

LEGAL AND CONTEXTUAL RESEARCH ON WOMEN ECONOMIC EMPOWERMENT IN LEBANON

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Study conducted as part of the MEPI funded project ***“Everyone Gains: Promoting women's socio economic empowerment in Lebanon and morocco”***



— END VIOLENT CONFLICT —

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List of acronyms

- ACDI: International Development Canadian Agency
- CEDAW : Convention on the Elimination of All Forms of Discrimination against Women
- COOP: Cooperative of Government Employees
- CSOs: Civil Society Organizations
- ESCWA: Economic Commission for Western Asia
- MoL: Ministry of Labor
- MoSA: Ministry of Social Affairs
- IFES: International Foundation for Electoral Systems
- ILO: International Labor Organisation
- IWPR: Institute for Women’s Policy Research
- OCHCR: Office of the United Nations High Commissioner for Human Rights
- SFCG-L: Search for Common Ground-Lebanon
- UNDP: United Nations Development Programme
- UNESCO: United Nations Educational, Scientific and Cultural Organization
- UNFPA: United Nations Fund for Population Activities
- UNFW: United Nations Fund for Women
- UNHCR: United Nations High Commissioner for Refugees
- UNRWA: United Nations Relief and Works Agency for Palestine Refugees in the Near East
- U.S. MEPI: U.S. Middle East Partnership Initiative

EXECUTIVE SUMMARY

Economic discrimination against women is a major human rights' problem that jeopardizes women's independence and exploits many of their basic economic and social rights such as their exposure to sexual harassment at the workplace, to unequal pay and preferred hiring, and to biases in leaves and holidays.

The several causes that "justify" the existence of this discrimination focus on three types of barriers: cultural, religious and social, all preventing women from achieving economic empowerment.

Theoretically, several studies in Lebanon have highlighted the importance of addressing economic discrimination against women. Also, practically, the Lebanese legislature's desire to eliminate discrimination is being clearly observed and implemented in recent years.

Nevertheless, there still is no social recognition of women's economic rights; women's knowledge of their economic rights is still ignored and a national strategic vision is still lacking.

Accordingly, this document represents a "Legal and Contextual research on the economic empowerment of women in Lebanon". This study does not only offer descriptive information, but also offers practical windows of opportunities to further enhance Search for Common Ground-Lebanon's team to understand the context that shapes the Lebanese society and affects its behavior, practice, and attitude towards gender equality, with an explicit focus on the economic rights.

The research findings revealed that "Everyone Gains: Promoting Women's Socio Economic Empowerment in Lebanon" project should focus on the following objectives towards changing perceptions, laws and regulations obstructing the employment of women in Lebanon:

- Dispelling false misconceptions about the employment of women in Lebanon;
- Increasing the knowledge of women about their rights and obligations;
- As well as contributing towards reforms for adopting more just positive measures recognizing and improving the contributions of women in the Lebanese economy.

Furthermore, the study establishes a number of outcomes, outputs and practical recommendations that will help SFCG-Lebanon in the implementation of its project activities in the purpose of promoting the employment of women in Lebanon in an equitable legal environment respectful of international conventions, such as (among others) the accomplishment of a gender perspective study, a media campaign, the production of simple and user-friendly information tools, the creation of a capacity building program; the initiation of a dialogue with syndicates, and the improvement of the Lebanese national level capacity to support the role of women in the Lebanese economy.

This study also provides an opportunity for SFCG-Lebanon to coordinate with all concerned stakeholders such as the specialized and non-specialized official bodies, local and international organizations for a better implementation of its “Everyone Gains: Promoting Women's Socio Economic Empowerment in Lebanon” project.

I. Overview of the context

2.1 million Lebanese women (representing 50.36% of the Lebanese population, which is currently estimated at just over 4.1 million inhabitants)¹ still suffer from gender inequality in the Lebanese economy: “a closer look at unemployment indicates the rates were higher among women (10%) than men (5%)”². Men in general, and in particular married men, agree that women should take care of children and refrain from working, because they perceive work to affect motherhood negatively³.

On the other hand, the Lebanese Labor Law issued on September 23, 1946, and amended by the Law No. 207 dated May 26, 2000, prohibits all forms of discrimination between men and women in the workplace concerning employment type, remuneration, employment, promotions and raises, vocational training and attire. Even regarding the minimum wage, “the law made equal the remunerations of women and men whenever they are undertaking the same employment. The decree issued in this respect in 1965 clearly calls for the implementation of the law to all employees (male and female) when women undertake the same job as men”⁴.

