal Status Law in Lebanon, <https://www.kafa.org.lb/ar/faq/personal-status-law-islamic>

²⁴ idem

²⁵ Human Rights Watch, Unequal and Unprotected: Women’s Rights Under Lebanese Personal Status Laws (2015), <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>.

On the other hand, a father’s right to maintain primary care of his children is not contingent on his remaining unmarried. He is also less likely to be found to be an unfit parent, except for example in extreme cases when he could not care for the child due to alcoholism or drug addiction.

	Ages Of Maternal Custody	Source
Catholic	Ends at 2 for boys and girls	Art. 123–24 of the personal status law of the Catholic confessions.
Greek Orthodox	Ends at 14 for boys and 15 for girls	Art. 57 of the Personal Status and Procedural Code of the Greek Orthodox Patriarchate of Antioch and All the East.
Coptic Orthodox	Ends at 11 for boys and 13 for girls	Adopted in Art. 93 of its first code, issued on December 9, 2010.
Evangelical	Ends at 12 for both boys and girls	Art. 62 of the personal status law of the Evangelical confession in Syria and Lebanon.
Armenian Orthodox	Ends at 7 for boys and 9 for girls	Art. 128–32 of the personal status law of the Armenian Orthodox confession.
Syriac Orthodox	Ends at 7 for boys and 9 for girls	Art. 61 of the personal status law of the Syriac Orthodox confession.
Assyrian	Ends at 7 for boys and 9 for girls	Art. 111 of the personal status law of the Assyrian confession.
Sunni	Since 2011, ends at 12 for both boys and girls	Art. 15 of the New Code of Family Provisions issued on January 10, 2011.
Shia	Ends at 2 for boys and 7 for girls	Art. 348 of the Guide to Ja`fari Justice
Druze	Ends at 7 for boys and 9 for girls	Art. 64 of the Druze personal status law

Household responsibilities, forced cohabitation and clothing restrictions

Under Muslim and Christian personal status laws, it is the husband’s duty to pay spousal maintenance for their wife’s food, clothing, shelter and living expenses while married. However, there is no recognition of non-economic contributions of women to the marriage, including work in the home or childcare. Cohabitation and having sex with one’s husband is stipulated as a marital obligation under some personal status codes.²⁶

Within the Jaafarite Personal Status Code²⁷, a wife is not allowed to leave the home or travel alone without her husband’s permission except to fulfil her responsibilities as a wife. Doing so is grounds for divorce and bars her from receiving alimony should the marriage be dissolved. This is an explicit violation of her freedom of movement.

A blatant example of the impact of these restrictions is the case of Liliane Cheaito, a 26-year old female survivor of the Beirut Blast. Not only did the Jaafarite courts grant her husband sole custody of their 2-month old child because they considered her medically unfit to raise the baby, they also confiscated

26 Kafa, Islamic Personal Status Law in Lebanon, <https://www.kafa.org.lb/ar/faq/personal-status-law-islamic>

27 The Jaafarite Personal Status Code is applicable to the Shia community in Lebanon.

her passport based on her husband's request to prevent her from travelling abroad for treatment after recovering from a coma.²⁸ Some husbands subject their wives and daughters to particularly strict clothing requirements that are considered in compliance with their religion.

These restrictions feed into wider gender inequality and prevent women from reaching their potential and contributing to the economy. As a matter of fact, a recent study conducted by UNDP in Lebanon shows that at the end of 2019, whereas women made up 52.6% of the working age resident population (the persons aged 15+), only less than 30% of them were actively engaged in the labour market (that is the labour force, including employed and unemployed persons). This underrepresentation indicates a likelihood for economic dependence of women on their male relatives.²⁹

3. Divorce

The rules for divorce and annulment vary among religions but generally, divorce is regarded as an exclusive right of men. Unequal religious laws permit divorce only with the consent of the husband; the wife is able to leave her spouse only if he agrees, subject to payment of pecuniary compensation or forfeiture of property or custody of children.

Personal status laws and the religious courts that apply them discriminate against women during divorce across all religious groups. They impose stringent conditions on women to access divorce and give them lesser rights than men.

Furthermore, they discriminate between women of different religions. Women appearing before Jaafari, Sunni, and Druze courts are better able to end their marriages than Christian women. For instance, there is no divorce for the Catholic confession, women can only obtain annulment or legal separation. Additionally, women appearing before Sunni and Druze courts have greater ability to end their marriages than women before Jaafari Courts because they are able to initiate severance lawsuits.

Discrimination in personal status and their economic dependency can prevent women from leaving violent relationships and have a significant bearing on their safety and well-being as well as numerous other rights.

Divorce within Muslim communities

Rules regulating the termination of marriage, particularly in the Sunni and Shia confessions, discriminate against women by limiting their ability to terminate their marriage. A Sunni woman can seek divorce from her husband for a number of specified reasons. Violence by her husband is not automatically considered grounds for divorce, unless she proves that the abuse exceeds his legal authority to discipline her.³⁰

Men, on the other hand, have the right to terminate marriage unilaterally, with or without cause, and outside a courtroom. Sunni, Shia and Druze men can divorce their wives at will, sometimes without the knowledge of the wife. Under Hanafi (Sunnite) and Jaafari law, men can divorce their wives through verbal repudiation, as well as change their minds about their decision within a certain period of time – without the consent of their ex-wife. A husband may also allege that he has “reclaimed” his wife during the waiting period after a divorce when it is still revocable, even without her knowledge.

