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SITUATION ANALYSIS OF GENDER-BASED VIOLENCE IN LEBANON

Executive Summary

Prepared by

Centre of Arab Women for Training and Research
(CAWTAR)

United Nations Population Fund - Lebanon



RESEARCH CENTER AND TEAM

The Centre of Arab Women for Training and Research

The Centre of Arab Women for Training and Research (CAWTAR) was set up in March 1993, with the aim to generate knowledge and enhance technical and institutional capacity in the Middle East and North Africa (MENA) region in ways which would enable Arab women to become fully empowered and to enjoy their human rights as part of the development of their communities and societies.

Unique in the Arab world and in the MENA region, CAWTAR is an international, non-governmental organization with full diplomatic status, established through an agreement between the Arab Gulf Program for Development (AGFUND) and the Tunisian Government and based in Tunis. The board of trustees interacts with such United Nations organizations as the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA) as founding members, and the United Nations Development Fund for Women (UNIFEM) as observer; with such intergovernmental institutions as the League of Arab States and the World Bank; and with governmental organizations and institutions of many countries, including AGFUND and International Planned Parenthood Federation (IPPF).

The outreach, knowledge sharing and advocacy of CAWTAR, both within the region and further afield, are managed by the Arab Network for Gender and Development (ANG@ED), which has currently more than 300 members. CAWTAR interventions are undertaken to ensure consensus building and ownership by all concerned stakeholders, including right holders, duty bearers and partners. For that purpose, at each stage, from strategic thinking to the final evaluation of the work, implementation is done as a consultative and participatory process.

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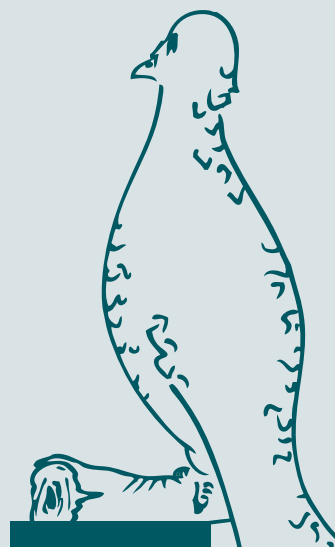
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BACKGROUND

Narrowing the gender gap between males and females in access to opportunities at the political, economic and social levels will contribute to better realize a basic human right and the achievement of Millennium Development Goal (MDG) 3: Promote gender equality and empower women.¹ As highlighted in various reports and assessments undertaken by national institutions and by United Nations organizations, gender parity is still at a low level of achievement in Lebanon. In reality, the situation of women in Lebanon reflects a significant contrast between, on the one hand, the broader empowerment of women with regard to access to education and active participation in various social, economic and cultural fields; and, on the other hand, sharp discrimination in family codes, as well as striking delay in political participation. As stated by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields.²

Over the years, embedded traditions, perceived values, social prejudices, political interests and cultural barriers have all contributed to injustice and inequity between men and women, amplified by weak State accountability systems and poor efforts towards women empowerment, particularly on their rights with a direct impact on the achievement of MDGs at both quantitative and qualitative levels.

If, as stated in the 1926 Lebanese constitution, all citizens are equal before the law, it is far removed from the present-day reality with regard to both rights and obligations imposed on everyday life. In this open and diverse socio-liberal context, Lebanese women may appear emancipated and able to move freely within the social and professional context; however, in many areas and under various circumstances, they remain subjected to discrimination and violence. In actual fact, much remains to be done with respect to the human rights of women in Lebanon; there is a need to collaborate for, and enable steady progress towards gender equality and empowerment of women. This is the only way to increasing achievement of conditions which will unleash the full potential of women as citizens and development agents, considered as essential for the success of the United Nations Millennium Declaration (MD)/MDGs and for the sustained growth and development in Lebanon.



Lebanon participated in the 2005 World Summit and the United Nations General Assembly held to review progress made in the achievement of MD/MDGs, at which all participating Heads of State agreed to combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women.³ Furthermore, commitment was made to ensuring the protection of women and girls during and after armed conflict in accordance with the obligations of States under international humanitarian and human rights law.⁴ It is time to end tolerance and complicity. We cannot make poverty history unless we make violence against women history. We cannot stop the spread of HIV unless we stop discrimination and violence against women and girls. We cannot build a world of peace, development and security until we end violence against women and girls [...]. The Millennium Development Goals to reduce poverty, improve health and promote equality will not be met unless greater attention and resources are devoted to ending violence against women.⁵

The conceptual framework on violence against women (VAW) has been developed from the perspectives of gender and human rights. "Violence against women is not confined to a specific culture, region or country, or to particular groups of women within a society. The roots of violence against women lie in historically unequal power relations between men and women, and persistent discrimination against women."⁶ Thus women, more than men, will face violence on every level of life because of their sex and gender identity as defined within and by society.