Despite this legal protection, the general social implicit consent is still considering that “the ideal woman as the one who ‘remains under the man’s authority even if she is working’ and ‘stays under the man’s will regardless of the high-ranking positions she achieves’”⁵! Proof of this is this figure: Lebanon ranks 116th out of 134 countries by the World Economic Forum in terms of gender inequality.⁶

¹ Delphine Torres Tailfer, Women and Economic Power in Lebanon: The legal framework and challenges to women’s economic empowerment, World Bank, Country brief, Lebanon, CRTD-A Beirut, October 2010, <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/LEBANONEXTN/0,,menuPK:294,>

² Najwa Yaacoub and Lara Badre, The Labor market in Lebanon, 11 October 2011, http://www.cas.gov.lb/images/pdfs/sif/cas_labour_market_in_lebanon_sif1.pdf

³ Oxfam research report, The Effects of Socialization on Gender Discrimination and Violence, A Case Study from Lebanon, March 2011.

⁴ J. Iqbal Murad Doughan, Working Women in Lebanon, Translated by Ahmad Ghaddar, Al-Raida, Volume XXIII, Nos. 111-112, Fall/Winter 2005-2006, pp.54-55.

⁵ Oxfam research report, *Op.Cit.*

⁶ Daily Star, ‘Empowered women could play important role in leading economic recovery-report’ 3 October 2010, Beirut.

II. Organization and program background

Search for Common Ground is a non-governmental organization working to transform the way societies deal with conflicts. It has acquired over 30 years of experience in peacebuilding and is based in 53 local offices worldwide.

SFCG first worked in Lebanon in 1996, and opened up its office in Beirut in 2008. It works to achieve social change through transforming the way people deal with conflicts – away from violent and adversarial approaches, towards collaborative problem solving. The issues it addresses are multiple, such as conflicts arising within Lebanon's diverse society, tensions resulting from the increasing influx of Syrian refugees, security sector reform, as well as women's socio-economic empowerment. In each project, it seeks to engage all stakeholders and strengthen local capacities in order to create sustainable change and increase social cohesion.

SFCG uses various innovative peacebuilding tools to bring change at multiple societal levels: from TV productions aimed at transforming social attitudes of the masses, to videogames used to build youth's conflict resolution skills, to town hall meetings that rebuild shattered relationships between police and local communities. It facilitates dialogue aimed at identifying common issues, which is then addressed by both communities through collaborative projects.

SFCG Lebanon is currently implementing a project titled “Everyone Gains: Promoting Women's Socio Economic Empowerment in Lebanon”. This project is funded by the U.S. Middle East Partnership Initiative (U.S. MEPI), and is taking place in parallel between Lebanon and Morocco from 1st October 2013 to 31st December 2015.

The project in Lebanon is targeting (1) 12 Lebanese civil society organizations (CSOs) that work toward women's economic empowerment in Lebanon, (2) Lebanese media professionals interested in gender concepts, and (3) religious leaders and key community leaders who have the necessary influence either on the public opinion or on policy makers.

The overall goal of this project is: “Lebanese women's rights CSOs successfully advocate for legislative reforms to reduce economic constraints for women.”

Moreover, the project will specifically focus on Strengthening the advocacy capacity of women's rights CSOs to engage in collaborative and non-adversarial campaigning for legislative reforms and increasing the cooperation of key society stakeholders in calls for reducing economic constraints for women.

III. Research methodology

In providing an overview of the Lebanese legal framework of women's economic rights in Lebanon, especially covering the rights related to equal employment opportunities, to pregnancy or maternity of a working female, to social security coverage and indemnities, etc., this review sheds light on the various strengths and weaknesses of women's economic rights in the Lebanese legal framework, in addition to the different barriers that women face to access and benefit from the labor market.

The research analyses the legal and social practices that contribute to gender inequities in Lebanon in order to help redress them. It reviews national legislations to help assess the extent of discrimination and propose amendments to the law to reverse it.

The review of both the contextual and legal frameworks led us to conclude policy recommendations to help support gender justice and equality in the Lebanese economic system. Given the constraint time allocation for this study, the researcher complemented the desk review with informal meetings that were held with governmental officials from the Ministry of Labor and the National Social Security Fund (NSSF).

Finally, the study proposes to SFCG-Lebanon to set up a network of suggested partnerships with Lebanese women's rights CSOs and other stakeholders for a better advocacy and implementation of the recommended objectives.

IV. Evidence-based Conclusions: Findings & Analysis of the Legal and Contextual Frameworks of Women's Economic Rights in Lebanon

Based on the desk research and informal meetings with key stakeholders in the field of women economic empowerment, interesting information have come out regarding both the legal (1) and contextual (2) frameworks of women's economic rights in Lebanon. After providing a general overview of the existing laws relevant to the selected topics, and analyzing their implementation, only the information considered relevant and useful for the goals of the research have been reported, with focus on the areas where enforcement is needed.

1. The Legal Framework of Women's Economic Rights in Lebanon

Since 1926, the equal rights and duties of men and women have been implicitly established by the Lebanese Constitution in its 7th article. Despite this binding legal text, 2.1 million Lebanese women (representing 50.36% of the Lebanese population, which is currently estimated at just over 4.1 million inhabitants)⁷ still suffer from gender inequality in the Lebanese economy as 28% of the unemployed Lebanese population are women⁸.