28 ICI Beyrouth, Liliane Cheaito, nouvelle victime du système patriarcal, 23 January 2022

29 UNDP Lebanon, The Life of Women and Men in Lebanon: A Statistical Portrait, 2021

30 Gender Justice & the Law: Lebanon, <https://arabstates.unfpa.org/en/publications/gender-justice-law-lebanon>

Druze women also have circumscribed access to divorce and may risk losing their pecuniary rights while Druze men can obtain a divorce, with or without cause, but are obliged to petition a Druze judge and receive a divorce judgment.

Sunni and Druze wives may also initiate a severance (or separation) case in court, to obtain a unilateral dissolution of marriage by religious judicial order. The court will grant a woman severance if certain conditions for termination of the marriage are met, such as failure by her husband to pay spousal maintenance, to have sexual relations due to impotence, disease, or insanity, or long absences from the marital home.

Women are required to remain in the marital home throughout the duration of court proceedings. If they don't, they will be considered at fault and risk losing custody and financial rights.

Under their respective personal status laws, a Sunni or Shia husband has the right to discipline his wife and the right to sexual intercourse while he is still legally married to her. He is allowed to file an obedience and forced cohabitation suit before Sunni or Jaafari courts against his wife if she has deserted him and made herself unavailable to him sexually, to demand that she return or to force her to live with him. If a wife refuses to comply with the court decision, she is considered legally recalcitrant.³¹

In sum, although Muslim women have access to divorce in some cases, the limited grounds for seeking a divorce and the length of proceedings have compelled them in practice forced to forfeit all their financial rights in order to opt out of a bad or abusive marriage.

Annulment and Separation within Christian communities

It is nearly impossible for either spouse to terminate a marriage, even consensually, under Christian confessions. There are very narrowly defined situations in which couples can end their marriages through annulment, dissolution, or desertion. These provisions vary among Catholic, Orthodox, and Evangelical confessions in Lebanon.

Although restrictions concerning the termination of marriage for Christian denominations are the same for men and women, there are instances where a man can apply for annulment but a woman cannot, such as a husband discovering, after marriage, that his wife is not a virgin. Moreover, there are instances when the law impacts Christian wives disproportionately. For example, while a wife can file for desertion due to spousal violence, in a number of Christian denominations she cannot obtain it unless this violence account to attempted homicide. In other words, violence and adultery are not sufficient grounds for termination of marriage.

Recently, however, case law has been developed in this matter, so that marriage becomes invalid if one of the spouses is unable to bear the burden of marriage (after a mandatory psychological evaluation for both spouses is carried out), and domestic violence can be considered as an inability to bear the burden of marriage.

Considering how difficult it is to end a Christian marriage, there is a "way out" for Christian husbands to bypass the Christian personal status laws that is not available to their Christian wives. They can convert to Islam and remarry without ever divorcing their wives.

In a situation similar to that undergone by Muslim wives wishing to speed up the divorce process, especially when their marriage is abusive, many Christian wives find themselves having to relinquish their financial

31 idem

rights and compensation in exchange for the husband agreeing to grant them a divorce, usually done by him agreeing to convert to another Christian confession whose laws allow the termination of marriage (e.g., the Evangelical or Assyrian denominations).³²

4. Inheritance rights

Women and men belonging to Christian and Jewish confessions have equal inheritance rights under the 1959 Inheritance Law for Non-Muslims, a civil law that is regulated by civil courts. Although the law does not discriminate in inheritance matters, customary practices are discriminatory. Male-children preference is still prevalent under numerous patriarchal excuses such as continuity and perpetuation of the family line, son's economic contribution and support, daughters seen as offspring born to depart, etc. Women, wives and daughters, are informally debarred from owning property or shares of land and compensated with movable assets or other goods.

Muslim women have a right to inheritance under their religious rules of inheritance but in many cases receive less than men. In the Hanafi (Sunnite) Jaafari (Shiite) personal status laws, daughters receive half the share that sons receive. If there is no son in the Shiite family and only one or more daughters, they inherit the entire estate. Whereas a male agnate may also inherit from his uncle and/or aunt if they do not have male children. In that case, if there is no son in the family and only one daughter, she inherits half the estate and the male agnates inherit the other half. If there are more than one daughter, they inherit two-thirds of the estate and the male agnates inherit the remaining third.

Gender-based inequality affects not only children, with girls being granted only one half of the share passed on to boys, but also wives since, while the spouses inherit differently depending on whether there is offspring, the husband inherits one quarter or one half of his wife's property but a wife inherits only one eighth or one quarter of her deceased husband's property. Also, a non-Muslim wife is not allowed to inherit from a Muslim in both confessions.