The 1993 United Nations Declaration on the Elimination of Violence against Women was the first international human rights instrument which exclusively and explicitly addressed the issue of VAW, and is still the foremost, internationally recognized referral framework for the definition of gender-based violence (GBV) and VAW. In Article 1 of the Declaration, VAW is defined as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."⁷

In 1998, the UNFPA Gender Thematic Group worked out a comprehensive framework on GBV, in which the following definitions were given: GBV is the violence involving men and women, in which the female is usually the victim and which is derived from unequal power relationships between men and women []; [and] the violence which is targeting woman because she is woman or it affects her excessively. GBV encompasses but not only the psychological, physical and sexual practices (threat, torture and rape, privation of freedom within and outside the family). It covers also practices led by the State or by political groups including the amnesty law in favour of GBV perpetrators.⁸

The UNFPA definitions were adopted by this situation analysis on GBV in Lebanon for carrying out the various components of the analysis, and are to be used as a common referral background for all partners engaged in the implementation of future GBV-related interventions.

OBJECTIVES AND EXPECTED RESULTS


Objectives



The objective of this analysis and assessment was to provide an overview and baseline of the situation of GBV in Lebanon through the prisms of gender equality and human rights of women through life cycle. An analytical inventory of the strengths, potentials and shortages of Lebanese institutions in addressing VAW was carried out through the perspectives of human rights of women and gender equality, as well as using parameters and benchmarks elaborated in CEDAW and other international instruments and standards, including the United Nations Declaration on Gender-Based Violence and the campaign UNiTE to End Violence against Women initiated by the United Nations Secretary-General.

This situation analysis aims to identify the state of art, strengths and opportunities for evidence-based policy dialogue, action and advocacy which could contribute to the prevention and elimination of all forms of violence and discrimination against women through life cycle and, therefore, ensure their protection and empowerment and to reduce gender gaps in all related areas. Specifically, the situation analysis report will aim to achieve the following objectives:

- (a) Provide an overall context of Lebanon as regard to the system in place, as well as to gender equality and development achievements as seen through the perspective of MD/MDGs
- (b) Carry out a legal review and conformity assessment to identify gender gaps in national legislation and discrepancies between national laws and commitments against ratified international treaties
- (c) Carry out an assessment of existing programmes and services provided by governmental and non-governmental institutions

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- (d) Identify, through mapping, the institutional mechanisms and related organizations which contribute, or could contribute to the reform process and/or social change
 - (e) Define the challenges and way forward with a summary of the conclusions and recommendations, through the categorizing of the findings and recommendations stemming from the review using international references and important legal aspects related to the status of women and other policy/programmes domains

Expected output

This situation analysis report will provide the following:

- (a) A report covering an in-depth analysis of the GBV situation in Lebanon, presenting information on the various levels and domains of intervention, including legislation, policies, services and programmes, which will be used to assess progress against this baseline; conclusions and recommendations; and priority issues and strategic interventions to be addressed during the UNFPA two-year project and beyond
- (b) A quantitative and qualitative summary to be used as a dissemination tool
- (c) A mapping of main stakeholders and institutions concerned and/or interested in the dissemination of accurate and verifiable data on GBV, including State actors, civil society organizations, media and donors active in Lebanon
- (d) A comprehensive bibliography covering regional and international references on GBV

METHODOLOGY AND PROCESS OF WORK

Framework

In order to translate the requirements of the situation analysis into concrete results, a clear and precise methodology and tools were designed, validated by consensus, and implemented. The selection of appropriate and relevant regional and national experts by CAWTAR, and their briefing, close follow-up and cooperation, ensured an effective contribution to the development and finalization of the approach and required tools, as well as efficient assessment and analysis in terms of process and results.

Principles

As an integral component of this approach, CAWTAR adopted the main agreed principles namely, consultation, participation and inclusion; and ownership and commitment.

Consensus

In Lebanon, as in many other countries of the world, various forms of GBV occur. Thus, in order to have a comprehensive understanding of the existing systems, and design an effective plan for prevention and response to the national situation analysis to be conducted, a conceptual and referral framework was developed, proposing a common GBV definition and tools, as well as clear methodology and distribution of tasks. It was endorsed by all partners of the project to ensure consistency.

