

Report on Lebanon **9th Session of the Universal Periodic Review – November 2010**

This report is submitted by: **Nasawiya**¹ and **The Sexual Rights Initiative**². It deals with sexual rights and discrimination on the basis of open sexuality in Lebanon and makes references specifically to the situation of lesbian, gay, bisexual, transgender and queer people (LGBTQ); social perceptions of sexuality and violence against women, abortion, sexual harassment, rape, and the situation of migrant domestic workers.

Background

1. Lebanon has ratified all major UN Conventions, specifically the Convention on the Elimination of All Forms of Racial Discrimination (in 1997 with some reservations), International Covenant on Civil and Political Rights (ICCPR), Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women³ (CEDAW), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the ILO Convention concerning equal remuneration for men and women workers for work of equal value and the Convention on the political rights of women.⁴

Gender Norms

2. Lebanon is considered a leader in civil society development and activism in the context of the wider Arab region. Women in Lebanon are seen as the ones whose rights are most often recognized and respected by the state in comparison with women with more deteriorating human rights standards in the region where there are many cases of honour crimes, female genital mutilation and similar practices. On the inside, reality is quite bleak on the human rights spectrum as the Lebanese government still fails to create legislation on gender equality that provides legal framework for improving the situation of women in terms of domestic violence, marital rape, sexual harassment and basic rights for LGBTQ communities.

3. Lebanese society leaves little room for independence and choice for women mostly because of gender norms and roles that are invisibly imposed onto them. Society forces women to fall under specific pre-defined categories of being hetero-sexual, virgins and living with their parents until they are married. If such terms are breached, it is considered that the woman is radically defying society's norms.

4. The different forms of pressure exerted on women include the need to conform to certain looks and sexual behaviours, and to keep in silence on sexual assaults, whether domestic violence or street rape, etc.. Those kinds of pressure from society's restrictions result in dejection of most women's self-esteem. Narrow expectations and restrictions are put on girls, which in many cases lead them to sad and depressive lives. Examples includes society's pressure on women to grow up to become young perfect wives and mothers who give their whole time to unpaid work inside their homes, or to have a job but to still be the main caregivers in the family and the one who are responsible for all the house chores.

¹ Nasawiya is a grassroots organization based in Lebanon that seeks to achieve gender equality in the Arab region by promoting feminist values and causes.

² Coalition including Action Canada for Population and Development (ACPD), Creating Resources for Empowerment and Action (CREA, India), Federation for Women and Family Planning (Poland), Mulabi - Latin American Space for Sexualities and Rights, and others.

³ With reservations on article 9 (2), and article 16 (1) (c) (d) (f) and (g) regarding the right to choose a family name

⁴ Volodon Vladimir. "Human Rights: Major International Instruments" Status as at 31 May 2005, UNESCO

5. Women have been gaining many rights progressively (1953 – voting; 2001 - equal pay; 2004 - equal serving in government in terms of medical coverage and hospitalisation) ⁵. Yes, much should still be improved on the level of progressive legislation to protect women on the most basic of levels. Lebanese women do not have a law that criminalizes domestic violence or grants them rights to pass their nationality on to their husbands and children. Citizenship is only transmitted by paternity, for demographic reasons politicians say, which causes constraints on divorced, widowed, abandoned or single mothers.⁶ Women are basically still amply discriminated against in the Personal Status Law, the Nationality Law, the Penal Law, the Labour and Social Security laws and Employees' Laws and the Terrestrial Trade Law.⁷

6. **Recommendations - The Lebanese state should:**

- a) Assert the full right of Lebanese women to grant their nationality to their families by amending the articles deemed discriminatory against women in the law promulgated by virtue of Decision 15 dated January 19, 1925 that was amended on January 11, 1960 as well as the articles added on January 11, 1960 and relating to the Lebanese nationality;
- b) Encourage programs and secure funds and opportunities where women and especially youth have spaces to start talking about their relationship with their bodies, their self image, self esteem, and to start connecting their negative feelings about themselves with these larger social and economic forces that affect them on personal level;
- c) Develop a strategy to promote healthier images of women on media channels, advertisements and books, and provide alternative images to the ones portrayed in private media so as to start working towards a less discriminatory, more women-friendly society and women imaging;
- d) Take all necessary measures to challenge social norms that discriminate women through raising awareness and implementing legal norms.

Perceptions of sexuality and sex education

7. Sexuality is still perceived as a taboo in Lebanon and is maintained within the context of marriage. It is largely not discussed either inside or outside the family.⁸ Society in Lebanon does not expect or accept that a woman be sexually active before marriage. In the Lebanese patriarchal system, society treats the man differently giving him more freedom to manoeuvre and act upon his own wishes without being judged. This system entails men to act as they please, and prohibits women from doing the same. At many times, divorces happen right after marriage because the husband, who is not a virgin, realizes that his wife is not a virgin and female virginity is sacred in the context of Lebanon. Virginity is still considered the calibre to see whether this woman (and thereby her family) is respectful, honourable and pure.