In order to better shape our research goals, we must conduct a brief review of the current legal status pertaining to women's economic rights in Lebanon which should include a thorough understanding of the legal aspects of seven main topics, identified as priorities by both the Lebanese women CSOs and the SFCG-Lebanon: the study of the rights related to equal employment opportunities (1.1), to pregnancy or maternity of a working female (1.2), to the Social Security coverage and indemnities (1.3), to civil servants (1.4), to the Bankruptcy Law (1.5), and finally to the sectors not covered by the Labor Code (1.6).

⁷ Delphine Torres Tailfer, *Women and Economic Power in Lebanon: The legal framework and challenges to women's economic empowerment*, *Op.Cit.*

⁸ UNDP Living Conditions of Households, 2007.

1.1. The Rights Related to Equal Employment Opportunities

Article 26 of the Lebanese Labor Law issued on September 23, 1946, and amended by the Law No. 207 dated May 26, 2000, prohibits all forms of discrimination between men and women in the workplace concerning employment type, remuneration, employment, promotions and raises, vocational training and attire.

This prohibition is beyond the national Lebanese law, and appears within the International and regional context of the Lebanese legal system.

Even before the ratification of the Convention on the Elimination of All Forms of Discrimination against Women pursuant to Act No. 572 of 24 July 1996, which was approved with reservations relating to issues of nationality and personal status, Lebanon participated in 1995 to the Fourth World Conference on Women in Beijing, which required all adherents to take implementation measures to substantially increase the number of women in leadership positions, based on the principle of equal access of men and women to power structures and decision-making bodies.

In September 2000, Lebanon adopted the Millennium Declaration of the United Nations General Assembly, which addresses gender equality, and in July 2004, the Lebanese Government acceded to the Beirut Declaration of “*Arab Women, Ten Years after Beijing: A call for Peace*”, which urged signatory countries to review their national legislations in the purpose of reforming all discriminatory laws against women.

In the same context, Lebanon has also ratified the following International Labor Organization (ILO) conventions that promote employment of women and protect their working conditions:

Convention No.	Subject	Date of signature	Date of ratification by Lebanon
45	Employment of women in underground work	1935	1946
89	Night work for women	1948	1962
100	Equal Remuneration	1951	1977
111	Gender discrimination in employment and occupation	1958	1977
122	Employment policy	1964	1977

The commitment to the pre-mentioned international agreements and conventions, particularly the Convention on the Elimination of All Forms of Discrimination against Women, was declared by the Lebanese Government through its policy statement of December 2009, after the formation of the national unity government headed by Mr. Saad Hariri, under the mandate of president Michel Sleiman, where it committed itself to Article 22, to strengthen the role of women in public life. Moreover, several amendments were issued in the same context among which the following ones submitted in 1994:

- The eligibility of a married woman to practice trade without the need of her husband's approval.
- The right of women employees of the diplomatic corps who marry foreigners to pursue their tasks.

Also, there are no legal restrictions that limit women's actions in setting up their own businesses and engaging in income-generating activities.

1.2.The Rights Related to Pregnancy or Maternity of a Working women

As part of the implementation of the Convention on the Elimination of all forms of Discrimination Against Women and of other treaties in Lebanon, and as a result of the active response of the Women rights CSOs in Lebanon, a number of amendments were made regarding maternity leave: Articles 28 and 29 of the Lebanese Labor Law have been amended on April 2014: The maternity leave period has been amended from seven to ten fully paid weeks, including the pre- and post-natal periods.

1.3.The Rights Related to Social Security Coverage and Indemnities

Although the National Social Security Fund collects the same contribution from insured working women and men, and even if the Lebanese parliament recently voted an ad hoc change of the social security Law (article 26), giving a full compensation after the pre-mentioned change of article 28 and 29 of the labor law, there are some articles of the Lebanese Social Security Law, issued on September 26, 1963 under Decree No. 13955, that are in contradiction with the approved articles of the CEDAW.

Since 1987, the eligibility age for collecting end of service indemnities, as per the Social Security Law, was changed to 64 years for men and women, both having the option to collect indemnities at age 60.⁹ In the same spirit, the judges' mutual fund (*sandooq el-ta'adud*) abolished in 1992 all forms of gender discrimination regarding the use of contributions. But still, women employees are only considered heads of families in the case of their husbands' death or incapacity.

The Social Security Law, specifically articles 14 and 46, specify the individuals who have the right to receive health and maternity benefits and family indemnities. These benefits cover the insured workers and members of their families who live under their roofs and/or are under their custody.¹⁰ Article 47 also states that a child has the right to only one family indemnity, if more than one parent receives it, and Article 46 specifies that the father receives the familial and educational benefits if both the father and the mother satisfy the mentioned conditions, except if the children are under the custody of the mother alone.

1.4. The Implementation of the SSL in Light of the Press Memorandum No. 112 Dated January 18, 1972

Pursuant to the press memorandum No. 112 dated January 18, 1972 related to the right of female workers to family indemnities, the female employee is not legally or practically considered the head of family and therefore is not eligible to benefit from family indemnities for her children except in the following cases:

1. If she is widowed, divorced, or is legally considered to have deserted her husband.
2. If her husband ceases to work for one of the following reasons:
 - a. He has reached the age of 60 and in this case, it should be proven that the children are living with their mother and under her custody.
 - b. He is afflicted with a physical or mental disability.
 - c. He is serving a prison sentence.