Druze are the only Muslim sect in Lebanon that allows the writing of a will for all of one's estate. If no will is written, Sunni (Hanafi) inheritance laws are applied.

32 idem

Entanglement of Religion and Civil Laws and Policies

1. Civil marriage

Lebanon has not enacted unified civil personal status law yet. This means that couples who wish to have a non-religious marriage, either because they do not want to be subject to the laws of their religion or because they are from different religious backgrounds, must travel abroad to contract a civil marriage. Upon their return to Lebanon, the Lebanese state will recognize their foreign civil marriage.

Their marriage will then be governed by the laws of the country in which the marriage was concluded and Lebanese courts are bound to apply this foreign law in the settlement of a dispute between the married couple, as per the decision of the Lebanese Court of Cassation, the country's highest court.

However, that same court has ruled that if the couple holds both civil and religious ceremonies, the marriage and its legal consequences are subject to religious law. Furthermore, if both spouses are Muslim, their foreign civil marriage will be accepted in Lebanon but their respective religious courts will apply their own Sharia rules if one of the spouses resorts to them even if they did not have a religious marriage in Lebanon because Muslim religious leaders in Lebanon have fiercely rejected civil marriage.

There has been several attempts to introduce an optional civil personal status law by Lebanese Bar Associations in 1951, MP Raymond Eddé in 1957, the Democratic Party in 1972, the National Movement in 1976, MP Auguste Bakhos in 1977, President Elias Hrawi in 1998, Chamli Association in 2011, and Minister of Justice Chaqib Kortbawi in 2014. However, they all failed. Sectarian considerations in the cabinet and the Parliament, have thwarted all these efforts. Religious bodies hold enormous sway within the law-making institutions.³³

More recently, in 2013, the Lebanese resorted to contracting civil marriage in Lebanon in the absence of a civil law by removing their religious affiliation(s).

As a matter of fact, in February 2013, a couple argued that by removing their religious affiliation from their civil records, they had the right under Decree 60 LR to a civil marriage and Lebanon's failure to enact

³³ Gender Justice & the Law: Lebanon, <https://arabstates.unfpa.org/en/publications/gender-justice-law-lebanon>

such a law did not revoke that right. Given the absence of a Lebanese law to govern their marriage, the couple notarized their marriage contract before a public notary and chose to have it governed by a foreign civil law. The Lebanese Supreme Council of the Judiciary approved the registration of their civil marriage. Others have followed suit. Nonetheless, difficulties arised in the official registration of their marriages by the Ministry of Interior.³⁴

Despite these few exceptions, civil marriage is still not a practical matter for most Lebanese citizens who may wish to keep their religious affiliations or avoid legal complications resulting from removing them from their civil records.

2. Citizenship or Nationality rights

Citizenship is governed by the Constitution and the 1926 Nationality Law. Women and men do not enjoy the same citizenship rights. Lebanese men may pass their nationality on to their children and foreign wife, but Lebanese women married to foreign men cannot confer Lebanese nationality to their children or spouses.

One exception to this, is for unmarried Lebanese women with illegitimate children - if no one claims paternity within a year – she may pass her citizenship onto her children.

The Nationality Law reflects a restrictive view of women’s legal status; it denies a Lebanese woman the right to pass her nationality to her children, even though this is a fundamental right to be enjoyed by men and women equally.

Furthermore, it enforces a discrimination between a mother of Lebanese origin and a mother who acquires Lebanese nationality by marriage to a Lebanese man. Under Article 4, a foreign mother who acquires Lebanese nationality through marriage is entitled to pass Lebanese nationality to her children if she outlives her husband.

Children and husbands are required to apply for residency and work permits on a regular basis to remain in the country. The process is cumbersome and limits their access to basic rights such as access to education, health care, jobs and social benefits.

Law No. 41 of 2015 on re-naturalization enables persons of Lebanese descent to reacquire Lebanese nationality, but the law is discriminatory because it limits the beneficiaries to descendants of men of Lebanese ancestry.

Lebanon women are denied their right for Lebanese women to pass on their nationality to their foreign spouse and children on the grounds that it would shift the religious demographic ratio and trigger other political consequences.

34 Raja Abillama, *Contesting Secularism: Civil Marriage and Those Who Do Not Belong to a Religious Community in Lebanon*, <https://anthrosource.onlinelibrary.wiley.com/doi/10.1111/plar.12259>

3. Penal Code

Honor crimes

The crime of honor is a long-standing practice which prevailed in Lebanon until 2011. It recognizes a man's right to kill with impunity any woman of his family suspected of having violated family honor by, in particular, engaging in sexual practices before or outside marriage. A woman is thus more a symbol of honor and an item of property belonging to the male members of her family than an actual human being.

Historically, 'honor' crimes were treated with leniency by the legal system. Article 562 of the Penal Code exonerated perpetrators who committed crimes of honor against women of their families and afterwards allowed for reduction of sentences for attenuating circumstances.³⁵

This Article indicated that women could not kill for "honor," but could be killed for "honor. This practice constitutes both a flagrant violation of a fundamental right: the right to life, and an infringement of the basic principles of justice. It was repealed in 2011.³⁶

Adultery

Culturally and religiously, adultery is considered dishonourable and is prohibited by Articles 487, 488, and 489 of the Penal Code. Adultery is punished by imprisonment of no less than three months and no more than two years. Previously, these articles laid down harsher punishment, conditions of investigation of the offence, and means of proof, for women who commit adultery than for men.