8. Since sex is not talked about in family circles, neither on mainstream media nor in educational systems (with the exception of few conservative sex education programs limited to some private schools), young people are unlikely to learn about sexuality from their parents or school and their main source of information is their peers and internet. Youth specifically lack information about basic sexual hygiene, contraception, STIs and changes in their bodies at puberty. In many families still, male children are valued more than female children and this would make women willing to give birth to girls many times until a male child is born.⁹ Also,

⁵ The Lebanese Council of Women; <http://www.lcw-cfl.org/>

⁶ Collective for Research and Training on Development-Action; <http://old.crtada.org/crtad.org/www/wrn/lebanon.htm>

⁷ The Lebanese NGO forum

<http://www.lnf.org.lb/windex/brief1.html>

⁸ Information International; "Outing the sexual taboo: Unveiling issues of sexuality in Lebanon"; http://www.information-international.com/pdf/sexuality-issues_nov03-ar.pdf

⁹ Women for Women's Human Rights (WWHR) – New Ways & Mediterranean Academy of Diplomatic Studies prepared by Liz Ercevik Amado; "Sexual and Bodily Rights as Human Rights in the Middle East and North Africa: a Workshop Report" 2003

women in rural areas have little access to information about their bodies or to healthcare services related to their sexuality.

9. Recommendations - The Lebanese state should:

- a) Develop programs of sexual education in the school curricula for young women, which provide safe information in a peer-to-peer, accessible and non-judgmental way.
- b) Assess the situation of women's access to healthcare in the sphere of sexual and reproductive health;
- c) Implement strategies to promote access to sexual and reproductive health facilities and launch awareness-raising campaigns not only in the capital but in decentralized areas of Lebanon.

Abortion

10. Under Articles 539-546 of the Penal Code¹⁰, the performance of abortion is illegal in Lebanon under all circumstances. Nonetheless, Presidential Decree (No. 13187)¹¹ allowed for one exception; that is when abortion is the only means of saving a pregnant woman whose life is placed in great danger.¹² All other cases including preserving physical health, mental health, rape or incest, foetal impairment, economic and social reasons or just personal choice are deemed illegal. There are no official statistics, which makes it difficult to accurately estimate the prevalence of abortions in Lebanon. Doctors' testimonies show the practice is relatively widespread¹³.

11. Abortions are performed in private clinics or homes by doctors who accept to do the abortions and ask for very high fees. They are performed in unsafe environments which constitute health hazards to the women undergoing those operations. There are no support groups to help women in such situations and most women end up at therapists shortly after their operations.

12. If the woman undergoes any failure in her abortion, complaining to the police is not an option. The person who performs an abortion is subject to one to three years imprisonment under the law. Women who undergo abortions are also guilty of a crime and can be sentenced to a jail term ranging from six months to three years.¹⁴ Abortions take place in many circumstances because of unforeseen pregnancies from unwed relationships. The woman is drawn into clandestine abortion since she fears the condemnation and disownment by her family if her sexual relationship with the boyfriend is known.

13. Recommendations- The Lebanese state should:

- a) Develop a support system and shelter network for unwed mothers¹⁵ since many abortions take place because the single mother fears that she will not be able to raise the child in a society that alienates sexually active women out of wedlock;
- b) Undertake awareness-raising campaigns on reducing the number of unwanted pregnancies, contraceptive use and sex education;
- c) Make abortion a legal option for women by removing all restrictions on performing it.

¹⁰ Of 1 March 1943, in the version of 16 September 1983

¹¹ Of 20 October 1969

¹² Women for Women's Human Rights (WWHR) – New Ways & Mediterranean Academy of Diplomatic Studies prepared by Liz Ercevik Amado; "Sexual and Bodily Rights as Human Rights in the Middle East and North Africa: a Workshop Report" 2003

¹³ http://www.unwire.org/unwire/19990324/1629_story.asp

¹⁴ "Denial Runs through Lebanon", Zahra Hankir <http://www.nowlebanon.com/NewsArchiveDetails.aspx?ID=27425>

¹⁵ Mothers who are not married and who give birth as single mothers

Sexual orientation and gender identity

14. Both the law and society discriminate against lesbian, gay, bisexual, transgender people and queer people in Lebanon. Since there is lack of information and acceptance to openly speaking on sexuality in general even with heterosexual sexually active people, it is much harder for those who are homosexuals or bisexuals since their sexual activity is perceived as against the current of the “socially acceptable”.

