

THE UNIVERSAL  
PERIODIC REVIEW OF  
THE SEXUAL AND  
REPRODUCTIVE  
RIGHTS IN LEBANON

March 2020

# **The Universal Periodic Review of The Sexual and Reproductive Rights in Lebanon**

Sexual and reproductive rights are interrelated and linked to all human rights; whether civil, political, economic, social or cultural. They are also an integral part of the universal international system of human rights. Although there is no specific convention on these rights, they can be extracted from all international texts on human rights. These rights affirm the particularity of women, children, persons with disabilities, refugees, migrants and all groups that may find themselves in a vulnerable or degrading position because of their social, health, physical, psychological, or legal status. It is a framework that affirms the rights of individuals most exposed to human rights violations, including sexual and reproductive rights. It enhances a holistic approach beyond the health approach and security approach which is considered more dangerous to sexual and reproductive rights and freedoms.

This report presents the situation of sexual and reproductive rights in Lebanon, with a focus on four categories: women, refugees, persons with disabilities, and LGBT community: Lesbian/Gay, bisexuals, and transgender.

## **1- The International Legal Framework on Sexual and Reproductive Rights in Lebanon**

The international legal framework represents the guarantees enshrined in international texts pertaining the sexual and reproductive rights, especially those ratified by Lebanon<sup>1</sup>. However, the major problem remains in:

- Maintaining the reservation on article (16) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Lebanon acceded in 1996.
- Not ratifying the 1951 Convention on Refugee Rights, and not having a definition of the refugees set by the Lebanese state.
- Not ratifying the Convention on the Rights of Persons with Disabilities<sup>1</sup> and its Optional Protocol. It was only signed on 14 -6-2007, leaving the rights of persons with disabilities incomplete.

### **Recommendations:**

Ratifying the international agreements related to sexual and reproductive rights and including them in the national legislations, in adherence with the preamble of the Lebanese constitution, especially:

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<sup>1</sup> The Convention on the Rights of Persons with Disabilities and its Optional Protocol were adopted on 13 December 2006 at the United Nations Headquarters in New York, and was opened for signature on 30 March 2007.

- The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto
- The Refugee Convention of 1951 and its protocols
- The Convention on the Rights of Migrant Workers and Members of Their Families
- Ratifying the International Labor Organization Convention No. 189 (2011) on Decent Work for Domestic Workers and the International Labor Organization Convention on Migrant Workers No. 97 (1994)
- Joining the 1954 Convention related to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in adherence with the preamble of the constitution, and ratifying those conventions by Lebanon
- Joining the Rome Statute that created the International Criminal Court
- Ratifying the optional protocols of the international conventions, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the two International Covenants.
- Ratifying the conventions without any reservations, as they affect the spirit of the conventions and touch their essence, and lifting the reservations on the Convention on the Elimination of All Forms of Discrimination against Women, especially Article 16 thereof.

## **2- Sexual and Reproductive Rights in the Lebanese Statutory Law**

Although the Lebanese state has ratified many international conventions related to sexual and reproductive rights, which necessitates excluding all what contradicts with the Lebanese laws, the enforced legal texts still contain many articles that encourage the violation of sexual and reproductive rights, including:

- The Lebanese Penal Code still contains articles used to criminalize homosexuality, which is called "sexual intercourse against nature", on top of which is Article 534, in addition to other articles (209, 521, 526, 531, 532, and 533) that are used to arrest LGBT community members. Such articles are used not only to criminalize homosexuality, but also to justify arbitrary arrests, ill-treatment, and forced anal examinations. One of the consequences of this criminalization is that victims, due to their sexual orientation, cannot benefit from the law to protect themselves, like other citizens, pursuant to the principle of non-discrimination and equality before the law. Forced anal examinations are conducted in search of "evidence" on the homosexual behavior, and other degrading practices take place in police stations against suspected homosexuals.
- The Lebanese law does not clearly and explicitly acknowledge a person's right to freely use his/ her body, and it restricts women's freedom of action over