Adultery only counts for a man if the act takes place within the marital home, whereas a woman is culpable for adultery committed anywhere. A man can be imprisoned for one month to one year for extra marital sex. A woman's punishment is up to three-fold that of a man's punishment – from three months to two years. If the man she committed adultery with is unmarried – he is only liable for a 1 month to 1 year sentence.

These three articles were amended by Article 3(6) of Law No. 293 and discrimination was removed. In 2016, MP Sami Gemayel proposed a law to repeal such provisions and decriminalize adultery.³⁷

Rape

Rape is an extreme violation of women's physical and mental integrity and dignity. It is a criminal offence in Lebanon punishable with a minimum of five years of imprisonment, under Articles 503 and 504 of the Penal Code.

However, due to religious beliefs, rape was long regarded as an assault on the private property of men – rather than on women as individuals - and then on morality as determined by men. As a result, rape and sexual assault were unpunished if the offender marries his victim, whether or not she is a minor. Marriage in all cases absolves the rapist of any wrongdoing. A female victim of rape is frequently stigmatized, blamed and socially excluded.³⁸

In 2017, Article 522 of the Penal Code, which used to exonerate a perpetrator of kidnapping and adultery who married his victim, was repealed.

35 Baydoun, Charara A., *Cases of Femicide Before Lebanese Courts (2011)*, https://lb.boell.org/sites/default/files/cases_of_femicide_before_lebanese_courts.pdf

36 Gender Justice & the Law: Lebanon, <https://arabstates.unfpa.org/en/publications/gender-justice-law-lebanon>

37 idem

38 idem

Marital rape

Article 503 of the Lebanese Penal Code stipulates that “whoever forces someone other than his marital partner, through violence or threats, to have sex, is punished with hard labor for at least 5 years”.

By limiting the act of rape to conducts occurring outside of marital relationships, this article excludes rape within marriage from the realm of criminal acts. In other words, a man who rapes his wife is exonerated since it is his conduct not punishable by law.

This exoneration or spousal immunity is primarily rooted in social norms and religious traditions that promote men’s control over women’s bodies, particularly where sexuality and reproduction are concerned. Marital rape is in fact a socially condoned conduct.

Lebanese religious institutions do not acknowledge the concept of marital rape. On the opposite, they normalize it and stress that women’s sexual subordination falls under the category of “marital rights”. Being available for sexual relations is one of a woman’s religiously sanctioned conjugal duties. By signing the contract of marriage, a wife consents to become the property of her husband and grants him the right to sexual intercourse at any time. Her consent is no more entirely her own; her husband decides on her sexuality irrespective of her wishes. Furthermore, the religious institutions consider that sexual marital relationships are a private affair; the state should not interfere.³⁹

During the amendment of the Law 293/ 2014, women rights organizations pushed for the redefinition of rape to include marital rape. The Parliament however rejected their demand and maintained the status quo.

Marital rape is a violation to the person and dignity of a woman. It is also a breach of the right to equal protection under the law, the right to security and protection against inhumane treatment, and the right to human dignity and honor. Criminalizing marital rape is a legal obligation of Lebanon under international laws. Furthermore, the State should revoke any customary, religious and traditional notions that undermine women and alter such oppressive social behaviors.

Abortion

Abortion is viewed as contrary to traditional values and religious beliefs; it is prohibited by Articles 539-546 of the Penal Code and deemed an unlawful act under all circumstances, even in cases of rape or incest, and in cases in which the life or health of the mother is threatened. It also bans the selling of substances used to induce abortion. Anyone who aborts, facilitates, promotes, sells, buys, or acquires its means is subject to imprisonment and a fine. A woman having an abortion is subject to imprisonment of 6 months to 3 years, and the person performing the abortion is subject to imprisonment of 1 to 3 years.

The only grounds on which abortion is permitted is if it is the only means to save the pregnant woman’s life.⁴⁰ The women should be at risk of death and not just at risk of an illness. Establishing these grounds requires the certification of three doctors, inclusive of the one charged with performing the abortion. They all must agree that the woman’s life can be saved only through an abortion, as per Article 32 of Medical Ethics Law No. 288. The pregnant woman must agree to the abortion after she has been informed of the situation. If she is unconscious, her husband or her family will consent.⁴¹

39 Gender-Based Violence in the Arab World, *Al Raïda Journal*, no. 131–132 (Fall/Winter 2010–2011), <http://iwsaw.lau.edu.lb/publications/al-raïda/gender-based-violence-in-the-a.php>

40 Presidential Decree No.13187/1969

41 *Idem*

Ironically, Article 545 of the Penal Code stipulates that a woman who has an abortion to “save her honor” would benefit from an attenuating excuse. This includes various situations, such as pregnancy among unmarried pregnant women and pregnancy resulting from rape. The benefit of a reduced penalty also applies to the person contributing to an abortion in order to save the honor of a family member or a relative with or without the woman’s consent.⁴²

This reflects patriarchal undertones which are deeply entrenched in the Lebanese society and negatively impact women’s rights. The honor of the family is much more important than the life of the women and her right to free choice.