15. Families of LGBTQ people react with a various cases of negative reactions that range from intolerance to throwing their children out of the parents’ houses to even more violent reactions. There are so many documented incidents of parents beating, humiliating and restricting movement after finding out about their family member’s identity.¹⁶

16. The few LGBTQ individuals who have sought police protection after having been abused by third parties did not receive the protection needed but have instead been subjected to the same kind of treatment by military police. The lack of needed protection results in making this community more prone to being harassed randomly by criminals who know that these vulnerable victims will not dare complain to the police for fear of their reaction. Last year, there was a case of physical violence against a gay couple in public place in Beirut allegedly by men in police uniform.¹⁷

17. Article 534 of the Penal Code criminalizes homosexuality with up to one year in prison although this stands in stark violation of the many international human rights treaties that the Lebanese government has signed.

18. Recommendations- The Lebanese state should:

- a) Abolish Article 534 of the Penal Code which criminalizes homosexuality;
- b) Take all necessary policing measures to prevent and provide protection from all forms of violence and harassment related to sexual orientation and gender identity;
- c) Guarantee non-discriminatory treatment from police and other security forces on basis of sexual orientation.

Sexual violence

19. There is minimal data, numbers or statistics available in Lebanon on sexual violence, rape and harassment although civil society organizations agree that they are prevalent. This not only includes Lebanese women but even more so, foreign women. As part of the racist system in Lebanon, any woman who looks different - migrant workers, women who have darker skin, who have Asian features, or who have blonde/European features - is automatically prone to harassment and disrespect¹⁸.

20. Sexual harassment also extends to different groups including transgender persons, gay or even men who appear “feminine”. Harassment is the means that men use to assert their authority over women. An extreme model of how sexism, heterosexism and homophobia work is through the “corrective rape” of lesbians and transgender women.

21. It is common for police to take the side of the perpetrator and not take action when complaints on sexual violence are made by the few women due to their traditional understanding of the power dynamic between women and their male relatives, women migrant workers and their employers, etc.

¹⁶ <http://www.meemgroup.org/about.php>

¹⁷ <http://www.helem.net/node/157>

¹⁸ Feminist Collective position paper on Sexual Harassment, 2009; www.feministcollective.com

22. Recommendations- The Lebanese state should:

- a) Urge the Lebanese parliament to pass the bill that protects women from family violence;
- b) Issue a legislation that would ensure that perpetration of sexual violence and rape is vigorously investigated, and that, where appropriate evidence is found, those responsible are prosecuted, tried and duly punished and organise a speedy procedure to ensure that the victims of sexual violence and marital rape are provided with appropriate remedies and redress, including compensation, shelter, secure alternate accommodation and free legal services;
- c) Provide training to psychologists, judges and social workers on addressing sexual violence and providing assistance to survivors;
- d) Investigate, break the silence and raise the urgency of the general public on the situation of sexual violence in the country.

Rights of migrant domestic workers

23. The disrespect and abuse of the more than 250,000 migrant domestic workers in Lebanon is ample. These women come from India, Philippines, Sri Lanka, African countries and Nepal to face slave-like conditions in most Lebanese houses, where they have to work for an average of 3 years. Cases of abuse include withholding salaries, unlimited number of work hours, inhuman living conditions, lack of privacy and physical violence.

24. Many migrant workers return to their home countries as survivors of physical, emotional and sexual abuse. They are also subjected to verbal, physical and sexual violence. Moreover, their legal and financial position makes them “easy prey for sex traffickers.”¹⁹ Many do not survive, as suicide rates of migrant workers are alarmingly high, one suicide a week during 2009²⁰ compared to a similar rate in the starting weeks of 2010²¹.

25. The Lebanese Ministry of Labor has begun to introduce minimal reforms for migrant domestic workers’ rights such as the introduction of the standard employment contract in 2009²². This is an encouraging step but still falls short of offering adequate protection mechanisms for the more than 200,000 migrant domestic workers in Lebanon.

26. Recommendations- The Lebanese state should:

- a) Propose and simplify the procedure for opening a union for migrant domestic workers, representing them in all matters related to their welfare;
- c) Enhance the role of the media in raising awareness and providing information on the weekly suicides and the sexual harassment and rape cases among migrant domestic workers;
- d) Improve advocacy campaigns to influence government policy and public opinion about issues relating to migrant domestic workers;
- e) Improve the terms and conditions of the employment contracts by which migrants are hired by providing hotlines for monitoring non compliance with contract terms, having respondents who speak different languages for the hotline;
- f) Amend the labor law to provide comprehensive legal protection for domestic workers.

¹⁹ Jureidini Ray. “Women Migrant Domestic Workers in Lebanon”. International Migration Programme

²⁰ “Annex: Deaths of Migrant Domestic Workers in Lebanon” Human Rights Watch MENA, 2008.

²¹ Ethiopiansuicides.blogspot.com

²² Excluding the need for a weekly day of rest and paid sick leave