⁹ Law No. 82/7, January 6, 1987.

¹⁰ As per the provisions of Paragraph II of Article 14 of Law No. 343 dated August 6, 2001, amended in the single article of Law No. 387 dated December 14, 2001.

In application of this text, many court decisions that recognize the right of the mother to family indemnities for her children have been issued, among them decisions numbered 210/96 and 202/96 issued in 1996 by the Chairperson of the Arbitrational Labor Council in Beirut Choukhaiby and the decision numbered 200/6 issued in 2006 by the General Assembly of the Supreme Court. These decisions “became a permanent interpretation”¹¹ of the applied texts in this regard. J. Arlete Juraysati stressed on the opinion of the Court which considered that the Social Security Fund’s position of not paying the mother her family indemnities and not allowing her to receive health benefits for her children “clearly shows an injustice towards the rights of female workers”¹², thus “undermining the provisions of the international treaties of which Lebanon is signatory, especially the International Labor Office’s Convention No. 111[pre-mentioned]”¹³.

Furthermore, the Social Security Fund's claim stating that “the defendant's (female worker) request cannot be answered pursuant to the laws and customs of our society – specifically, the general belief that the father is the head of the family and the one in charge of its sustenance”¹⁴ – was unmistakably dismissed by the Arbitrational Labor Council. “This is because such beliefs lack seriousness and veracity and because of their clash with modern social fundamentals which consider the wife to be her husband's equal in rights and duties, and which consider her to be equally responsible for the upbringing and protection of the interests of the family”¹⁵.

Abolishing all previously issued memorandums that contradict it, the press memorandum No. 283, dated January 19, 2004, issued by the general director of the Social Security Fund, and related to the extent of social security benefits for children under their mother’s name, obliged the insured female wishing to receive health and maternity benefits and indemnities for her children to meet the following conditions:

¹¹ J. Arlete Juraysati, Eligibility of Working Married Lebanese Women for Social Benefits, Translated by Ahmad Ghaddar, Al-Raida, Volume XXIII, Nos. 111-112, Fall/Winter 2005-2006, pp.48-53.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

- “The father must not be a recipient of any Social Security Fund benefits or any other similar sources for the same children.
- A social inquiry is to be made to ensure that the children of the insured female are living under her roof and that she is the prime provider for their expenditures”.

“It has, however, been made apparent to J. Juraysati [...] that some of these administrations still do not abide by the provisions of this memorandum. They rather require the female worker to resort to the Arbitrational Labor Council for a decision to guarantee her right to these social benefits, even in cases where some other women in the same department previously obtained similar decisions”¹⁶. In this case, the implementation of this legal text showed how the “religious law is used by the State to determine if a wife is legitimate and whether she meets the conditions necessary for her to qualify for social coverage provided by her husband”¹⁷.

1.5. The Rights Related to Civil Servants

The Lebanese Labor Law does not include civil servants and the public sector since it is restricted to work in the private sector. Nevertheless article 12 of the Lebanese Constitution declares the right of every Lebanese person to employment in the public sector.

With respect to the benefits allocated to female employees who are members of the Cooperative of Government Employees (Coop), Article 1 of the Law No. 149 issued on October 30, 1999 has remarkably established the equality between female and male employees in terms of the “benefits from the contributions of the Government Employees' Coop as per the benefits and services program as well as the education allowances program, for the female employee and the members of her family (her husband and children) whether she benefits from family indemnities or not. She also receives benefits for anyone under her custody including her parents and siblings according to the percentages adopted by the Coop”.

This equality remains however incomplete, since Article 10 of the system of benefits and services of the Decree No. 5693, issued on October 8, 1966, does not grant women the same rights as men regarding benefits for family members at the level of medical care and

¹⁶ J. Arlete Juraysati, Eligibility of Working Married Lebanese Women for Social Benefits, *Op.Cit.*

¹⁷ Delphine Torres Tailfer, Women and Economic Power in Lebanon: The legal framework and challenges to women's economic empowerment, *Op.Cit.*

hospitalization, and other social benefits in spite of the equal contribution paid by men and women.

1.6. The Rights Related to the Bankruptcy Law

Articles 625 to 629 of the Code of Commerce¹⁸ are discriminatory as they impose restrictions on a wife's property in case her husband declares bankruptcy. In this case, a woman is treated as being her husband's dependent, and any property acquired during marriage (through inheritance, as a gift, or purchased by her) is considered a property acquired with her husband's money, unless she is able to prove otherwise. In contrast, if a woman becomes bankrupt, the husband's property is not considered belonging to his wife. "Not only is this code discriminatory, it also contradicts the norm of pre-nuptial agreements which allows spouses to retain ownership of his/her property and to manage it independently of each other".¹⁹

In this respect, MP Gilberte Zouein presented a legal amendment proposal of the Code of Commerce for the articles 625 to 628. This request is still under review by a sub-committee presided by MP Samir El Jisr.