Qualitative approach



The qualitative approach consisted of the following components:

- (a) Consultative and participatory meetings to build consensus around definition, methodology, tools, objectives and limits of the situation analysis⁹; and to present, review and validate the findings of the situation analysis¹⁰
- (b) Comprehensive literature review on concepts, policies, programmes and legislation, in addition to an analysis of comparative research studies
- (c) Mapping of the main stakeholders and institutions, including State actors, civil society organizations, media and donors working in Lebanon concerned and/or interested in the GBV issue, with accurate data coordinated with other partners intervening in this exercise
- (d) Information gathering regarding the available/non-available services in the health, education, legal, security/safety and psycho-social sectors, including governmental and non-governmental organizations and any other intervening institutions
- (e) Assessment of Knowledge, Attitudes, Beliefs and Practices (KABP), as well as experiences of a selected sample of concerned stakeholders: namely, right holders and duty bearers, with regard to adequacy of legislation on the protection of women; geographical coverage of GBV programmes and services; and GBV policies, strategies and plans of the Lebanese Government.

During the period 15 May to 6 August 2010, 40 focus group discussions were held in the following governorates of Lebanon: Beirut, Mount Lebanon, South, Nabatieh, North and Bekaa. Over 400 participants, both male and female, were invited, with special attention to GBV survivors, sex workers, domestic workers, and Iraqi and Palestinian refugees, as well as youth aged 14 to 19, service providers and community leaders.

During the period July to September 2010, 16 key informants were contacted. They included representatives of the Ministry of Interior and Municipalities represented by the Lebanese Internal Security Forces; as well as representatives from the Ministry of Justice, the Ministry of Social Affairs, the Ministry of Public Health, the Ministry of Information and the Ministry of Education and Higher Education; the Office of the Minister of State for Administrative Reform; the Center for Educational Research and Development; the Council for Development and Reconstruction; the Council/Presidency of Government; the Central Administration of Statistics, and the National Commission for Lebanese Women (NCLW). Furthermore, the following United Nations organizations provided information: UNFPA, the Office of the

United Nations High Commission for Refugees (UNHCR), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). In addition, the Ministry of Finance, represented by the Institute of Finances (IOF), known as the Basil Fuleihan Institute, contributed a written report.

The framework of discussion was based on the near-same issues which had been raised during the focus group discussions: the adopted GBV/VAW definition, its forms, positions and national framework; the obligations of Lebanon towards international treaties, national laws and policies adopted to address gender and violence issues; the programmes and activities implemented on GBV, their target groups and geographical coverage; the cooperation and coordination between governmental and non-governmental organizations; the support in terms of human resources, and technical, administrative and financial assistance for the implementation of GBV programmes and services; the role of the judicial system, including the police force, existing legal protection mechanisms and their adequacy with needs and priorities of women; and the barriers and gaps identified, as well as recommendations and suggestions made, to address the issue of GBV.





LIMITATIONS, CHALLENGES AND FACILITATING FACTORS

Constraints



1. Technical

With the offices of CAWTAR being located in Tunis, the geographical distance between Lebanon and Tunisia made it imperative to source competent and available national experts for the situation analysis.

Due to a mid-term, unilateral interruption of the contract of the expert hired to assess the GBV services and programmes and to conduct the interviews, it became necessary to hire two replacements; one to continue the situation analysis of services and programmes, and a second expert to conduct the interviews. Furthermore, despite time and energy investment, working with junior experts can be risky not only due to their lack of experience or skills, but also to the difficulty for them in recognizing their own capabilities and limitations. In addition, technical and administrative constraints were experienced when surveying and analysing the GBV situation in all of the six governorates, particularly with regard to the limited human resources available. Initially, only one focus-group facilitator was assigned; however, through the support of UNFPA, an assistant was subsequently hired.

Another considerable constraint was the limited time frame allocated to conduct the analysis process up to, and including the final result and validation. It was felt particularly in relation with the field constraints identifying adequate expertise, building consensus and conducting desk reviews, focus groups, interviews and analysis; but also in relation to new requirements, for example the increase of the number of focus groups from 15 to 40. Moreover, the

organizing of focus groups and interviews proved a lengthy and time-consuming endeavour, particularly that some stakeholders required official invitations; something which, through support of the UNFPA management and the GBV project coordinator, was accomplished.

2. Contextual

The municipal elections in May-June 2010 concurred with the beginning of the implementation phase of the situation analysis, particularly hindering the participation of some community leaders in the various governorates. In addition, the official school examinations were held during the period May-June which, in turn, restricted the participation in focus group discussions of youth aged 14 to 19 years. Furthermore, the summer holiday period had begun.


