

Women's Civil Rights in Lebanon

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Legislation for Equality

Article 2 of the 1948 Universal Declaration of Human Rights affirms the right of each human being to enjoy all rights and liberties set forth in the Declaration without distinction of any kind as to race, color, sex, language, or religion, while Article 16 confers on men and women equal rights regarding marriage and its dissolution.

The principle of equality was written into the Lebanese Constitution of 1926, Article 9 of which declares: "All Lebanese are equal before the law. They equally enjoy civil and political rights without any distinction as to sex or religion..."

In its preamble, amended in 1990, the Constitution adds: "Lebanon is committed to applying the Universal Declaration of Human Rights in all domains without exception."

In addition, Lebanon has ratified several international conventions relating to human rights including, most importantly:

- The International Covenant on Economic, Social, and Cultural Rights in 1976
- The International Covenant on Civil and Political Rights in 1976

- The International Labor Office Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value in 1953
- The International Labor Office Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation in 1960
- The Convention Against Discrimination in Education in 1962

And finally, the most important convention ratified by Lebanon, in the context of this paper, is the Convention on the Elimination of all Forms of Discrimination Against Women ratified by 180 countries, including 17 Arab countries.

This last Convention was ratified under the decree of July 24, 1996, with reservation to three Articles (9, 16, and 29). The reservations constitute a contradiction to international law. It should be noted, in this context, that in case of conflict, the provisions of international conventions prevail over national law.

The first reservation relates to Article 9 regarding nationality, which contradicts Lebanese law in that the Convention grants women equal rights with men to pass

on their nationality to their children, while Lebanese law does not. In Lebanon only the man gives his nationality to his children. Women do not have this right except in rare circumstances. Furthermore, only the husband gives his nationality to his wife. The opposite is not legally permissible.

The second reservation is to Article 16 of the Convention regarding equality of rights and duties in marriage and in family relationships. Complying with this Article would infringe on the provisions of personal status law, still recognized in Lebanon as the sole legislative and juridical law.

Lebanese legislation is greatly influenced by the fact that it needs to govern communities with different religious beliefs, whose coexistence forms the Lebanese nation. This multiplicity is the main reason behind the existence of disparities in rulings that govern the various groups of Lebanese citizens. Some laws apply to all citizens while others apply only to members of a given community. This clearly violates the general principle of equality of all citizens before the law. Thus, laws of inheritance, for example, differ between Muslims and Christians, and even between Sunni and Shiite sects of the Muslim religion. For whereas Christian offspring of both sexes inherit similar proportions of their deceased parents' property, each Muslim daughter is entitled to only half of what her brother gets. In the case of families that have only daughters, if they are Shiite Muslims the daughters inherit all of the parents' property, but if they are Sunni Muslims, male cousins inherit a proportion of what the girls' parents leave behind. Within the Druze sect, inheritance is according to the will of the deceased.

Thus, inequality in some matters exists, not only between men and women, but also between members of the same sex, who happen to belong to different religious sects.

Such deviation from the equality that the Lebanese Constitution embraces, however, concerns mainly family law, which applies to marriage, paternity, filiation, adoption, and succession. This is because the only authorized marriages on Lebanese territory are religious ones, con-

tracted respectively according to the codes of the various religious sects. Moreover, the Lebanese legislative system recognizes (tolerates, or permits alongside the local trend of exclusively religious marriage) civil marriages that are contracted abroad. Such marriages remain subject to the civil law of the country where the marriage was contracted, with Lebanese civil jurisdiction being responsible for the application of those foreign laws, provided that they conform to the public order. Between the different laws and courts that pertain to the various religious sects and the civil laws of the various countries, under whose authority the Lebanese may choose to get married, implemented by the Lebanese civil courts, marriage in Lebanon is subjected to very different conditions. This is a very strong and influential source of inequality.

Women in Lebanese Legislation: Inequalities in the Penal Code

Because of the diversity of denominations, citizens of Lebanon are subjected to different laws and diversified fates, even where situations and motives are the same. And despite Lebanon's ratification of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), there are many laws which discriminate against women, especially in penal law.