1.7. The Rights Related to Sectors Not Covered by the Labor Code

Article 7 of the Labor Law excludes workers in informal sectors, domestic workers living permanently at their workplace and farmers working in family enterprises. This exclusion has been partially remedied by certain decisions issued by the Ministry of Labor regarding migrant domestic workers and immigrants by creating contracts for this type of workers, but still, Lebanese laws have failed to introduce special laws concerning rural women working in agriculture and seasonal workers, knowing that the majority of women in most rural areas are playing these roles; which explain their low economic input.

¹⁸ Code of Commerce, Legislative Decree No. 304, dated December 24, 1942.

¹⁹ Delphine Torres Tailfer, Women and Economic Power in Lebanon: The legal framework and challenges to women's economic empowerment, *Op. cit.*

2. Contextual Framework: Strengths and Weaknesses of Women’s Economic Rights in the Lebanese Legal Framework

Becoming partners with men in assuming the responsibility of their families and in building up society, the number of women judges flew from almost none in the 1990s to 38% of all judges in civil, criminal and commercial courts, and 28% of judges in the administrative courts by 2010. Furthermore, the number of women elected in the municipal elections more than doubled to reach 531 between 2004 and the end of the decade²⁰. But still, unfortunately, employees’ laws and regulations, as well as procedure, discriminate between male and female employees through some of the aforementioned articles. Although 90% of bank employees are women, and while banking, trade, finance and tourism services employ approximately 70% of all working women²¹, no woman has been appointed as bank manager in Lebanon up until very recent years.²² Consequently, even though the Lebanese legislature’s desire to eliminate discrimination is being clearly observed and implemented in recent years (2.1), weaknesses of the Lebanese framework of women’s economic rights are still highly perceived (2.2).

2.1. Strengths of the Lebanese Framework of Women’s Economic Rights

At this level, we can differentiate between the following areas that show the strong side of the Lebanese context pertaining to the economic rights of women:

2.1.1. Areas of No Legal Discrimination

We observe, based on the above mentioned legal demonstration, that there are no legal restrictions that limit women’s actions in setting up their own businesses and engaging in income-generating activities. Women head about 18% of all companies in Lebanon²³. In a more general context, we find that the 1946 Lebanese Labor Law provisions do not generally distinguish between men and women, by adopting the principle of gender equality in case of

²⁰ Nadia Hijab, Regression or progress? Barriers to equality of economic opportunity and the Arab transitions, July 29, 2013.

²¹ UNDP Household living conditions, *Op. cit.*

²² ILO contribution to CEDAW report, 2007.

²³ Delphine Torres Tailfer, Women and Economic Power in Lebanon: The legal framework and challenges to women’s economic empowerment, *Op. cit.*

equal employment opportunities for example. Even regarding the minimum wage, “the law made equal the remunerations of women and men whenever they are undertaking the same employment. The decree issued in this respect in 1965 clearly calls for the implementation of the law to all employees (male and female) when women undertake the same job as men”.²⁴

2.1.2. Areas of Positive Protective Discrimination

In some cases, we notice that the Lebanese Labor Law includes positive discriminatory provisions for protection purposes, such as Chapter 8 of the Law titled “Employing Women and Children”, in addition to other articles which:

- Forbid the employer from threatening to dismiss a female employee who is on maternity leave;
- Prohibit the employment of women in businesses and industries that harmfully affect their health and the health of their fetus, in case they are pregnant;
- Extend the fully paid maternity leave to 10 weeks after it was a 7-week maternity rest²⁵;
- Prohibit the employment of women at night;
- Allow a woman to leave her job due to marriage without specifying her period of absence;
- Provide a minimum of one-hour break at noon whenever the number working hours exceed five hours a day for women and six hours a day for men;
- Require that female employees whose work requires their being in a standing position sit down during breaks.

2.1.3. Areas of Practical Positive Behavior

We can mention the following practical steps that reinforce the economic rights of women:

- The establishment, by virtue of the decree issued by the Prime Minister in April 2007, a Steering Committee led by the Ministry of Labor to reform the 1946 Labor Law;

²⁴ J. Iqbal Murad Doughan, *Op.Cit.*

²⁵ Although this recent change of the duration of the maternity leave for female employees, it still falls short comparing to Yemen for example, where it reaches two months, and comparing to the period specified by the Fifth Arab Labor Treaty which is at least ten weeks. The period is also shorter than the one specified by the 103rd International Labor Treaty that Lebanon has not ratified to date and that specifies a period of at least 12 weeks, no less than six weeks of which is after birth.

