



Lebanese Association  
for Family Health

سالمة  
Salama



A Member Association of



**IPPF**

International  
Planned Parenthood  
Federation

Arab World Region

## **The Lebanese Association for Family Health- SALAMA Submission to the Universal Periodic Review of Lebanon**

The Lebanese Association for Family Health (SALAMA) is an NGO founded in 2008 under the Statement of Registration No. 1740. It is a member association of the International Planned Parenthood Federation (IPPF).

SALAMA advocates for sexual and reproductive health and rights (SRHR), promotes and provides high quality SRH services, and raises awareness for all groups in the society, particularly the under-served and marginalized.

SALAMA seeks to improve the quality of life of all individuals in regards with their SRHR and to ensure the community development.

This report outlines the current situation in relation to Lebanon's international obligations as well as its national laws, policies and practices related to specific issues around human rights related to Sexual and Reproductive Health.

## **I. Women's rights:**

### **A. International standards:**

1. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the United Nations General Assembly in 1979, provides the legal framework and basis for realizing equality between women and men in all aspects of life. CEDAW clearly defines the principles and key actions necessary for the elimination of all forms of discrimination against women, requires all states parties to fully implement these and thus, condemn all forms of discrimination against women<sup>1</sup>.
2. Lebanon ratified this Convention by virtue of Law no. 572, (1996), seventeen years after it has entered into force. However, the Government made reservations contrary to the object and purpose of the treaty to some of its provisions to the extent that "equality between women and men" is rendered meaningless. The reservations protect personal status laws, which grant unequal rights to women, and men that are, in turn, governed by the laws of various religious communities and constitute a form of discrimination against women<sup>2</sup>.
3. Additionally, Lebanon has adhered to other conventions on women's rights. The most important are: the International Labour Organization Convention no. 45 concerning the Employment of Women on Underground Work in Mines of all Kinds, 1935; the United Nations Convention on the Political Rights of Women, 1955; the UNESCO Convention against Discrimination in Education, 1964; and the International Labor Organization Convention concerning Employment Policy, 1964.
4. To date, it should be noted that Lebanon has failed to ratify many of the international conventions related to women's rights and the elimination of all forms of discrimination against women because of the reservations it raised on the nationality and personal status related issues, mentioned above.

### **B. National legislation:**

5. Although, the Lebanese Constitution does not include any provisions about discrimination against women, it enshrines the equality of all individuals before the law, without any discrimination. However, these provisions are not enough to guarantee women's human rights. The Constitution should include an explicit and clear provision that guarantees the principles of equality and non-discrimination between women and men, just like many other constitutions in the world.
6. On the legislative level, Lebanon has taken several relevant measures. It has issued some laws, decrees and decisions for the promotion of women's status in relation

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<sup>1</sup>- Convention on the Elimination of All Forms of Discrimination against Women Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979.

<sup>2</sup> - The National Action Plan for Human Rights in Lebanon 2014-2019, UNDP- United Nations Human Rights Office of the High Commissioner, Lebanese Republic National Assembly, 2013.

to: political rights (1953); equality in inheritance for non-Muslims (1959); the right to choose a nationality (1960); the freedom of movement (1974); the abolishment of birth control sanctioning provisions (1982); the adjustment of the end of service age for men and women in the Social Security Law (1987); the recognition of the eligibility of women to get certificates from the land registry (1993); the recognition of the eligibility of married women to trade without the permission of their husbands (1994); the right of female employees working in the diplomatic field and married to foreigners to continue working (1994); and the eligibility of married women to enter into life insurance contracts (1995).

7. After many years of struggle and efforts exerted by advocates and civil society activists in the field of women's rights in Lebanon, the Lebanese Parliament abolished old laws and enacted new ones to amend some provisions that discriminate against women:

- a. On August 4, 2011, the Parliament abolished article 562 of the Lebanese Penal Code. By virtue of this abolishment, the murderer of his spouse or one of his ascendants, descendants or his sister no longer benefits from the excuse of mitigation in case he surprises any of them in a witnessed crime of adultery or in a situation of unlawful intercourse and proceeds to kill or injure one them without deliberation. This was one of the most significant articles, which women strove to eliminate because it was a related to murder as they described it. It actually allowed the killing of women by persons benefiting from the excuse of exemption (before the amendment of the article in 1998) or the excuse of mitigation (according to the amendment into force since 1999).