- their bodies, as abortion is prohibited and criminalized in Articles (539 to 549) of the Penal Code in Lebanon. It is still possible for a murderer, especially when killing a woman in the name of honor, to benefit from Article (252) of the Penal Code to commute the sentence. Moreover, the Lebanese law does not criminalize marital rape, despite having a law on the protection against domestic violence, and it does not criminalize sexual harassment.
- The Lebanese legislator does not acknowledge the right to change the sexual identity though the jurisprudence of some courts has developed in this field. Laws do not provide protection against discrimination on the basis of gender identity, sexual orientation or health status (e.g. those living with HIV/ AIDS). Lebanon also restricts the freedom of opinion and expression, especially on the basis of sexual identity.
  - There is no unified civil law for personal status in Lebanon. Lebanese citizens and residents are subject to the sectarian laws (there are 15 sectarian laws) that are entitled under Article (9) of the constitution to issue their own legislations pertaining to personal status such as marriage, divorce, alimony, custody and marriage age, all of which are incompatible with the Lebanese state's obligations to international covenants or the Lebanese constitution. The subordination of the personal status laws of the various sects gives the latter significant powers and influence, which leads to fear and avoidance to tackle the issues of scientifically-proven sexual and reproductive rights and health, especially the issue of raising awareness about such matters.
  - The Lebanese legislation allows the marriage of minor girls, which is a breach of Lebanon's entire international obligations of children's protection rights. Many minor girls in general, and some girls with disabilities in particular, are exposed to early marriage. What is most dangerous is exploiting the economic situation of their parents, especially girls with intellectual disabilities, by violating their bodies as an alternative womb.
  - Law 220 (2000) on the Rights of Persons with Disabilities, does not stem from the inclusive approach and does not include all rights as stipulated in the Convention on the Rights of Persons with Disabilities, which deprives persons with disabilities of their most prominent sexual and reproductive rights, as all children with intellectual disabilities are automatically deprived of the legal eligibility. The law requires a claim and litigation by parents enclosed with a report from a doctor, and this may not be compatible with Article (14) of the convention, which stipulates that a disability cannot in any way be a pretext for depriving from any freedom.
- There is no law criminalizing violence or racism in Lebanon.

## **Recommendations:**

- Legislating based on human rights approaches, respecting the principles of equality, non-discrimination and inclusion, aligning national legislations with the international texts and the special agreements linked to them, especially personal status laws, and conducting a comprehensive survey of all laws and legislations related to sexual and reproductive rights, while considering all age groups, including children and elderly people. The Lebanese legislator must, if any conflict between international agreements and statutory laws arises including the personal status laws, apply the principle of precedence of the international convention over the national law.
- Legislations should clearly forbid discrimination on the basis of race, color, sex, religion, political opinion, national origin or social origin, and they should keep up with the new trends that add new foundations such as age, disability, family responsibilities, language, sexual orientation and health status.
- Ensuring the effective implementation of the various texts that guarantee the right to freedom of opinion and expression, especially on the basis of sexual identity, and ensuring effective protection of it.
- Repealing Articles (534, 521, 526, 531, 532, and 533) that criminalize homosexuality or the so-called "acts contrary to nature".
- Repealing articles that criminalize abortion, from the Lebanese Penal Code, at least in cases where pregnancy threatens the life or health of the mother, or cases of rape, incest or malformed fetus.
- Issuing a unified civil law for personal status that is consistent with Lebanon's international obligations and that achieves equality between male and female citizens, specifies the minimum age for marriage in accordance with the Convention on the Rights of the Child, prohibits child marriage, and is binding to all Lebanese citizens and residents on the Lebanese soil without any exception.
- Amending and developing the 2014 law on the protection of women and other family members from domestic violence, and criminalizing marital rape, in order to guarantee full protection of women and children.
- Adopting a law that prevents and criminalizes sexual harassment at work and outside it, and abolishing the sponsorship system that leads to human trafficking in the domestic work sector.
- Improving places of detention and prisons to take into account the sexual orientation and "gender identity" of people.

- Taking measures to ensure the cessation of racist practices in Lebanon, particularly against refugees and migrants.
- Enacting an appropriate law and establishing procedures to allow amending the ID documents and civil status when changing sex.
- Amending Law (220) or adopting a new law compatible with the approach of inclusion and inclusiveness of the rights contained in the international convention, including an article that prohibits early marriage in the law of the rights of persons with disabilities, associated with a law that protects minors from such marriage.
- Enacting a law that protects the right of women with disabilities to childbirth and not depriving the fetus of the right to live if it is with disability.
- Granting persons with disabilities the legal capacity that secures their sexual and reproductive rights and protects their freedom in this regard, especially those with intellectual disabilities. Generalizing and imposing permanent decisions must be abandoned by having specialists who cooperate with parents and support them to follow the development of the person's condition.
- Amending every article in the law or the discriminatory provisions that prevent a person with disability from living his/ her emotional and sexual life freely, most importantly the right to marry, the right to choose a partner and a house, establish sexual relations, form a family and have and raise children.
- Criminalizing and preventing the interference in a person's body, and taking decisions on his/ her behalf without his/ her consent, such as compulsory sterilization.