Facilitating factors



The following factors helped in reducing the impact of the above-listed constraints, and in terms of facing up to difficulties and overcoming obstacles during the process of the project:

- (a) The robust technical proposal and well-structured activities
- (b) The strong team commitment to, and interest in completing the tasks and achieving the goals according to the set timetable
- (c) The well-placed investment in young experts, who were dedicated to the mission and its completion
- (d) The unceasing availability, close follow-up and prompt technical support provided to the team by CAWTAR
- (e) The construction of a mailing list of team members for open discussions and close interaction among all
- (f) The collaboration and coordination with, and support from the UNFPA office management and staff, particularly in terms of contacting stakeholders and providing official letters to institutions, associations and individuals
- (g) The positive participation and feedback of national stakeholders throughout the project starting from the brainstorming and partners meetings, till the focus group discussions and interviews, and culminating with the validation meeting were most constructive and enriching

MAIN FINDINGS AND RESULTS



Despite the fact that VAW is a reality in Lebanon, as in all other countries and societies throughout the world, and is an area of constant interest, as demonstrated by numerous official statements, campaigns and interventions, as well as studies and reports, there is no definition of this concept in the currently enforced Lebanese legislative and legal frameworks. However, a draft law has been drawn up for the protection of women from domestic violence¹¹ and, once ratified by the Parliament, will constitute the only reference within the Lebanese legislation of GBV.

Legal and legislative framework

1. Constitution

First and foremost, all standards require explicit commitment of the Lebanese State to ensure equality between men and women and non-discrimination based on gender. Thus, this should include the introduction of the principle of equality in the fundamental law of the country; namely, the Constitution. While Article 7 in the Lebanese Constitution guarantees equality of all citizens, there is no explicit reference to the equality between men and women, or to the prohibition of sex- and gender-based discrimination in the Constitution and in other domestic laws. To this end, compliance with international standards remains limited. This also limits the progress towards gender equality in the country, raising the very important issue of embodiment of these principles and rights in the national laws and all related fields and areas.

2. Personal status laws

Women in Lebanon face double discrimination with regard to their personal status; namely, lack of gender equality and the absence

of common personal status laws for all. The legal code for every Lebanese citizen, male and female, is tied to the religious sect and denomination to which he/she belongs. This remains of concern for the CEDAW International Committee, as reiterated in the concluding observations in the Third Periodic Report of 2008, which recommends to “adopt urgently for the State member a unified personal status law in compliance with the convention enforced for all women in Lebanon regardless of their religion”.¹²

Despite a draft law for the Sunni community on the raising of the age of children under custody of the mother, and recent amendments of certain personal status laws for Christians, reflecting the acceptance of the principle of partnership within marriage,¹³ most personal status laws are characterized by discrimination against women. For example, the assigning of responsibility to the male head of the family and other legitimized practices contained in any patriarchal system reinforce risks and dangers for women; for example, the fact that domestic violence is, until further notice, submitted to the principle of sanctity and intimacy of the family.

In addition, discriminatory provisions which rule relations within the family constrain to a high degree the capacity of women in practicing their fundamental rights and freedoms. For a woman to enjoy fully these rights and freedoms, her rights within her family first must be granted and respected, especially considering that the place where a woman is most exposed to violence is her family or marital home, a fact borne by numerous studies in countries throughout the world.

According to Article 1 of CEDAW, the concept “discrimination against women” means “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.¹⁴ This enhances the reason why, in the light of discrimination against women being more deeply rooted in the personal field, CEDAW thus emphasizes the inclusion within its provisions of all forms of discrimination and in “any [...] field”, including personal or family distinction.¹⁵

Given that the Republic of Lebanon is constitutionally committed to embody the principles of the United Nations Charter and the Universal Declaration on Human Rights in all fields and areas, as well as Articles 1 and 2 of CEDAW where State signatories agree to pursue in all appropriate means and without delay a policy of eliminating discrimination against women, the Lebanese authorities are thus responsible for respecting fully the integrity of the laws on discrimination against women in all spheres, including at the personal level.

3. Penal Code and other legislation

It is clear that, in the Lebanese Penal Code, discriminatory provisions against women are not only irreconcilable with the international human rights laws to which Lebanon is a signatory, but are often main motives for many forms of GBV. Thus, it is a fact that the penal code in the field of VAW is characterized by a great divergence between, on the one hand, what is emphasized by the Constitution in terms of its commitment to the United Nations Charter and Universal Declaration on Human Rights, and the embodiment of these principles in all fields and areas without exception; and, on the other hand, discriminatory provisions included in certain laws, especially personal status laws, as mentioned above, as well as within the penal code, which prevent women from enjoying their human rights and fundamental freedoms, and which legitimise the practice of violence against them.

