

MISSION PERMANENTE DU LIBAN
AUPRES DE
L'OFFICE DES NATIONS UNIES
A GENEVE

Rue de Moillebeau 58
1209 Genève

N/Réf. 15/1/23/4- 185/2014

La Mission permanente du Liban auprès de l'Office des Nations Unies et des Organisations Internationales à Genève présente ses compliments à la Présidente – Rapporteuse du groupe de travail sur la discrimination à l'égard des Femmes dans la législation et dans la pratique, et en référence à sa lettre en date du 30 avril 2014, a l'honneur de lui remettre ci-joint la réponse du Ministère de la Justice relative au questionnaire dûment rempli sur l'égalité et la non-discrimination dans le mariage, les droits et les responsabilités dans la famille et la participation à tous les aspects de la vie culturelle y compris les arts, les sports et les activités culturelles.

La Mission permanente du Liban saisit cette occasion pour renouveler à la Présidente-Rapporteuse du groupe de travail sur la discrimination à l'égard des Femmes dans la législation et dans la pratique, l'assurance de sa haute considération.

Genève le 16 juillet 2014

OHCHR REGISTRY

16 JUL 2014

Recipients :.....SPD.....
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Haut Commissariat des Nations Unies aux Droits de l'Homme
Présidente –Rapporteuse du groupe de travail sur la discrimination à l'égard des Femmes dans la législation et dans la pratique
Palais Wilson-52, rue des Pâquis
1201 Genève

General

1. What status/hierarchy does your Constitution give to international human rights treaties versus domestic law? *According to art. 2 of civil procedures law, international treaties that Lebanon has ratified have higher rank than domestic law*
- Please explain: *International treaties that Lebanon has ratified have higher rank than domestic law*
2. Has your State ratified international human rights treaties with reservations to provisions dealing with equality in family life?

Yes No

If yes, are there plans to withdraw these reservations?

Yes No

Please explain: *because this issue is governed by religious laws and Charia*

3. Are the principles of non-discrimination on the basis of sex/gender and equality between men and women established in the Constitution of your State?

Yes No

If yes, please provide references, describe how they are defined (name the specific articles) and whether they cover family and cultural life. *Art. 7 and 12 of the constitution cover all civil and political rights, but not personal status issues which are governed by Charia and religious laws*

4. Are there any specific anti-discrimination or gender equality laws in your State?

Yes No

If yes, please provide references and briefly describe the content of this law(s), in particular whether it covers family and cultural life. *art 7 and 12 of the constitution, but family affairs are governed by religious laws and Charia*

5. Have there been any recent legal reforms in your State to guarantee non-discrimination and equality between men and women in family and cultural life?

Yes No

If yes, please explain and provide examples. *Law N° 293 dated 15/5/2014 protecting women and other members of the family from domestic violence*

6. Are there any customary, religious law or common law principles/provisions that discriminate against women in family and cultural life?

Yes No



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7. Are there any good practices that you can share regarding the elimination of sex discrimination in family and cultural life in your State? *Yes, several NGOs are working on this issue, and the media also has its important role.*

If yes, please explain and provide examples.

There are lots of publicity, theatre events and T.V. series dealing with this problem.

8. What actions have been taken by your State to eradicate negative gender stereotypes, including in the media? *The Higher Committee for Women Issues has established a road map to eradicate negative gender stereotypes, also actions*

Please provide examples.

have been taken in educational programs in schools.

9. Are tribunals upholding the principles of equality and non-discrimination in matters relating to family and cultural life?

Yes ()

No (X)

because these matters are governed by religious laws and charia, and are seen by religious courts.

If yes, please provide any relevant case-law/jurisprudence.

10. Are there any other mechanisms to monitor draft legislation, specific provisions in draft legislation or reverse decisions discriminating against women in family or cultural life?

Yes (X)

No ()

If yes, please provide any relevant examples.

through N.G.O.s and media

Family Life - Equality within marriage

11. Is there a legal designation of head of household?

Yes (X)

No ()

If yes, is the head of household the male member of the family? What rights or obligations are attributed to the head of household? *The head of household is the male member,*

he has the responsibility to provide to the education and needs of his children.