### **3- Policy of Sexual and Reproductive Rights in Lebanon**

According to the National Assessment Report of the sexual and reproductive rights in Lebanon<sup>ii</sup>, it was found that the ministries' familiarity with the definition of sexual and reproductive rights and their relationship with the international system is generally weak. There is no definition by the Lebanese state of the sexual and reproductive rights that is completely identical to the international framework of human rights. Most ministries consider that sexual and reproductive rights are those related to reproductive health services, and available services are directed to reproductive health rather than sexual health, specifically in the primary health centers of the Ministry of Public Health, except for the National Program to Combat AIDS. Sexual and reproductive services are supposed to be provided without any discrimination between Lebanese and non-Lebanese individuals, married and unmarried... However, marginalized groups, especially refugees, persons with disabilities, LGBT community, and migrant workers cannot get

access to the sexual and reproductive care services.

Many national plans and strategies remain unclear in enhancing the sexual and reproductive rights, especially those related to the protection of dignity and prevention of torture and degrading inhuman practices. The national strategy for the prevention of torture has missed the full recognition of human and reproductive rights, especially for the families of missing persons, where the International Humanitarian Law considers the families of missing persons as exposed to constant torture. Physical and mental health in prisons must be enhanced as until today the government has not built women prisons complying with the modern penal standards and equipped with the necessary health facilities and equipment to ensure care for pregnant prisoners, before and after birth, and allow them to take care of their infants in prison for at least two years of age.

The greatest fear remains in the work of some ministries that do not acknowledge the sexual and reproductive rights in their plans, such as the Ministry of Pedagogy and Higher Education, which has not yet incorporated the sexual and reproductive rights in the curriculum or considered the sexual education as an essential part of the national education system, Ministry of Justice, Ministry of Information, Ministry of Labor, Ministry of Interior and Ministry of Youth and Sports.

The most prominent problems arising from the policies of ministries and national institutions are summarized in the following points:

- Linking the recognition of sexual and reproductive rights with the moral, social and religious system, and not through international conventions, especially those ratified by Lebanon. For example, the state's policy regarding sexual and reproductive health includes only married people, and there is a lack of information related to these rights in educational, health and media institutions in particular.
- Degrading practices in Lebanon continue on the basis of sexual identity, where many transgenders and non-stereotyped people, on the gender level, are subjected to arrest "because of their different appearance". It also appears that LGBT refugees are more likely to face these arbitrary arrests on the basis of gender expression (according to the social questionnaires of Helem and Mosaic).
- Torturing the LGBT community members, especially refugees, in police stations and prisons. Many LGBT individuals are exposed to torture and they do not enjoy their basic rights when arrested or imprisoned, such as calling a lawyer or seeing a doctor, if needed. Torture includes physical violence, sexual exploitation and alike. Based on the social questionnaires of Helem and Mosaic, LGBT refugees are more subject to torture. In October 2016, the Lebanese Parliament passed a law on establishing "the National Human Rights Commission", which is a national preventive mechanism to investigate torture and ill-treatment. However, this

mechanism does not guarantee the protection of persons based on their sexual orientation, and therefore, this law does not protect sexual rights. The state should prohibit anal exams, virginity examinations or examination of suspected gay men. It should stop the physical search except in exceptional cases using the least intrusive means, with full respect of the dignity of the person.

- Racist practices grow against refugees and migrants, and marginalization targets the handicapped. Despite the importance of the National AIDS Control Program, there is a lack of treatment of all infected in addition to the associated stigma. Not all people enjoy equal access to health facilities and services, especially the most vulnerable or marginalized groups, such as persons with disabilities, refugees, migrants, juveniles who infringed the law and their freedom is restricted. Moreover, many LGBT people, especially transgenders and non-stereotyped individuals, are subject to discrimination and services are not provided to them in health centers in Lebanon. Reports show that health care providers in Lebanon are inexperienced in providing efficient, specialized and comprehensive care to people with different sexual orientations, gender identities, gender expression, and various sexual characteristics or even to individuals with PLHIV. These reports also show that caregivers' practices are often harmful. LGBT refugees are more subject to discrimination and rejection, and they do not have affordable, equitable and comprehensive treatment options. Those with HIV have hard access to quality health services. Here, it is worth mentioning that viral pregnancy tests and CD4 test, which are important blood tests people with HIV have to do annually to get their free medicine, are expensive and unprovided by any facility (according to the social questionnaires of Helem and Mosaic, and according to Speak Up report of SIDC Health Care Association).
- Procedures of changing gender on official papers are costly and require sterility. In addition to the cost of legal procedures, the required surgeries are very expensive and are not supported by any entity. These steps prevent many people to change gender on their ID documents (according to the social questionnaires of Helem and Mosaic). Transgender women, especially refugees, are arbitrarily arrested for prostitution without any evidence (according to the social questionnaires of Helem and Mosaic, and HRW 2019 Report).
- The biggest problem is still related to the sexual and reproductive health of refugee women or migrant workers, as there is no specific legislation or policy for them. Single, rural, refugee, migrant, and freedom-wise restricted women remain among the marginalized groups that need greater attention because of the weak implementation of laws, procedural impediments and absence of policy and resources that ensure their access to information and methods of reproductive health, including family planning methods. Rural women are among the