In addition, it is important to bear in mind the numerous discriminatory provisions and omissions contained in many other laws. One example is the labour law, which at present fails to explicitly prohibit sexual harassment in the work place; it merely gives an employee, male or female, the right to resign without prior notice from his/her position in the case of an indecent offence having been committed towards him/her or towards a member of his/her family by the employer or his/her representative, without any legal consequences for the perpetrator. Furthermore, of note is that the Ministry of Labour has elaborated and proposed a draft law which was referred to the Council of Ministers in April 2010, but which failed to amend any of the mentioned provisions concerning sexual harassment in the workplace. Though mere reference to an offence within the text of a law, as with domestic violence and sexual harassment, does not result in the preventing of such acts; however, the way the legal framework has failed to address the issue of abuse and other forms of violence falls short of encompassing the privacy dimension.

Given this reality, and emphasizing the requirement of national laws to conform to and abide by all constitutional provisions, as well as with the international charters and conventions to which Lebanon is a signatory, brings to the forefront concern regarding constitutional control over the legal framework, and the priority of international provisions over national laws.

Policies



The most important aspect regarding the official commitment to combating VAW lies in the progress observed in the contents of ministerial declarations of consecutive Governments since 2005.

The 2005 Ministerial Declaration stated that the Government would focus on the issues of women as major and effective partners in public life by bringing in the legal climate conducive to the reinforcement of their role in various sectors, and [would] incorporate [the] gender concept in all the financial, economic and social policies in accordance with the international concepts in this respect. The [G]overnment [would] also implement all the commitments of Lebanon by virtue of the recommendations produced by the [1995 Beijing Conference] on women s issue[s] .

This represented the first time concerns of women, especially with regard to the integrating of the gender concept in public policies and the emphasizing on the compliance with the Beijing Action Plan, were being addressed in a ministerial declaration; and it was no coincidence that it concurred with the election and appointment of female politicians to the executive branch, as political participation of women results in their presence in the decision-making process.

In mid-2008, the Government in power at that time pledged to continue the consolidation of women s role in public life and their participation in the financial, economic, social and political areas and to implement [the] commitments [of Lebanon] as set out in the international conventions that it signed or the recommendations that it ratified, especially [...] CEDAW requiring legislation and procedures to achieve equality between men and women and combat all forms of violence against women and girls [...]". This was the first ministerial declaration of a clear and direct indication of commitment to combat VAW.

By late 2009, the Government in power at that time, in Paragraph 22 of its Ministerial Declaration, pledged it would endeavour to adopt a plan to combat violence against women, including discussing the draft law relating to the protection against domestic violence, and to come up with policies and legislation to combat women and children trafficking for sexual abuse and forced labour". This represents an explicit commitment which has been partly fulfilled, with the Government having adopted the draft law for the protection of women from domestic violence and thus awaiting ratification by Parliament.

Till date, no direct or explicit mention of VAW in public policies has been made, the exceptions being the previously-mentioned draft laws and declarations. On the other hand, a number of initiatives have been taken by NCLW. Examples include *Guide on the Status of Women*, a publication on the necessity of monitoring domestic violence;¹⁶ and the updating of the Women National Strategy through mainstreaming gender and human rights perspectives, with special attention on VAW/GBV, and the need to adopt a set of integrated measures to prevent and eliminate violence.

Programmes and projects



There are no specific and structured programmes related to GBV implemented within the context of official policy and/or strategy of the Government, or by the directly concerned sectors; however, some ministries have made a few interventions. For example, the Ministry of Labour focuses its work mainly on gender equality in the workplace, though there is no documented work or institutional structure for GBV included with regard to sexual harassment.

There is no actual work on service provision, or legal orientation or assistance, in relation to GBV implemented by the Ministry of Justice; however, the Ministry collaborated with a coalition of an estimated 40 organizations, including the non-governmental organization KAFA (Enough) Violence & Exploitation and the Lebanese Internal Security Forces, on drafting a law pertaining to the protection of women from domestic violence, and is advocating for its adoption. The Ministry has also prioritized the issue of people trafficking. On the other hand, the Ministry of Social Affairs being the main actor on social protection, including that of women, from all forms of violence has implemented several programmes and activities.

During a period when recovery from the effects of armed conflict was the main concern for both national and international stakeholders, and as a result of the successful cooperation between the National Commission for Lebanese Women and UNFPA, the project Women Empowerment: Peaceful Action for Security and Stability (WEPASS) was initiated. It was based on a pilot project which aimed to promote the implementation of United Nations Security Council Resolution 1325: Women, Peace, and Security relative to its context in Lebanon. Financially supported by the Norwegian Government in its first phase and the Italian Government and the Lebanon Recovery Fund in its second and third phases respectively, the project was initiated after the July war in 2006 and targeted communities which had suffered from that conflict. It was launched in cooperation with municipal councils and social development services centres of the selected communities.