12. Do women have the same rights as men in your State in relation to:

(No) The minimum age for marriage - if the age of marriage is different for men and women, please provide information

(No) The right to enter into marriage

(Yes) The freedom to choose a spouse and to express consent

13. With permission or authorization from parents/guardians/courts, at what minimum age can men and women marry in your State? What enforcement measures are provided by law in this regard?

The age of marriage for men and women is designated by religious laws and charia and they are not the same for all religions



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14. Is there a reference to dowry in the legislation of your State, for example, in marriage contracts or in traditional practice?

Yes No

If yes, please explain. *in charia and religious laws that governs the marriage issue.*

15. Are forced marriages prohibited in your formal and customary laws?

Yes No

If yes, please provide any relevant references.

16. Are forced marriages or arranged marriages practiced in your State?

Yes No

If yes, please explain. *but there have been few exceptions.*

17. Is polygamy illegal in your State?

Yes No

If no, is it legal for both men and women? *only for men and due to charia and religious laws.*

18. Is the registration of marriage compulsory in the following cases?

(Yes) civil marriage
(Yes) religious marriage

19. Are same sex marriages allowed in your State?

Yes No

20. Are same-sex relations criminalized in your State?

Yes No

If yes, please provide references. *Art 534 in the penal code*

21. Is equality guaranteed between husband and wife in law and practice with respect to:

- The right to choose a family name *each one keeps his family name*
- (Yes)* The right to choose a profession and occupation
- (No)* The right to choose the place of residence *The husband chooses the place of residence*



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(Yes) The right to have and retain one's nationality

() The freedom of movement (including the right to travel abroad) *In practice equality is*

guaranteed, but in religious laws and charia the wife should have the permission of the husband to travel abroad.

Please provide references.

22. Do both spouses have the same rights in law and practice with respect to:

(Yes) ownership of property and land

(yes) management and administration of property and land

(yes) enjoyment and disposition of property and land

Please provide references.

23. Are women who get married subjected to any form of male guardianship?

Yes

()

No

(X)

If yes, what are the specific conditions of this guardianship and what kind of restrictions does it impose on women?

24. Do parents have same rights and responsibilities regarding to:

(Yes) *Under the provisions and articles of law*

(yes) Adoption of children *but no adoption in charia*

(yes) Care of children

(yes) Education of children

(yes) Alimony

Please provide references.

Personal States Law's and charia

25. Are de facto unions recognized in law in your state?

Yes

()

No

(X)

If yes, please explain in which law(s) and how this is defined.

26. Do men and women have the same legal rights with respect to dissolution of marriage?

Yes

()

No

(X)

If yes, please explain in which law(s) and how this is defined.

27. Do men and women have the same rights in law and practice when a marriage or union ends in terms of:

(No) Equal share of the marital property and land

(yes) Custody of children

(yes) Remarriage



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Please provide any references.

28. Is it contemplated in the legislation of your State that in the event of a divorce, women should remain in the family or common household?

Yes () No (X)

If yes, please explain in which law(s) and how this is defined.

29. Are legal provisions guaranteeing non-financial contributions, including care of children, the sick and elderly in the family, taken into account in the division of marital property upon divorce?

Yes () No (X)

If yes, please provide references.

30. Are rights of widow(er)s the same for women and men in terms of

- (No) Custody of children
- (No) Property and land distribution
- (Yes) Remarriage
- (Yes) Freedom to choose residence

Please provide references.

Personal status Laws and charia

31. Do women have access to legal aid in relation to family matters?

Yes (X) No ()

If yes, please explain.

Law N° 293 dated 15/5/2014

protecting Women and other members of the family from domestic violence.

Equality within the family

32. What is the legal definition/concept of "family" in your State? Family is formed of ascending and husband-spouse and children

33. In law (including customary law) are men and women equal in the family in your State?

Yes () No (X)

If yes, please provide any references.

34. Do men and women have the same social status within the family in your State?

Yes () No (X)

If yes, please provide any references.



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35. Does your State have data on the number of hours spent by women and by men on functions in the home or in care for family members, including children and the elderly?

No

If yes, please explain.

36. Do men and women in the family have the same rights, in law and practice, with regards to inheritance (including equal rank in the succession)?

Yes

(X) for Christians Law of 12/6/1953, and Charia for muslims

No

If yes, please explain. In addition, is there evidence of waiver of inheritance rights by women?