Abortion is no different than other social issues, as it is still governed by religious ideology denying women autonomy over their body. Religious norms strip women from their legal power to exercise their reproductive rights to choose to stay pregnant or not. Religious leaders put pressure on policy-makers to keep the status quo out of fear to be perceived as promoting premarital sex or increasing women’s control over their body and sexuality.

Single women who get pregnant are stigmatized and children born outside of marriage are labelled illegitimate and deprived of many rights under religious personal status codes. Abortion seems to be her only way out to avoid shame and social stigma. However, abortion by itself is condemned because it is considered unethical by the majority. As such, women resort to clandestine abortion procedures that may sometimes lead to health complications if they are undertaken improperly or without the proper tools.⁴³ Most doctors who offer abortion services, do not do so to support women’s rights to control their own reproductive health but rather to preserve moral values and social norms. Moreover, women who seek abortion for whatever reason are also left without protection against malpractice in case of complications because they are at a disadvantage of reporting to authorities if their procedures weren’t performed well.

Every woman has the right to bodily integrity, the highest level of reproductive health, privacy, self-determination, dignity and personal liberty. In its concluding observations submitted to the Lebanese state in 2015, the United Nations Committee on the Elimination of Discrimination against Women called for the decriminalization of abortion, at least where the pregnancy poses a threat to the pregnant woman’s life or health and in cases of rape, incest, and severe fetal impairment.

Criminalization of same-sex relationships

Lebanon criminalizes consensual relations between adults of the same sex. Under Article 534 of the penal code, all forms of sexual intercourse contrary to the order of nature are subject to punishment by up to one year in prison. While homosexuality is not explicitly outlawed, intercourse between two individuals of the same sex has been interpreted by some courts as contrary to the order of nature. This legal prohibition of homosexuality is grounded in the claim that it upholds the tenets of Islam or Christianity.

By promoting sexual and gender-based discrimination, this state-sanctioned provision has and restricted their access to health, education and employment and has created a permissive environment for state and non-State actors to commit violence against LGBTQ+ persons. Law enforcement authorities who have been regularly using Article 534 and Article 521 of the same code to arrest LGBTQ+ individuals or suspected of being LGBTQ+. During these investigations many LGBTQ+ persons have reported being the victims

42 UNFPA, Country Assessment on Sexual and Reproductive Rights in Lebanon (2019), available at: <http://www.aihr-iadh.org/ar/document/242/country-assessment-on-sexual-and-reproductive-rights-in-lebanon>

43 idem

of sexual harassment and abuse in the form of physical torture, psychological humiliation, and forced anal examinations.⁴⁴

However, the current legal status of the sexual conduct of LGBTQ+ persons and the perceptions of homosexuality in Lebanese society contribute to their vulnerability and leaves them out of the scope of protection from any form of sexual harassment, exploitation or abuse.

More recently, The Office of the Public Prosecutor at the Court of Cassation has issued a circular to the prohibiting anal examinations with a view to obtaining evidence of sexual intercourse between homosexuals. Lebanese courts tend to free people persecuted for homosexual conduct from their charges and substitute the penalty of imprisonment with a fine.⁴⁵

4. Domestic Violence Law

The circumstances that shaped the enactment of the law on domestic violence are a clear indication of the direct influence of religious institutions in shaping women's rights legislation in Lebanon.

For years, Lebanon's criminal law has been incapable of protecting women at risk in the private sphere. Family violence was under the jurisdiction of religious courts that were unable or unwilling to deal with this serious, often deadly, social phenomenon. Violence in the domestic sphere is not criminalized under the multiple personal status. On the contrary, it is stipulated that a man has the right to discipline his wife. As a result, women have suffered tremendously from violence inflicted upon them by their partners without any protection or legal remedy.

Law 293 on the protection of women and family members from domestic violence (domestic violence law) passed in Parliament in 2014, after years of harsh opposition by religious authorities. By establishing a civil legal framework for protection women within the family and deciding on cases of domestic violence (jurisdiction of civil courts and civil protection orders), the law represented an affront to the patriarchal culture, the conservative religious context and the prerogatives of the religious institutions.

Religious leaders were very vocal against it and tried to block it during different phases of the lawmaking process. They voiced loudly that it was in defiance of the religious principles, the moral values and the oriental and religious customs and traditions.