In addition to bilateral cooperation mainly from Italy and Norway, several United Nations agencies and international organizations¹⁷ have undertaken numerous initiatives and pioneering projects related to research, capacity-building and awareness-raising, as well as supporting services provisions in collaboration with such governmental institutions as the National Commission for Lebanese Women and Ministry of Social Affairs, in addition to national and local non-governmental organizations. Most such GBV interventions as programmes, projects and services are mainly supported by multilateral and bilateral cooperation and assistance.¹⁸

Services



Most work on GBV is concentrated within civil society and the non-governmental sector. The overall and detailed mapping prepared in the context of this exercise, showed that these organizations operated across most of the six governorates, delivered a wide variety of services, and benefitted from multiple sources of local and international funding. Thirteen organizations were contacted and relevant information collected, mainly through direct contact with responsible personnel.

The non-governmental organizations were diverse in their scope of work and each operated under a specific set of goals and objectives. Some of the services provided by these organizations included the following:

- (a) Ensuring care, protection and security of women GBV survivors and their families
- (b) Improving mental, physical and social well-being of women GBV survivors, with the added aim of eliminating VAW
- (c) Contributing to the achievement of gender equality and non-discrimination; the advancement of human rights of women and children; and the establishing of an equal society free of violence and harm, where equal opportunities are guaranteed for all
- (d) Eradicating all forms of GBV and exploitation of women and children through raising awareness of and advocating for legal reform and change of policies and practices, influencing public opinion, and empowering women and children
- (e) Improving life conditions of women and girls who are victims of domestic violence, and helping them to become more independent through socio-economic empowerment by providing beneficiaries with income-generating and job opportunities

Lebanon has made incremental progress addressing GBV at different levels in the past few years while the ongoing work and advocacy of civil society organizations witnessed remarkable progress by focussing mostly on highlighting GBV issues, as well as lobbying for policy and procedural changes. In this respect, and in response to the global recognition of the seriousness of GBV, and taking into account the context of Lebanon, the interest and need for GBV programmes and services continue to grow and are far from being met.

RECOMMENDATIONS



Through this situation analysis on GBV in Lebanon, the various tasks performed and the comprehensive findings and results accumulated led to the realization that a comprehensive and holistic approach to GBV was required in order to foster a culture around human rights and gender equality in all aspects of governance, civil society and health services. This conclusion was strongly underscored by the CEDAW Committee, and confirmed by both the desk review/analysis and by assessments of stakeholders during focus group discussions and interviews. Besides the constitutional, legislative and social aspects of GBV, service provision to victims of VAW, including follow-up and referral, should receive ample attention by the State as one of its main obligations, in addition to that of the granting of full legal and human rights, including the right to life, of GBV, for example for crimes committed in the name of honour. Any initiative and/or intervention should be in close partnership with civil society organizations and the international community.

In order to proceed and according to Article 4 of the United Nations Declaration, States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women []. The paragraphs (a) to (q) of Article 4 cover all legal obligations at national and international levels, and provides a comprehensive and multisectoral approach to address GBV in terms of elimination, prevention, overall security, legal protection and specialized services with recommendations related to processes, mechanisms and main actors; i.e., right holders and duty bearers.

This situation analysis report is comprehensive in terms of proposed solutions and strategies to be developed for contributing to the process of prevention and service provisions, and to the elimination of this multifaceted phenomenon in order to realize the human rights of women. Integrating GBV in the national agenda is the only way for Lebanon to reduce this human rights violation and obstacle to development and democracy for the country. Priority actions and strategic interventions which aim to ending GBV translate into the following factors:

- (a) Preventing GBV at every age, everywhere and every time
- (b) Changing cultural concepts about masculinity/femininity; a process which also must actively engage men, be they policymakers, colleagues, fathers, husbands or male youth¹⁹
- (c) Putting every effort into breaking the silence and ensuring the voices of women are being heard; in other words, women empowerment
- (d) Realizing human rights and gender equality for women

Legal and legislative framework



The Lebanese Constitution stipulates the right to equality; however, it does so without clearly banning discrimination. Moreover, the Lebanese State, through being a signatory to various international charters and laws, is committed to cede human rights and fundamental freedoms to all its citizens without discrimination on any basis, including gender, even if not clearly stated so in the Constitution or in national laws. In reality, there is still a wide gap between what is stated in the constitutional text and what is expressed in some aspects of the legislation, especially those hindering the public and private rights of women, those which are discriminatory towards women, and those which tolerate and condone acts of VAW. The State must shoulder the responsibility of offering full protection of women from all acts of violence, whether committed in public or in the private sphere.