- b. Law no. 179, dated August 29, 2011, amended article (9) of the Decree-Law no. 146/1959 related to inheritance duties on all rights and movable or immovable properties. This law aims to establish equality between female and male heirs to benefit from additional reductions when calculating the inheritance duties owed.

- c. Law no. 180, dated AUGUST 29, 2011, amended article 31 of the Decree-Law no. 144/1995 related to the Law on the Income Tax. This law aims to establish equality between women and men by allowing Lebanese working women to benefit from a tax reduction on their husband and children under the same conditions as Lebanese working men.

#### Recommendations:

- To sign the uncertified international conventions, for example: Violence and Harassment Convention, Maternity Protection Convention etc...
- To withdraw the reservations made to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and ratify the Optional Protocol.

#### **C. Women's protection from domestic violence:**

8. Passed in April 2014, the Law No (293) on Domestic Violence has relatively succeeded at many levels, mainly in breaking the taboo of domestic violence issues in Lebanon, acknowledging the protection role of the government, as well as promoting the media interaction with women issues, and, most importantly, was an

institutional success in strengthening the role of the security forces and the judicial authority in addressing domestic violence. Nevertheless, there are challenges and dilemmas facing the implementation of Law No 293. It should be noted that efforts are being deployed to put an Arab Model Law for the Protection of Women and Girls from Violence in partnership with the National Commission for Lebanese Women (NCLW) and to amend the Lebanese law afterwards in according to the Model Law.

9. It should also be noted that Lebanon is preparing this year, in cooperation with the National Commission for Lebanese Women (NCLW) and the ESCWA Centre for Women (ECW), a national strategy to combat gender-based violence<sup>3</sup>.

#### **D. Recommendations:**

- inforce the approved law approved by the Council of Ministers on 3 August 2017, regarding the Protection of Women and Family Members Against Domestic Violence. In addition, raise awareness and knowledge about Law No (293) in order to combat domestic violence and related stigma.
- Establish a Victims' Assistance Fund as provided for in the law, a Special Unit on Domestic Violence at the Internal Security Forces, and a family court specializing in family issues and violence against women.

#### **E. The need to prevent Sexual Harassment (SH):**

10. Women in Lebanon face consistently high levels of sexual harassment in both work and public life.

“Women’s increased assertive presence as players and actors in public life has contributed in subverting the public/private divide that once relegated women to the private realm. Yet, despite their assertive claim on the public sphere, women often experience discriminatory and exclusionary practices in public spaces, within educational institutions and within their workplace. Gender often intersects with other factors, such as age, class, race, ethnicity, sexual orientation and disability, in shaping women’s daily experiences of public space (Bondi, 2005, p.13)

11. When in public, women’s personal space is frequently invaded by whistles, comments and even physical assault from male strangers (Valentine, 1989, p.386). As a result, women’s use of space has been profoundly affected by their association of certain public spaces and times with incidences of sexual harassment and violence. Educational institutions as well as workplaces are particular sites where women face discrimination and harassment. These practices serve to delimit women’s equal right to public space free from discrimination, violence and threat, and to obstruct women’s productivity, job satisfaction and psychological well-being.
12. Civil society activists, lawyers, judges, researchers and feminist activists drafted a comprehensive law on sexual harassment (SH) within and outside the workforce as

part of a project called ‘moughamarat salwa’ (‘The Adventures of Salwa’) organized by ‘al-majmou’a al-nasawiya’ (‘The Feminist Collective’) (Namour, 2017). In 2014, MP Ghassan Moukheiber submitted an urgent law proposal criminalizing SH and racial abuse. However, due to protracted political deadlock, it was not until January 2017 that Moukheiber was able to present the ‘urgent law proposal’ in parliament. Parliamentarians first expressed approval of the law, but then detracted, following suspicions raised by several MPs on, for instance, the law’s potential misuse against employers (Namour, 2017).