Sunni religious leaders vehemently argued that it violates Sharia and seeks to destroy the Muslim family by eroding the authority of the father. The reasons they enumerated to oppose the law reflect the religious and patriarchal underpinnings of discrimination against women. In their eyes, the law was unconceivable because it defies the traditional gender roles of men and women within a family; denies the father to exercise any kind violence against his children and diminishing his authority and control especially over his daughters; recognizes the act of forcing a wife to have sex with her husband against her will as a punishable crime; and undermine the prerogatives of religious courts. For them, inflicting violence against a family member was a right sanctioned by religious norms and not a crime.⁴⁶

44 idem

45 LGBT issues and the media in Lebanon An analytical study, <https://maharatfoundation.org/media/1644/study-lgbt-english.pdf>

46 Human Rights Watch Submission to the CEDAW Committee of Lebanon's Periodic Report 62nd Session, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_19385_E.pdf

5. Sexual Harassment Law

Sexual harassment and exploitation is a widespread phenomenon in Lebanon. Although it has been traditionally associated with labour-related offences, it can take place in a variety of situations, in public places such as on the street or in public transportation, in educational institutions, or at home. It can be committed by a supervisor, a coworker, a professor, a client, a neighbor or even a family member.

In December 2020, Lebanon enacted a new legislation penalizing sexual harassment in private and public places and at the workplace. Law 205 entered into force on 7 January 2021.

It imposes penalties of one month to 4 years of imprisonment; and/or fines ranging from 3 to 50 times the minimum wage.

Penalties are increased depending on a number of factors: the setting in which the harassment occurs (state institutions; universities; public transportation,...); the nature of the relationship and the power dynamic between the harasser and the victim (abuse of position of power in the workplace, relation of dependency; material, moral authority on the victim; use of extreme material, moral or financial pressure); the victim (minor; person with special needs or not able to defend him/herself due to physical or psychological limitations); and the number of perpetrators.

In the event of repetition, the above thresholds are doubled.

6. Religion and restrictive sexual and reproductive policies

Sexual Education and Access to contraception and birth control

The patriarchal control of women's sexuality is not merely limited to the Penal Code, but rather reflected in other restrictive sexual and reproductive policies. Religion and belief is also used to condemn the use of contraceptives and birth control services, reject protected conduct and premarital sex, and deny on the provision of evidence-based sexuality education.

Birth control is widely available in Lebanon, without a prescription. Nonetheless, the extent of use is constrained by patriarchal structures and reference to religious postulates. Access to contraception varies widely according to region, income, age, and peer and family approval.

Women are often forced to hide their contraceptive pills because they are terrified of the violent consequences that would ensue from their husband's discovery that he was no longer in control of his wife's fertility.⁴⁷

Virginity tests

The concept of "virginity" is a social, cultural and religious construct that reflects gender discrimination against women and girls. This social expectation that women should abstain from engaging in sexual activity is based on stereotyped notions that female sexuality should be curtailed within marriage and that the body of the women is the propriety of her husband.⁴⁸

47 UNFPA, Country Assessment on Sexual and Reproductive Rights in Lebanon (2019), available at: <http://www.aihr-iadh.org/ar/document/242/country-assessment-on-sexual-and-reproductive-rights-in-lebanon>

48 Beyond Religious Marriages: Civil Marriage, Civil Family Laws, and the Enhancement of Women's Rights in Lebanon, <https://kohijournal.press/beyond-religious-marriages>

Virginity testing violates the dignity of women and in some instances their integrity.

In Lebanon, religious leaders consider that virginity is a virtue and reflects the honor not only of the women but also of the family. Premarital sex is forbidden by most religions because of conservative societies and traditional backgrounds. A man from a Christian denomination for instance can apply for annulment of the marriage if he discovers after marriage that his wife is not a virgin.⁴⁹

49 Idem

Impact of Religion on Leadership and equal participation of women

1. In the political and public spheres

The cultural framework of values and religious beliefs that legitimizes the supremacy of men in all areas of public life and sets the role of women as wives and mothers has been a significant inhibitor of women's ability to participate in public life.

The gendered social norms convince both women and men that women are “unsuited” for politics. Although the majority of men and almost all women believe there should be more women in positions of political authority, women are often prevented from doing so by their husbands and male relatives and due to childcare and domestic work responsibilities.⁵⁰

Women have been underrepresented at all levels in the political institutions in Lebanon and have been systematically excluded from peace making and political dialogues. As of October 2021, women represented 3% percent of ministerial posts, 4% of parliamentarians, 5.4% of municipal councilors and 1.9% of mukhtars.⁵¹

Women were excluded from the Taef Accords in 1989, and from subsequent dialogues, including the 2007 efforts hosted in La Celle Saint Cloud in France, and the 2008 Doha agreement, the National Dialogue Committee In 2010, and the 2020 maritime border negotiations.⁵²

Religious leaders have vigorously articulated disapproval for women in politics. In a 2018 televised appearance, Mr. Hassan Nasrallah spoke out against women in politics, and in 2016 Druze religious leaders issued a fatwa against women running for municipal councils.⁵³

50 The International Men and Gender Equality Survey (IMAGES) 2016 survey, <https://imagesmena.org/en/>

51 European Union Sector Specific Gender Analysis: An In-Depth Sectoral Examination Of Feminist And Women's Rights Issues In Lebanon, <https://www.euneighbours.eu/sites/default/files/publications/2021-10/2021-00537-un-women-eu-lebanonfinal-web.pdf>

52 idem

53 idem

2. Within Religion

Religious institutions in Lebanon, as in all the world, are male-dominated patriarchal institutions that enforce the idea that women are incapable of leadership roles. Although women make up the majority of believers, they are barred from holding positions of responsibility and real power within most major religions. Religious norms relegate women to an inferior status and assert that women are biologically and intellectually inferior to men, not only in the public and private spheres but also within religion itself.⁵⁴

Only men can be the authoritative interpreters of religious texts in Islam, Christianity and Judaism. The male interpretation of the sacred books is the official interpretation and taught as such.