This situation analysis report has highlighted two important factors: first, the motivation and willingness of Lebanon to enhance and protect human rights; and second, the need of the national legislature to harness this readiness and translate it into practice in order to avoid ratifying laws whose provisions do not comply with the fundamental principles of human rights.



1. Improve governance as regard to equal realization of human rights

In accordance with national and international commitments, and within the culture and principles of equality and human rights; and in order to strengthen good governance in Lebanon, the key areas proposed for intervention and reform cover the following two recommendations:

- (a) The importance of the Constitution to include an explicit ban on gender-based discrimination, and to embody principles of gender equality in all fields and areas without exception; thus, to hold Lebanon to its international commitments and to establish, as stipulated in Article 19, a Constitutional Council to supervise the constitutionality of laws
- (b) The priority of revoking those legal provisions which constitute discrimination, and of criminalizing VAW in order to grant women dignity and protect their fundamental human rights. In so doing, the State would build on the existing legislative base to draft and ratify personal status/civil laws, and to amend or repeal discriminatory provisions against women in the Penal Code.²⁰

2. Reinforce protection and security of women through life cycle

In addition to the numerous measures previously mentioned, the United Nations Secretary-General launched in 2008 a multi-year global campaign under the title UNiTE to End Violence against Women, appealing to all partners to join forces to eliminate VAW. One of the key goals of the Campaign specifically recognizes the power of the law and, in line with international human rights standards, stipulates that by 2015 all countries adopt and enforce national laws which address and punish all forms of such violence.

The Beijing Platform for Action (BPFA) defines specific measures to be undertaken by various development actors, including governments, non-governmental organizations and international organizations. Measures include, among others, enactment and/or reinforcement of penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society.²¹

BPFA recommendations are related to ensuring protection and security against domestic violence and trafficking. In Lebanon, respective draft laws have been prepared and presented to Parliament for ratification. If ratified and approved by Parliament, the draft law on protection of women against domestic violence is one step towards long-awaited reform; however, further action is imperative and all discriminatory laws and provisions should be subject to radical revision. The draft law on people trafficking and related penalties are also awaiting approval. The recommendation is to ensure that the provisions of conventions

and protocols which Lebanon has signed and ratified should be taken into consideration, in particular the United Nations Convention Against Transnational Organized Crime and supplementary protocol to prevent, suppress and punish people trafficking, especially women and children.

Furthermore, it is important not to overlook discriminatory provisions or breaches present in other laws. One example is the labour law, which fails to penalize sexual harassment in the workplace, only granting an employee the right to resign without notice if he/she or a member of his/her family has been the object of indecent behaviour or act by the employer or his/her representative.

Government policies



To achieve the above-mentioned goals, the State of Lebanon has an existing platform on which to anchor the required framework. The available studies and experiences²² at the national, regional and international levels represent a strong basis to build upon, provided the will and resources are made available. In this regard, the commitments of the State to national and international commitments will constitute the appropriate referral framework to develop a national policy for GBV prevention.

Within national policies and programmes, supported by international partners and in cooperation with State actors, other stakeholders and non-governmental organizations, including faith-based associations, strategies to address GBV shall encompass the following aspects:

- (a) Ensuring better knowledge of the reality and facts on the ground through conducting further research on GBV; consolidating data on the spread of VAW, particularly on prevalence; issuing and enforcing national laws to combat all forms of violence against women and girls; and taking action with regard to penalties for such forms of violence
- (b) Adopting and implementing national multisector action plans
- (c) Providing appropriate services to ensure health/survival, security and protection through life cycle
- (d) Ensuring emergency contraception is available for victims of sexual violence
- (e) Advocating for the elimination of GBV, for human rights for women, and for gender equality with parliamentarians, religious leaders and women's national networks, including the media
- (f) Integrating messages on the prevention of GBV into information, education, workplace and communication projects
- (g) Awareness-raising of the general public and social mobilization
- (h) Combating sexual violence during conflict and post-conflict situations



There are several ongoing programmes and services addressing various aspects of and issues concerning GBV; however, many of the right holders do not know how and where to seek help and treatment.²³ In addition to the constitutional, legislative and social aspects of GBV, the aspect of services provision to survivors of VAW, their follow-up and referral should receive ample attention. Recommendations on this issue could be regrouped into the following two main areas:

1. Mainstreaming and improving services for gender-based violence

Delivery of GBV services is basically a political and cultural issue and, thus, remains clouded by the controversies of the existing political system in Lebanon, in addition to the prevailing attitudes of the health system and of health-care providers. A laborious transformation is needed at the level of public services, including ministries and other government institutions which adopt a gender-based approach within a human rights framework.