13. Nevertheless, parliamentarians voted on considering the law of ‘urgent’ character. Jean Ogasapian, the Minister of State for Women’s Affairs, expressed his interest in collaborating on the subject given his similar efforts in drafting a law on sexual harassment. Moukheiber worked on partially amending the law in an attempt to combine it with Ogasapian’s draft law. Ogasapian’s draft law was approved by the cabinet on the 8th of March 2017, coinciding with International Women’s Day, and is currently in the hands of the parliament. In parallel to recent legislative discussions, the American University of Beirut (AUB)’s ‘KIP Project on Gender and Sexuality,’ in coordination with the Ministry of State for Women’s Affairs, led a six-week campaign using the hashtag ‘mesh\_basita’( IT’S NOT EASY) to raise public awareness on sexual harassment. The KIP Project also organized a two-day conference and workshop on the subject, examining possible interventions. Despite a number of challenges and gaps that this policy brief will address below, the two draft laws represent an important step towards protecting and asserting women’s right to public, organizational and institutional space free from threat of harassment, violence and discrimination.
14. The two draft laws advance the below definitions for sexual harassment:
  - Moukheiber’s law proposal calls for incorporating sexual harassment policies at the level of the penal law (article 521). The proposed law defines sexual harassment as an act that is “shocking, insisting or repetitive in any speech, action or insinuation of a sexual or racist nature, directed to a person without consent, leading to aggression on dignity because of the nature, context, profession, pressure, or embarrassment caused.”
  - Ogasapian’s draft law proposes incorporating sexual harassment policies at the levels of the labor law (first section) and the penal law (second chapter, seventh section). The law defines sexual harassment at the level of the labor law as follows: “Any person, whether an employer or a wage earner, is prohibited from resorting to harassment, whether by means of a written confirmation or by any means of communication, pressure, or intimidation or issue orders aiming at receiving services of a sexual nature both for his own benefit or for the benefit of others.” The draft law provides a second definition of sexual harassment in article 535 of the penal law under ‘public morals and ethics,’ which is defines as: “To speak or to write, by any means of communication, by using anything that has a sexual connotation that compromises the honor and dignity of the victim, or if overlooked creates hostile or degrading situations.”<sup>4</sup>

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<sup>4</sup> Examining Sexual Harassment Draft Laws In Lebanon: Women’s Equal Right to Public Space, AUB Policy Institute, January 2018.

## F. Recommendations:

15. The Lebanese system lacks any provision preventing or sanctioning harassment, and the Lebanese Penal Code is limited to general articles dealing with exposure to public morals and ethics. Accordingly, the Lebanese legislature must enact clear and specific provisions related to sexual harassment, both within and outside the work. Therefore we recommend the Government to:
  - **Develop a national law and action plan to prevent sexual harassment both within and outside of the workplace.**

## II: The right to education<sup>5</sup>:

### A. National legislation:

16. Lebanon has ratified various international conventions relevant to education, particularly, Convention on the Rights of the Child, the International Convention against Discrimination in Education, the Convention on the Elimination of All Forms of Discrimination against Women, the World Declaration on the Survival, Protection and Development of Children, and the International Labour Organization's Minimum Age Convention no. 138.
17. The major national laws protecting the right to education are:

### The Lebanese Constitution:

18. Article 10 of the Constitution states that "Education is free so long as it does not disturb the public order, does not violate the morals, and does not touch the dignity of any religion or creed. The rights of communities to establish their own private schools cannot be violated, provided that they comply with the general requirements laid down by the State with respect to public education"<sup>6</sup>.

### Ordinary legislation:

19. Lebanon has several laws governing the right of citizens to education, such as Decree-Law no. 134 (1959) which provides for "free education," and Law no. 686(1998) enshrining the principle of free and compulsory primary education. However, the application decrees related to these laws have not been issued to date. Moreover, Lebanon recognized the right to education for persons with disabilities under Law no. 220 in the year 2000. It also adopted a plan for the reform of education in 1994, and issued decrees about the new educational structure in 1995 and the new curriculums in 1997.
20. However, article 49 of Legislative Decree No. 134 of 1959, as amended in 2011,[2] provides that "[e]ducation is compulsory in the foundational stage, freely available in the public schools, and is a right of all those of education age for this stage." The second paragraph of this article provides that "[r]egulations and

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<sup>5</sup> - The National Action Plan for Human Rights in Lebanon 2014-2019, UNDP- United Nations Human Rights Office of the High Commissioner, Lebanese Republic National Assembly, 2013.

<sup>6</sup> - Lebanon's Constitution of 1926 with Amendments through 2004.

conditions of this free and compulsory education shall be determined by decree adopted by the Council of Ministers.”