- The existence of a very dynamic and active civil society supporting women's issues;
- The enjoyment of full political rights by Lebanese women. Although only a few have entered the political arena, "women have worked at all levels in party politics, including in leadership roles. Since 2004, successive governments have included female ministers. At the administrative level, a number of women have been appointed as directors general, as ambassadors in the foreign service and as judges in all fields including juridical, financial and administrative."²⁶

2.2. Weaknesses of the Lebanese Framework of Women's Economic Rights'

Although we welcome these strengths, we insist that the Lebanese economic system suffers from a lack of implementing decrees, decisions and strategies towards strengthening the role of women.

Thus, the application of the 'equal pay for equal work' principle in the private sector differs in some cases from the legal texts, since we see female workers who are forced to sign contracts that are inconsistent with the normal wage in the market, because they found themselves motivated by urgent financial needs. Hence, the discrimination practically exists (2.2.1), "justified" by a different kind of excuses (2.2.2).

2.2.1. The Existence of Discrimination

The main forms of discrimination faced by women in the workplace, regardless of the legal texts, can be summarized as follows:

i. Sexual Harassment

Lebanon currently has no regulations related to over sexual harassment in the workplace. The only mention of the topic in the penal code stipulates that victims have the right to leave their workplace without having to give notice.²⁷ At the workplace, 4% of women reported being

²⁶ National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1*, Lebanese Republic, Geneva, 1–12 November 2010, A/HRC/WG.6/9/LBN/1.

²⁷ Daily Star, "Sexual harassment rife in workplaces", May 08, 2012. <http://www.dailystar.com.lb/News/Local-News/2012/May-08/172647-sexual-harassment-rife-in-workplaces.ashx#ixzz3C3H06BvU>

harassed on an almost daily basis.²⁸ “There is a real legal void regarding this practice and most women refuse to testify for fear of losing their jobs [...]. With the growing number of cases of sexual harassment in the workplace, the Lebanese media and women’s NGOs are campaigning for public awareness and pressuring the government to adopt strict measures to condemn perpetrators of sexual harassment”.²⁹

ii. Unequal pay and preferred hiring

Women are paid 27% less than their male colleagues for the same type of work, despite the existence of a law that requires equal pay between men and women.

iii. Biases in leaves and Holidays

Women are denied sick leave eleven times more frequently than men and vacations are often denied to single women without young children.³⁰

Though the absence of a binding principle and sanctions if party states fail to integrate CEDAW into domestic law, and though the equal qualifications, employers often prefer hiring men even in case of equal qualifications.³¹ Thus, women graduates face unemployment locally or lower paid jobs.³²

iv. The Negative Impact of Positive Discrimination

The specific protective measures for female workers that we mentioned above were taken, alongside with protective measures for juveniles. “This is an indication that the law views females, even when of adult age, as minors”³³ and that “her job is unnecessary and that her household duties take precedence over her work outside the home”³⁴.

²⁸ International Development Canadian Agency (ACDI), Women’s freedom of movement and freedom from harassment and violence. The Status of Women in the Middle East and North Africa Focus on Lebanon’ International Foundation for Electoral Systems (IFES) and The Institute for Women’s Policy Research (IWPR).

²⁹ Delphine Torres Tailfer, Women and Economic Power in Lebanon: The legal framework and challenges to women’s economic empowerment, *Op. cit.*

³⁰ World Bank study on the place of women in the economy, 2009.

³¹ Delphine Torres Tailfer, *ibid*

³² Choghig Kasparian, ‘L’émigration des jeunes libanais et leurs projets d’avenir’, USJ, Beirut, 2009.

³³ Delphine Torres Tailfer, *ibid*

³⁴ J. Iqbal Murad Doughan, *Op. cit.*, pp.54-55.

Under the pretext of protection, the Labor Code prohibited women from employment in certain jobs, such as the operation of machinery, the right to work at night, and even the access to third category positions in the diplomatic Foreign Service to single women³⁵.

2.2.2. *The Causes of Discrimination*

Several barriers prevent women from achieving economic empowerment, mainly:

i. Cultural Barriers

In fact, women are expected to occupy traditional jobs that are perceived to be more compatible with their nature and their primary role as mothers and wives. These jobs are mainly teaching, nursing and office administration work. These barriers are even inserted in “school textbooks [which] endorse these stereotypes by portraying women in their traditional roles at home and raising children, while men are represented in important decision-making positions”³⁶.

ii. Religious Barriers

Since Lebanon is a country of different religions, the sectarian Lebanese laws govern the personal status of women, and consequently, they affect their economic empowerment as they regulate systems of inheritance, marriage, property management during the marriage, conditions of divorce and custody of children and many other issues related to their economic position.³⁷

iii. Social Barriers

From a social perspective, single, married, divorced, widowed and unmarried women have to reconcile family responsibilities and communal obstacles with their work in the absence of supportive state policies and helpful social norms.