marginalized groups who need more attention due to the lack of policies, plans and measures to ensure their access to reproductive health information.

- Preparation for marriage deals with some topics related to the relationship between the two spouses and the sexual and reproductive aspect but does not address the legal aspect as it is not specialized and binding. Also, seeking pre-marital exams is not always accompanied by the necessary awareness. The reproductive services provided are more concerned with the health of the mother and the child than the man or the husband.
- Giving girls with disabilities medications that may negatively affect their hormonal performance and prevent the sexual puberty and physical growth. They should be effectively protected from sexual assaults, sexual harassment and rape because they are an easy target, especially the deaf and dumb for their poor ability to communicate and the difficulty to access educational information unless through specialists. Also, life partners should not be imposed on them, this should happen with their consent.

### **Recommendations:**

- Aligning national measures and procedures with the international texts and agreements and applying the recommendations and comments issued by the pledging committees on Lebanon's periodical reports, as well as the comprehensive and general recommendations.
- Developing a clear and comprehensive national strategy that is inclusive of the sexual and reproductive rights in Lebanon, in line with the (3AQ) standard, which includes: availability, accessibility, acceptance and quality while ensuring its implementation in rural areas, and enabling all groups to enjoy these rights. It is imperative to integrate a statutory approach within the action plans of the competent ministries and civil society organizations, and to provide the necessary specialized health care, raise awareness, empower individuals, secure the prevention and treatment means, and allocate adequate budget for the national work plans that are set, reviewed and monitored periodically through a participatory and transparent process. It should be classified according to the prohibited discrimination grounds. The strategy should include:
  1. Sectoral action plans at the national level for each ministry and institution, and at the local level with municipalities and federations of municipalities, identifying roles and timetables, building indicators and evaluation mechanisms, monitoring and accountability related to human rights standards and principles, developing special budgets for these plans, and holding periodic meetings with donors to focus the effort on implementing the national strategy.
  2. Defining a clear mechanism for coordination among the various ministries and institutions to ensure the implementation of the national strategy

without any administrative or organizational obstacles. Developing a protocol for counseling on sexual and reproductive rights.

3. The national strategy should include a media action plan, because media plays a great role in raising awareness and knowledge and helping to achieve the goals of the strategy.

4. Taking adequate measures to monitor the performance of private sector actors that provide health care and to reduce the medically-unjustified caesarean deliveries.

5. Ensuring that the powers of the National Human Rights Commission include receiving individual complaints regarding sexual and reproductive rights violations in Lebanon.

- Expanding the range of sexual and reproductive rights to include all groups, especially vulnerable and marginalized ones: families living in poverty, refugees, workers coming from south and southeast of Asia, east and west of Africa, stateless children, refugee and asylum-seeking children, children of migrant workers, children who are victims of trafficking and children with disabilities and vulnerable social and legal situation. In the same context, ensuring the protection of Syrian refugees in Lebanon, who are particularly vulnerable to trafficking, sexual exploitation and forced labor.
- Incorporating comprehensive sexual education in the Lebanese curricula in schools and universities, adopting educational topics on sexual and reproductive health as well as the sexually transmitted diseases, working with parents, especially parents' committees in schools and involving them in developing and activating programs and activities related to sexual and reproductive rights, and developing a participatory strategy to enhance the knowledge on sexual and reproductive rights, and provide training for those involved in its implementation.
- Making the issue of reproductive and sexual health, in terms of awareness and education, binding when applying for marriage, and emphasizing the importance of educating the families of missing persons with their reproductive and sexual rights and supporting them in this field.
- Putting an end to the arbitrary and random arrests of transsexuals and homosexuals, especially the refugees of them, and eliminating the random detention of transgender women, on charges of prostitution, and with no proof.
- Putting an end to the torture of LGBTs, especially if being a refugee, in police stations and prisons, holding perpetrators accountable, and publishing a decision banning rectal examinations based on the memorandum of the Minister of Justice in 2012.
- Enhancing the protection and safety of transsexuals and non-stereotyped persons (of LGBTs and PLHIV), providing them with high-quality health care in Lebanon's health centers, and establishing a policy that guarantees the right and

ability to change sex on official papers with no age condition and at acceptable prices for whoever wants it.