For example, Articles 487 and 488 of the Lebanese Penal Code condemn women who have committed adultery much more severely than men, and make proving their guilt much easier than that of men. The penalty for the same crime of adultery is three months to two years for the wife, and one month to one year for the husband. Also, the definition of adultery for husband and wife vary. For him to be

accused of adultery he has to commit the act in the marital home or install a declared mistress in a house for which he pays. But the wife may be accused of committing the act anywhere and under any circumstances.

Moreover, the initial version of Article 562 of the Penal Code granted pardon for non-premeditated homicide or attack by a person on his spouse, relative, offspring, or sister surprised in the act of adultery or other illegitimate sexual relation with a third person. This article was amended on February 20, 1999. At present, the perpetrator of the homicide or injury would receive only the

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benefit of the extenuating excuse. Both the old article and the new one recognize the right of the males of the family to carry out private justice regarding the women of their kin whenever they are guilty of a breach in the sexual rules.

Article 522 on the other hand, regarding the marrying of women who have been raped, abused, abducted, or seduced, states: "If a legitimate marriage contract is established between the perpetrator of one of the crimes mentioned above and the victim, the pursuit of the perpetrator is halted, and if a sentence has already been issued, its execution is halted." This Article encourages forcing girls into sex for the purpose of marrying them against their volition, and thus violates a most basic human right: the right to safeguard a person's physical and emotional well-being. It also gives the rapist or sex-offender the possibility of evading punishment, by giving him the option of marrying the victim. It is noteworthy that Article 503, which relates to rape and forcing someone into sex, sentences anyone who forces any other person (except for the spouse) into sex through violence and intimidation to at least five years in prison with hard labor. The prison term is no less than seven years if the victim is younger than 15. Therefore, the offender can seek to marry the victim through physical and emotional coercion and thus escape the punishment of the law, despite the ruling, by the same Lebanese legislation, that a marriage is considered null when it lacks the element of 'free consent.' Such rulings of the Lebanese Penal Code, in addition to Article 504 which allows the abuse (rape) of a wife by her husband without legal consequences, need to be amended out of respect for women and in order to observe their human right to dignity.

In ratifying the Convention on the Elimination of all Forms of Discrimination Against Women, Lebanon agreed to its provisions except for the above-mentioned reservation. Article 2 in paragraphs (f) and (g) (not included in the reservations) calls on the states which ratified the convention to undertake all of the appropriate measures, including legislation, to modify or abrogate all

laws, customs, practices, or penal codes which discriminate against women. As a consequence, Lebanon must work to apply these provisions and abrogate the inequalities contained in Articles 487, 503, 504, 522 and 562 of the Penal Code. A draft law in this regard has been submitted to the parliamentary Commission for Administration and Justice within the scope of the revision of the Lebanese Penal Code, which has not been reviewed since it was promulgated in 1943.

Some Amendments towards Equality

On the positive side, some legislative measures, in the direction of equality, have already been taken. Thus, Lebanon was the first Arab country to recognize women's political rights in 1953 and to ratify the International Convention on the Political Rights of Women in 1955 without any reservation.

Lebanon also recognized equality between the sexes regarding inheritance in the non-Muslim communities in 1959. Moreover, in 1960 Lebanon authorized married women to keep their nationality while at the same time adopting that of their husbands.

Furthermore, in 1987 social security made the retirement age 64 for both men and women. Before that date the retirement age was 55 for women, and 60 for men.

Married women recovered their full capacity to testify before all authorities in 1993. The law imposing male testimony in property contracts was amended and the specific mention of 'male' was eliminated.

Where commercial law is concerned, married women have since 1994 been entitled to engage in commerce without their husband's authorization. They have been enjoying full rights to draw up all deeds in the interest of their commercial enterprises. Moreover, it should be noted that, in Lebanon, couples have the option to include in their marriage contracts the precondition of the separation of assets.

These are good steps on the long road towards the achievement of equality. Much more needs to be done to fully attain it.

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