³⁵ Naila Nauphal, “ILO – Post War Lebanon: Women and Other War-Affected Groups,” International Organization Publication, available on: <http://www.ilo.org/public/english/employment/skills/training/publ/pub9.html>

³⁶ Delphine Torres Tailfer, Women and Economic Power in Lebanon: The legal framework and challenges to women’s economic empowerment, *Op. cit.*

³⁷ Delphine Torres Tailfer, *ibid*

V. Project Description and Windows of Opportunities

The project will specifically focus on strengthening the advocacy capacity of women's rights CSOs to engage in collaborative and non-adversarial campaigning for legislative reforms (1) and on increasing the cooperation of key society stakeholders that are called to reduce economic constraints on women (2).

1. Project Strategy

The proposed project strategy focuses on dispelling false misconceptions about employment of women in Lebanon, supporting instead the belief that the employment of women is a win-win scenario for both women and their social/familial entourage (1.1). It also aims at increasing the knowledge of women themselves about their economic rights (1.2), contributing towards reforms for more fair legislations that would reduce economic constraints (1.3).

1.1. Social Recognition of Women's Economic Rights: an Essential Prerequisite to any Social Equality

This includes spreading the knowledge and refuting the stereotyped attitudes deeply rooted in our tradition and culture with respect to the gender-based division of roles, be it inside the family, at the workplace or in society, the economic activity of women, their working conditions, pay, the legal framework governing their work and the restrictions they face. The purpose is to contribute to transforming the negative perceptions of the Lebanese society about the work of women and their social duty of maternity by revealing their positive contributions to the social and economic context in the country. Creating such a change in the Lebanese mindset should also bring out a positive effect by increasing the employment opportunities of women offered by Lebanese employers. Consequently, this will help us to move from supporting formal *-de jure-* equality, present in some legislation such as equal pay for equal work, to becoming proactive in supporting substantive *-de facto-* equality. In fact, a substantial gap was found between the estimated average monthly wage of females and males as it was estimated at LBP 606,000 for

males compared to LBP466,000 for females. Also, around half of the working women earn monthly wages of LBP300,000- LBP500,000³⁸.

The desired result will be reached by widely disseminating a gender perspective at all levels among all stakeholders, including government ministries, parliamentarians, the judiciary, political parties, the civil society, including non-governmental organizations, the private sector and the general public at large through different channels including presentations, distribution of materials, the media, and one-on-one meetings.

Furthermore, the project will work on implementing a campaign and networking with the media, as an essential ally in supporting cultural and behavioral change to help eradicate gender injustices. It will support journalists and media to produce a variety of media materials (investigation reports, talk shows, etc.).

The project will also organize discussions and advocacy workshops in universities, schools and centers in different regions for this purpose.

1.2. Enhancement of Women's Knowledge of Their Economic Rights

Many women are unaware of their most basic rights and particularly their rights related to work and social coverage under the Lebanese laws. The accomplishment of this result requires the production of a "Guide for women workers in Lebanon". This guide will be substantially disseminated to workers and employers.

SFCG-L will partner with the Lebanese Observatory of the Rights of Workers and Employees, to put in place a capacity building program that should empower a selected number of women from all Lebanese areas on monitoring mechanisms relevant to work-related violations affecting women workers.

The project will ensure that women workers and employees are always updated and informed about any amendments in the Lebanese labor laws and regulations through the concerned Lebanese CSOs. For this purpose, SFCG-L will provide training for lawyers and judges, in

³⁸ MDGs Lebanon report, 2003.

addition to sustained legal literacy programs and legal assistance which will guarantee that women are systematically informed about their rights and entitlements.

1.3. Adoption of Positive Measures to Improve the Contributions of Women in the Lebanese Economy

The participation of women in the Lebanese economy requires strengthening the administrative and economic levels through the adoption of positive measures, such as quotas, to lead them towards a stronger and more balanced representation in these spheres. The proposed approach includes encouraging women to take part in syndicates by enacting a quota system in the executive councils of those syndicates.

Also, a strict implementation of the CEDAW would have a tremendous positive impact on the improvement of women's contribution in the economy.

Finally, the legislature should be pressured into amending or repealing remaining discriminatory rulings against women, and adding missing protective ones especially with respect to the regulation over sexual harassment in the workplace, the issues of unequal pay, preferred hiring, and biases in leaves and holidays.

Objective: Promote the employment of women in Lebanon in an equitable legal environment respectful of international conventions		
Outcomes	Outputs	Indicators
Outcome 1: Social recognition of women's economic rights: an essential prerequisite to any social equality	1.1 A gender perspective study on the impact of women's contribution in the Lebanese economy is completed, disseminated and discussed.	- Salient findings that establish an on-going, iterative participatory system of monitoring and evaluation of formal and substantive gender equality including indicators of women's access to resources (e.g. the number of loans given to women); to justice (e.g. the number of lawsuits filed by women, and their ruling), and to social services provided (by region, type of service, etc.).
	1.2 A media campaign is an essential element in supporting cultural and behavioral change to help eradicate gender injustices	- The issue of women's right to work is discussed at least once every two months in one or more media channel. - One or two talk shows on the right to work are broadcasted each year - 1 investigation report
	1.3 Simple and user-friendly information tools disseminating the content of the CEDAW principles	- Between 2-4 fact sheets on Women's Employment are produced - 3-4 info-graphics on Women's Employment are developed
	1.4 Available materials are widely disseminated to different target groups (media, politicians, students, employers, etc.) and through a variety of channels.	- At least 20 Parliamentarians and 5 ministers receive information / materials on women's employment. - At least 5 panels are organized in universities or cultural centers on the issue of the right to work.