37. Does family education in your State include a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of the children?

Yes

(X)

No

()

If yes, please provide any references.

38. If equality is guaranteed in law and practice, does this apply in all different types of families?

Yes

()

No

(X)

If yes, please provide any references.

Violence within the family and marriage

39. Are there any of the following traditional practices in your State?

(No) Female Genital Mutilation

(Yes) Honour Killings

(Yes) Son Preference

() Dowry Deaths

(Yes) Polygamy

(Yes) Prohibition of work or travel without the permission of a guardian

() Other

If yes, is there legislation prohibiting such practices in your State?

Law N° 293 dated 15/1/2014 protecting women and other members of the family from domestic violence, as

Please provide any information on other actions taken to eradicate those practices.

for honour killings Law N° 162 dated 17/8/2011 abrogated the art 562 of the penal code that gave legal excuse in such crimes



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40. Is/are there any anti-domestic violence legislation/regulations in your State?

Yes

(X) Law No 293 dated 15/5/2014

No ()

If yes, please provide any references.

41. Does your State have a legal definition of discrimination which covers gender-based violence or violence against women, which includes domestic violence?

Yes

(X)

No ()

42. Does your State have a national policy to eliminate gender-based violence or violence against women, including domestic violence?

Yes

(X)

No ()

43. Is marital rape considered a crime in the legislation of your State?

Yes

(X)

No ()

44. Is adultery considered a crime in the legislation of your State?

Yes

(X)

No ()

If yes, is it equally punished for men and women?

yes art 489 penal code

Please provide any references and further explanation.

45. Are there any public campaigns in your State to raise awareness that violence against women and girls is a human rights violation?

Yes

(X)

No ()

If yes, do they attempt to change the attitudes of men?

yes

46. What measures have been taken in your State to raise awareness among law enforcement officials regarding violence against women and girls, including domestic violence?

Please explain and provide examples.

There's a special training among Law enforcement off

47. Are there special law enforcement units to respond to complaints of violence against women and girls, including domestic violence?

yes art 5 of Law N° 293 dated 15/5/2014



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Yes No

If yes, do these include female law enforcement officers? *yes*

43. Please provide information on the incidents/complaints of domestic violence, sexual assault including rape, and child abuse against women and girls in your State.

49. Are there shelters or safe houses for women and girls who are victims of gender-based violence, including domestic violence in your State?

Yes No

If yes, are these available to women and girls living in rural and remote areas? *yes*

Participation in cultural life

50. Are men and women equally entitled in law and practice to interpret cultural traditions, values and practices in your State?

Yes No

If yes, please describe and provide examples.

51. Are there restrictive dress codes for women which do not apply to men?

yes for some muslim women, like veils

If yes, please describe and provide examples.

52. Are women in the country allowed to be a member and fully participate in cultural and scientific institutions in your State?

Yes No

If yes, please describe and provide examples.

53. Are women entitled in law and practice, independently of their marital status, to decide freely whether or not to participate in certain cultural events, traditions and practices in your State?

Yes No

If yes, please describe and provide examples.

54. Are there any specific actions to recognize and value the contributions of women to culture in your State?



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Yes No

If yes, please describe and provide examples.

55. Do you have data regarding the participation of women in arts, science, sports and in the proportion of public funding allocated to women in these activities? **No**

If yes, please provide information.

56. Has your State developed any temporary special measures to enhance the participation of women in arts, science, sports and any other cultural activity?

Yes No

If yes, please provide specific examples of these temporary special measures.

57. Are women allowed and encouraged by your State to participate in all sports?

Yes No

If yes, please describe and provide examples. **Beirut Marathon for Women and other activities**

58. Is any special dress code provided in the legal regulations for all women exercising sports in your State?

Yes No

If yes, please describe and provide examples.

59. Are there any differences in your State in conditions for women's access, to museums, parks, theaters, sports stadiums and other facilities where culture, sports and science are disseminated in comparison with men?

Yes No

If yes, please explain and provide examples.

60. Is your State promoting the participation of women in the arts?

Yes No

If yes, please explain and provide examples.

61. Have there been any cases in your State in last decade of women artists prosecuted for the performance of art, allegedly violating public authority or morals?

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Yes

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No

(X)

If yes, please describe.



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