21. The Lebanese government has not yet implemented this provision of the Law. The Ministry of Education and Higher Learning has stated that it is in the preparation phase of implementing this Law<sup>7</sup>.
22. Furthermore, there is a significant gap between private and public schools in Lebanon that need to be addressed. Reaching All Children with Education plan RACE I report in 2016 recognizes this gap, as well as other related challenges, like the over-supply of underqualified teaching staff in public schools for basic education, which results from allowing contractual teacher positions and weak entry requirements. The Ministry of Education and Higher Education.... (MEHE) acknowledges the impact on quality, noting, “reliance on an under-qualified and unskilled teaching force has important consequences on the real learning outcomes of children in the public school system, with important disparities in learning outcomes amongst different regions, and further differences amongst nationalities.<sup>8</sup>”

#### **B. Right to Education of people with disabilities <sup>9</sup>:**

23. Lebanon received several recommendations in both the first and second cycles of the UPR on the right to education, all of which were accepted), where Compulsory quality education and the integration of children with special needs into the formal education system constituted the major issues covered by these recommendations received in relation to the right to education. Indeed, being a State Party to International Covenant on Economic Social and Cultural Rights and the Convention on the Rights of the Child, Lebanon has the obligation to provide free compulsory primary education and access to secondary education without discrimination to all children. Gross enrolment rates stand at 93.17% and 85.08% for male and female for primary education in 2016, while for secondary and tertiary education, the rates drop significantly (to 59.86% for male and 60.14% for female and 39.6% for male and 45.85% for female respectively).
24. Inclusive education was a common point of most of the recommendations. However, as documented by a Human Rights Watch (HRW) report, “children with disabilities are often denied admission to schools because of their disability. In addition, for those who manage to enroll, most schools do not take reasonable steps to provide them with quality education. Instead, many children with disabilities in Lebanon attend institutions, which are not mandated to provide adequate and quality education designed to their needs or receive no education at all.<sup>10</sup>”

#### **C. Right to Education of Syrian Refugee Children:**

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<sup>7</sup> - *Towards the Implementation of Compulsory Education of Children Not Attending School (Ages 6 to 15)*, Center for Educational Research and Development of the Ministry of Education, <http://www.crdp.org/ar/desc-studies/19041-نحو تطبيق الزامية التعليم على الأولاد غير الملتحقين بالمدرسة> (in Arabic; last visited May 11, 2016), archived at <https://perma.cc/2EFH-ZUNU>

<sup>8</sup> - [www.mehe.gov.lb](http://www.mehe.gov.lb)

<sup>9</sup> - Universal Periodic Review (UPR) Second Round Civil Society Report Midterm Report 2018 Lebanon (can you add the link here?)

<sup>10</sup> - <http://www.kafa.org.lb/StudiesPublicationPDF>

25. The right to education for Syrian refugee children in Lebanon is another key challenge, despite several good practices implemented by the Lebanese government, including opening up second shifts (The Ministry of Education and Higher Education in Lebanon is giving Syrian refugee students afternoon classes in all subjects and for all grades) and simplifying enrolment procedures (for under grade 6). In this context, in 2016, Lebanon adopted a second Five-year Reaching All Children with Education II (RACE II) plan, with the goal of enrolling 440,000 Syrian children in formal education by the 2020-2021 school years. However, a 2016 Human Rights Watch report shows that more than 250,000 children—approximately half of the nearly 500,000 school-aged Syrian children registered in Lebanon—are out of school<sup>11</sup>.

#### **D. Access to Comprehensive Sexuality Education:**

26. The application of sex education in Lebanon has had a turbulent history. It was first formally addressed in 1995, when the sex education curriculum, which was to be offered to eighth graders (12 to 14 years old), was prepared by the United Nations institutions and several experts under the management of the Educational Center for Research and Development. It included information on physiological changes that occur during puberty, structures and functions of the genitals, and an overview of the menstrual cycle and fertilization. It also provided an overview on sexually transmitted diseases (STDs) and birth control, although these topics have been framed in local contexts, focusing on abstinence and monogamy, and referring to abortion only as a last resort procedure in emergency medical conditions (in accordance with Lebanese law).