Christian religious institutions follow a rigorous gender-based division of religious labor. Women can be nuns but cannot never be appointed in a priestly function that necessitates the performance of public, solemn and official rites. They are only entitled to worship privately in enclosed spaces.

The Catholic and Orthodox churches reserve ordination to men.⁵⁵ Such discrimination is founded first on an anthropology where strictly defined functions are assigned to each of the sexes: man is the image of sacramental authority and woman is the image of the Virgin, wife and mother of Christ. Second, it is also based on biblical declarations found in the New Testament which state that while women could publicly pray and prophesy in church, they cannot teach or have authority over a man⁵⁶; and these are two essential functions of the clergy.

Exclusion from the priesthood also prevents women from assuming governing authority in the Church. The Protestant Churches are more flexible, although women were only recently admitted to the pastoral ministry.

Women are also excluded from the Islamic religious functions. Only men can be assigned as judges, prayer leaders and heads of communities. A woman cannot become an imam, a sheikh or a mufti. These roles are reserved to men. Moreover, women do not participate in public prayers in mosques.⁵⁷

Women are also not allowed to participate in some rituals and ceremonies across all religions because of the belief that menstruating women are impure. Religious authorities claim that this exclusion aims to defend the purity of the sacred against pollution from female blood.

As we can see, religions are not, generally, democratic organizations; as women are not in positions of power their voices and views go unheard. Women are therefore not able to effectively challenge the corpus of laws and gender constructs and hierarchies thrust upon them nor influence the content of their religion or shape their role within it.

Women's lesser status in religion compounds their inferior status within society as a whole.

54 Women relatively rare in top positions of religious leadership,

<https://www.pewresearch.org/fact-tank/2016/03/02/women-relatively-rare-in-top-positions-of-religious-leadership/>

55 Priestly Ordination Reserved For Men, <https://www.simplycatholic.com/priestly-ordination-reserved-for-men/>

56 The Bible: 1 Cor. 11:1–16; 1 Tim. 2:11–14

57 Women seek diverse paths to leadership in Islamic spaces,

<https://abcnews.go.com/International/wireStory/women-seek-diverse-paths-leadership-islamic-spaces-81625988>

Conclusion and Recommendations

Religious and cultural norms in Lebanon endorse male dominance and authority, and female subordination and economic dependency. As a result, laws and regulations discriminate against women, deny them the rights held by men and contribute to their disadvantaged social positions. They uphold the notion that men are in charge of family life, are the legal guardians of children, and have the right to restrict their wives' public activities. Women are obliged to obey their husbands and have limited access to divorce and, in many religious sects, fewer inheritance rights than men. Furthermore, these unequal status and rights make women vulnerable to violence and abuse.

Some people have justified these discriminatory norms in the name of religion. However, it is the patriarchal control of religion rather than the religious doctrines that underpins gender inequality. Despite tremendous efforts by feminist activists and rights organizations for decades, discriminatory norms and sexist practices have endured. In fact, state power and religious power are greatly fused in the plural state of Lebanon. Advocating for the enactment of a civil personal status law would not suffice.

The liberalization of many laws on gender and the advancement of women's rights tracks the course of relations between the state on one hand and religious groups on the other. The political linkages between women's rights and the institutionalization of religious power raise the stakes and intensify the obstacles to reform. Hence, challenging patriarchal laws such as personal status laws and nationality law come to be seen as a threat to the entire power-sharing system and to the political institutionalization of religious authority.

Successfully reforming family law and patriarchal norms would necessitate advocacy strategies and mobilization efforts that would not ignore the religious power-sharing system and the nature of the relation between the Lebanese state and the religious authorities.

Recommendations

For the Lebanese State

- Withdraw religiously-based reservations to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).
- Review and amend discriminatory laws and practices including personal status laws, nationality law and domestic violence law to ensure that they uphold the right to equality and non-discrimination and the freedom from sexual and gender-based violence.
- Repeal criminal code provisions that criminalize adultery and homosexuality.
- Ensure that sexual and reproductive health and rights of women are legally protected and are not denied on the basis of religion or belief and remove all legal barriers to access to safe abortion and decriminalize seeking and providing abortion.
- Combat and criminalize all forms of violence against women justified with reference to religious practice or belief, and hold accountable perpetrators of such violence and ensure survivors obtain redress.
- Impose the provision of information to couples before they marry on the legal regime that will govern their conjugal life.
- Educate and train justice and law enforcement actors on human rights, including gender equality and non-discrimination principles and encourage their condemnation of religiously-justified practices and regulations that violate the human rights of women or perpetrate and reinforce gender-based violence or inequalities.
- Establish a monitoring mechanism to ensure that the rulings and proceedings of religious courts guarantee the equal rights of men and women in terms of personal status issues and are in line with Lebanon's international human rights obligations.