- Developing a protocol for counseling on sexual and reproductive rights, training health workers on such protocol by specialized trainers, training and empowering workers in ministries to be able to implement the family planning strategy, defining the medical course for rape victims, training on the HIV measures and procedures, and training on dealing with homosexuality issues.
- Providing more sexual and reproductive health services and increasing women's access to safe abortion services and post-abortion care services in every region in proportion to its area and population, providing services within government institutions i.e. centers of the National Primary Health Care Network with a focus on the centers affiliated with government institutions and municipalities, by rehabilitating the Ministry of Public Health clinics, development services centers and centers of the contracted organizations, in order to efficiently provide and develop quality and frequent sexual and reproductive health services.
- Expanding access to free of charge family planning/ contraception methods for all groups, especially unmarried people, and including all women and men residing in Lebanon, specifically refugees/ foreign workers.
- Developing access to care and various sexual and reproductive health services, including establishing mobile clinics. The services should include all women in Lebanon without any discrimination and target the biggest number of beneficiaries, especially the most vulnerable groups, on a wide geographical scale. Working at the community level, and giving municipalities a role in the field of prevention, by raising awareness and knowledge in the field of sexual and reproductive rights.
- Combating all forms of discrimination and stigma against people with HIV and paying more attention to sexually transmitted diseases.

### **Recommendations at the Level of Ministries and National Institutions Programs:**

- Training health workers on the sexual and reproductive rights counseling protocol by specialized trainers, training and empowering workers of the ministries to implement the national strategy, defining the medical course for rape victims, setting measures for AIDS, and dealing with homosexuality issues.
- Providing more health services, especially sexual and reproductive health services, in every region in proportion to its area and population, providing services within the government institutions i.e. in the centers of the National PHC Network with a focus on centers of the government institutions and municipalities, and rehabilitating and activating the Ministry of Public Health dispensaries, development services centers, and centers of the organizations contracted with

the Ministry of Social Affairs, to efficiently develop quality and frequent sexual and reproductive health services and increase women's access to safe abortion and post-abortion care services.

- Developing mobile clinics that provide sexual and reproductive health services, and expanding its working scope to cover the widest geographical area and reach out to the rights holders, especially the most vulnerable groups.
  - Preparing training and counseling materials to help in the area of sexual and reproductive rights, and establishing training units through the coordination among the various ministries to train the largest number of ministries workers.
  - Providing prisons with protection methods to ensure the sexual and reproductive rights of female prisoners, providing full medication for prisoners, adding a special and explicit section to the code of conduct on protecting the sexual freedom and promoting sexual and reproductive rights of women in general and those arrested in particular.
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<sup>i</sup> The International Covenant on Economic, Social and Cultural Rights, to which Lebanon acceded on November 3, 1972

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that Lebanon ratified on October 5, 2000

The Convention on the Rights of the Child, to which Lebanon acceded in 1990 without making any reservations.

Optional Protocol of the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 2000, to which Lebanon acceded in 2002

Protocol to Prevent, Suppress and Punish Human Trafficking in Persons, especially women and children, to which Lebanon acceded in 2005

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Lebanon ratified in 1996

<sup>ii</sup> National Assessment Report on: Sexual and Reproductive Rights in Lebanon, prepared by the Arab Institute for Human Rights with support from the United Nations Population Fund in 2018

## **Organizations and Institutions that Participated in this Report**

1. Arab Institute for Human Rights
2. Lebanese Union for People with Physical Disabilities-LUPD
3. International Foundation for Electoral Systems IFES
4. Resource Centre for Gender Equality-ABAAD
5. Justice Without Frontiers- JWF
6. Arab Institute for Women- Lebanese American University (AiW-LAU)
7. AFE- Arab Foundation for Freedoms and Equality
8. MENA Rosa
9. HELEM
10. MOSAIC
11. SIDC-Soins Infirmiers et Developpement Communautaire
12. Darb el Wafa
13. Learning Center for the Deaf
14. Riders' Rights
15. Lebanese Association for Self Advocacy - LASA
16. Lebanese Down Syndrome Association - LDSA
17. PalWHO
18. LIHAQQI
19. AMEL association
20. Committee of the Families of the kidnapped and the Disappeared
21. Lebanese Women Democratic Gathering- RDFL
22. Fe-Male