27. The curriculum faced an immediate opposition reaction from a number of religious leaders, although it provided a solid scientific foundation that was both culturally and religiously sensitive. They claimed that its implementation would lead to deviation and 'light behavior' towards sex (especially among unmarried students), which they described as "immoral" Western values. Fearing pressure from these groups, the Education Minister at the time removed sexual education from school curricula - although some schools are still using this curriculum with their students. Attempts to re-establish it at the national level have been relatively unsuccessful since then, and to this day, sex education remains a controversial topic in Lebanon's male-dominated patriarchal culture.

28. In response to the worrying shortage of sexual and reproductive health (SRH) in Lebanese society, a number of individuals and organizations are working hard to provide the public with reliable and comprehensive sexual and reproductive health information<sup>12</sup>. Additionally, UNFPA has attempted to implement advocacy, capacity building and peer education initiatives on gender-related topics, although it is unclear whether the follow-up was conducted and what impact these projects would have. It is thus safe to state that there is currently no comprehensive approach to sex education at the national level.

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<sup>11</sup> - [www.hrw.org](http://www.hrw.org)

<sup>12</sup> - <https://www.lebmash.org/search-sex-ed/>,



29. Some may claim that in a country with limited resources and no shortage of other public health issues, sexual and reproductive health education is not the most pressing area of concern. However, sexual and reproductive health is a vital topic, providing a basis for addressing many other human rights concerns in the region. As the search for effective ways to approach sexual and reproductive health in Lebanon continues, there seems to be a push in the right direction as people become increasingly aware of the importance of sexual and reproductive health in society and access to the education of its members<sup>13</sup>.
30. Actually, providing the correct information on sexual and reproductive health and rights SRHR issues to individuals and meeting their needs related to it will help them to make informed decisions and improve their lives related to SRHR.
31. Given that young people are most in need of information and services, and that, they are advocates for SRHR, it is necessary to improve their access to comprehensive sexuality education (CSE) both inside and outside schools.
32. Youth in Lebanon are estimated to constitute 22.5% of the population, and the proportion the population aged 10-19 of total population 2012 is 18.5 %. The age distribution of the population indicates that the country is in a stage of demographic transition. Although, it is difficult to have specific data on youth, as this is generally available as part of the larger database in the country, data from limited surveys on the health of young people indicate that the transition that Lebanon is undergoing at various levels severely affects the situation/attitudes/lifestyles of young people. Data on youth also implies a diversity of problems from which youth are suffering, that are largely a result of the widening gaps and disparities among regions and groups
33. For example, “Young people are at high risk in Lebanon whereby 19.5 percent had at least one drink containing alcohol in the month preceding a survey (Global School-Based Health Survey, Lebanon, 2005). Drug use is reported to be common among young people though there is absence of national data. Related to violence, 40 percent of students were physically attacked by a parent, and 25 percent by a teacher. Half have been in a physical fight one or more times in the last year. Mental health was the most distressing where almost 40 percent of students felt so sad or hopeless in the last 12 months that they stopped doing their usual activities. An estimated 16 percent seriously considered suicide (Global School-Based Health Survey, Lebanon, 2005)”<sup>14</sup>.
34. Some surveys conducted in Lebanon have shown that for instance 30.7% and 2.5% of male and female participants, respectively, in a youth health risk behaviour survey of secondary school students in Beirut and its suburbs, stated having had at least

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<sup>13</sup> -<https://www.lebmash.org/search-sex-ed/>,

<sup>14</sup> -2008 World Population Data Sheet, PRB

one sexual experience<sup>15</sup>.

35. A number of factors such as early sexual activity, sexual risky behavior (i.e. substance abuse, and multiple sexual partners), misconceptions and lack of correct knowledge about prevention from STIs, and gender inequities contribute to the overall vulnerability of young people in Lebanon to sexually transmitted infections.

#### **E. Recommendations**

36. In response to the above needs and challenges, the government should develop healthy national policies and strategies that adopt a comprehensive human rights-based approach to sexual and reproductive health. Thus, the State of Lebanon should:

- **Integrate the Comprehensive Sexuality Education CSE into the national education curriculum, develop resources and conduct trainings for educators in order to ensure its effective implementation.**
- **Develop a national law and action plan to prevent sexual harassment at workplace and outside work.**

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<sup>15</sup> - [www.unicef.org/infobycountry/lebanon\\_statistics.html#123](http://www.unicef.org/infobycountry/lebanon_statistics.html#123)