For the Religious Groups and Faith Leaders

- Publicly oppose and condemn expressions of violence and discrimination against women that are enacted or justified with reference to religion or belief, reject harmful gender stereotypes, and express support for gender equality.
- Reaffirm that religious beliefs and practices must not be used to justify the violation of the human rights of women.
- Review religious family laws to ensure their compliance with human rights treaties and obligations.
- Establish minimum human rights education and training requirements for judges in religious courts.
- Ensure opportunities for gender-sensitive reforms within the different religious traditions and support women's agency and voice within religions.

For Human Rights and Civil Society Organisations

- Promote and facilitate inclusive community dialogues on women's rights and the impact of some harmful religiously-based practices on women's status and lives.
- Contribute to advocacy and education and outreach projects that raise awareness about Freedom of Religion and Belief, issues of gender equality and the indivisibility of rights.
- Develop human rights education and training for religious and faith leaders and judges.
- Scale-up up programming that engages men and boys, particularly community and religious leaders, to prevent and respond to Sexual and Gender-Based violence, harmful behaviours, and other forms of discrimination against women.
- Engage in projects that aim to establish economic independence for women, especially women in abusive relationships and survivors of SGBV.
- Establish an observatory on FoRB and women's rights in Lebanon.

References

Legislation

Lebanese Constitution,
<https://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanese%20Constitution.pdf>

Penal Code, No. 340 of 1943,
<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89873/103350/F300391946/LBN89873%20Arab.pdf>

Law on Registration of personal status documents of 1951,
<http://www.legallaw.ul.edu.lb/Law.aspx?lawId=197742>

Law on Protection of Women and other Family Members from Domestic Violence No. 293 of 2014,
<http://www.legallaw.ul.edu.lb/LawArticles.aspx?LawTreeSectionID=247746&LawID=246505&language=ar>

Law affirming the authorities of the Christian and Jewish religious denomination of 1951,
<http://www.legiliban.ul.edu.lb/LawView.aspx?opt=view&LawID=258197>

Muslim Sunni Family Law 1962,
<http://www.legallaw.ul.edu.lb/Law.aspx?lawId=244292>

Personal Status for Catholics of 1949,
<http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=258198>

Personal Status Law for Orthodox Church of 2003,
<http://77.42.251.205/LawView.aspx?opt=view&LawID=244776>

Personal status law for the Druze community of 1960,
<http://www.legiliban.ul.edu.lb/Law.aspx?lawId=243879>

Personal Status Law for the Jewish Community of 1990,
<http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=258208>

Decree on Lebanese Nationality No. 15 of 1925,
<http://www.refworld.org/pdfid/44a24c6c4.pdf>

Publications

Baydoun, Charara A., Cases of Femicide Before Lebanese Courts (2011),
https://lb.boell.org/sites/default/files/cases_of_femicide_before_lebanese_courts.pdf

Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fourth and fifth periodic reports of Lebanon (24 November 2015),
<https://undocs.org/CEDAW/C/LBN/CO/4-5>

Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Lebanon (27 July 2020),
<https://undocs.org/en/CEDAW/C/LBN/6>

Gender-Based Violence in the Arab World, Al Raida Journal, no. 131–132 (Fall/Winter 2010–2011),
<http://iwsaw.lau.edu.lb/publications/al-raida/gender-based-violence-in-the-a.php>

Hariri Foundation, Steps Towards Empowerment: A Legal Report,
<http://www.hariri-foundation.org/admin/document/10.pdf>.

Human Rights Watch, Unequal and Unprotected: Women's Rights Under Lebanese Personal Status Laws (2015),
<https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>.

Sexual Rights Initiative, Submission to the United Nations Universal Periodic Review of Lebanon 23rd Session of the UPR Working Group of the Human Rights Council (2015),
http://sexualrightsinitiative.com/wp-content/uploads/SRI_UPR23_LBN_.pdf

UNDP Lebanon, The Life of Women and Men in Lebanon: A Statistical Portrait,
<https://www.lb.undp.org/content/dam/lebanon/docs/2020/Publications/GENDER%20REPORT.pdf>

UNICEF Lebanon, MENA Gender Equality Profile (2011),
<http://www.unicef.org/gender/files/Lebanon-GenderEquality-Profile-2011.pdf>.

UNFPA, Country Assessment on Sexual and Reproductive Rights in Lebanon (2019),
<http://www.aihr-iadh.org/ar/document/242/country-assessment-on-sexual-and-reproductive-rights-in-lebanon>

KAFA, Islamic Personal Status Laws,
<https://www.kafa.org.lb/ar/faq/personal-status-law-islamic>

UNFPA, Regional Report Sexual and Reproductive Health Laws and Policies in Selected Arab Countries (2016),
<https://arabstates.unfpa.org/sites/default/files/pub-pdf/Sexual.pdf>



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