2. Developing a referral system through a comprehensive multisectoral approach

Assigning and strengthening dedicated centres on specific GBV issues among different non-governmental organizations and in various geographic regions throughout Lebanon is a worthy consideration. This will pool resources available and provide targeted services which, in turn, will be linked to a network of hospitals, counselling centres and schools, as well as being utilized in medical training and specializations, including obstetrics/gynaecology, psychiatry, psychology, trauma care, forensic medicine and nursing, in coordination with other such sectors as the ministries of justice, interior and social affairs, to ensure a comprehensive approach in addressing needs and realizing protection and security of GBV survivors, as well as their social reintegration within the community.

Service delivery in the area of GBV involves a number of major tasks, steps and orientations which should be executed as follows:

- (a) Protect: utilize a multisectoral approach
- (b) Respond: provide and/or refer survivors to basic and life-saving services to meet their needs and realize their rights
- (c) Prevent: implement effective strategies, protect the vulnerable and end impunity for perpetrators
- (d) Coordinate: facilitate cooperation and coordination at various levels and for various actions

FOOTNOTES

1. United Nations, *Millennium Development Goals* (New York, 2000).
2. United Nations, *Convention on the Elimination of All Forms of Discrimination against Women* (New York, 1979).
3. United Nations, *Resolution 55/2: United Nations Millennium Declaration (MD/MDGs+5)* (New York, 2005), chapter V, paragraph 4; *United Nations, Resolution 34/180* (New York, 1979), annex.
4. United Nations, *Outcome document of General Assembly High-level Plenary Meeting* (New York: September 2005).
5. Thoraya Ahmed Obaid, *End Violence Against Women* (statement delivered by Safiye Cagar at UNFPA Conference End Violence Against Women, 10 October 2006).
6. United Nations, *Fact sheet of campaign by the Secretary-General entitled Unite to End Violence Against Women* (New York, 2006).
7. United Nations General Assembly, *Proceedings of the 85th Plenary Meeting: Declaration on the elimination of violence against women* (Geneva, 20 December 1993).
8. UNFPA, *Violence Against Girls and Women: A Public Health Priority* (New York: UNFPA Gender Thematic Group, Interactive Population Center, 1998).
9. Partners and brainstorming meeting, April 2010.
10. Validation meeting, October 2010.
11. Approved by the Council of Ministers on 6 April 2010.
12. United Nations, *CEDAW: Concluding observations* (2008), paragraph 19, CEDAW/C/LBN/CO/3.

13. NCLW, Second Periodic Report of CEDAW (Beirut, 2004), page 40; and Third Periodic Report of CEDAW (Beirut: 2006), paragraphs 331 and 332; also Marie-Rose Zalzal, Ghada Ibrahim and Nada Khalifeh, *Legal Violence Against Women* (Beirut: Dar Al-Farabi, 2008), pages 29-30.
14. United Nations, CEDAW (New York: 1979), Article 1
15. UNIFEM, *Women Situation Assessing: Special Guide for the Elaboration of Reports on CEDAW* (2003), page 15.
16. NCLW and UNIFEM, *Guide on Status of Women* (Beirut: NCLW, 2010), pages 68, 70.
17. Including the ART GOLD Program (UNDP); the ROSS Program Office; recovery emergency programme of the Italian Embassy in Lebanon; quoted in mapping of the Social Services related to Gender-based Violence in the Southern Suburbs of Beirut, realized by Jinan Usta for the Italian Cooperation Office of Embassy of Italy in Beirut, October 2007; in addition to CIDA, Norway and Italian Cooperation, and OXFAM.
18. GBV analysis conducted by UNFPA with support of the Italian Cooperation.
19. Evidence-based advocacy and behavioural change communication.
20. In 2003, the Justice and Administration Parliamentary Commission formed a subcommittee to study and redraft a law proposition which was intended to amend the Penal Code; the Commission has completed this task.
21. United Nations division for the advancement of Women/United Nations department of economic and social affairs, *Handbook for Legislation on Violence Against Women* (New York: United Nations, 2010).
22. For example, accumulated experience of the Ministry of Social Affairs through implemented projects, development services centres, and quantitative studies conducted by NCLW and by non-governmental organizations.
23. The Free Library. Accessed 30 July 2010.
<http://www.thefreelibrary.com/Project+looks+to+curb+gender-based+violence.-a0181058690>.