		<ul style="list-style-type: none"> - A logo on the right to work developed by university students through a competition - Reactions to at least 30% of false or biased information or positions publicized on women employment issues are documented.
	<p>1.5 A civic education curriculum that proactively teaches gender justice is developed.</p>	<ul style="list-style-type: none"> - An assessment of violations of gender equality in school textbooks - A civic education curriculum that proactively teaches gender justice - 2 teacher trainings that develop community attitudes towards women and their role in the productive sector.
<p>Outcome 2: Enhancement of women’s knowledge of their economic rights</p>	<p>2.1 Materials pertinent to the right to work and to social security are produced and disseminated.</p>	<ul style="list-style-type: none"> - A “Guide for women workers in Lebanon”.
	<p>2.2 A number of trainings for lawyers and judges and training sessions for women on legal literacy programs and legal assistance are conducted</p>	<ul style="list-style-type: none"> - 4 training sessions for lawyers - 4 training sessions for judges - 4 training sessions for women
	<p>2.3 A capacity building program to train a selected number of women on monitoring mechanisms relevant to work-related violations affecting women</p>	<ul style="list-style-type: none"> - In partnership with the Lebanese Observatory of the Rights of Workers and Employees, 1 capacity building program.

	workers.	
Outcome 3: Adoption of positive measures to improve the contributions of women in the Lebanese economy	3.1 Dialogue with syndicates is initiated and options for ensuring the access of women professionals are explored through workshops and small group meetings.	- 1 or more syndicate is receptive to enacting a quota system in its executive council.
	3.2 Engage in discussions towards changing the remaining discriminatory rulings against women, and adding missing protective ones with policy makers	- 3 roundtables discussing the following topics: the regulation of sexual harassment in the workplace, the unequal pay, the preferred hiring, and biases in leaves and holidays, in addition to the strict implementation of the CEDAW
	3.3 Remove key barriers hindering the implementation of supportive measures for a better involvement of women in the Lebanese market.	- Meetings to discuss the supportive measures such as: * Childcare for children (incl. nurseries for infants and extra-curricular activities for after-school hours for mothers who work late) * Uniform implementation of the maternity leave, in compliance with international standards
	3.4 Improve national level capacity to support the role of women in the Lebanese economy	Organize meetings with: - <u>The Ministry of Social Affairs:</u> To support the monitoring or evaluation of community centers where several services are provided to women. - <u>The Women's Affairs Section (MOSA):</u> To financially support this

section which has signed and developed several national programs and campaigns “to inform women about their rights and promote their social image in public life”,³⁹.

- The Ministry of Agriculture: To expand their plans, which grant credit to investors in the agricultural sector for small and medium size projects, to cover the largest number of women.

- The Ministry of Labor: To support the MoL in the preparation and adoption of a binding employment contract for migrant domestic workers in Lebanon.

- The National Commission for Lebanese Women: To strengthen the Commission’s weak institutional capacity, since “it lacks human and financial resources and has neither the needed authority nor capacity to effectively promote the implementation of CEDAW and advocate for the integration of gender perspectives in all levels of government”,⁴⁰.

³⁹ PNUD POGAR <http://www.pogar.org/countries/theme.aspx?t=4&cid=9>

⁴⁰ CEDAW’s Experts Committee, Extracts from 8 April 2008 report, <http://genre.francophonie.org/spip.php?article3188>

2. Partnerships and Networking

SFCG-Lebanon will work on the proposed project in partnership with ALEF-act for Human rights and with Lebanese women's rights CSOs and other stakeholders for a better advocacy and implementation of legislative reforms to reduce the economic constraints on women in Lebanon.

VI. Appendixes:

Appendix A – Terms of reference

In order to better shape the project focus and strategy to reduce barriers to women socio-economic empowerment in Lebanon, the research will provide SFCG and the CSOs engaged in the project with a thorough understanding of the legal and contextual aspects on three main topics already identified as priorities by the civil society organisations:

- Social Security
- Early marriage and domestic violence
- Equal job opportunities

This research will serve three purposes. It will:

- Provide an overview of the existing laws concerning the three above topics, looking specifically at the strengths and weaknesses of those laws;
- Provide an analysis of the implementation of the existing laws focusing on the areas where enforcement is needed.
- Provide contextual information (at the national and local levels) on where and why the laws are not being implemented.

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Appendix C – Consultant Biography

May Hammoud is a legal consultant with more than 9 years of legal experience. She has an extensive background in legal research, human rights, capacity building, court administration, refugee law and international projects. She is a university professor and a national advisor who effectively worked with the UN and USAID, and drove successful implementations with several official institutions and various ministries. May’s ability to develop human rights strategies and devise legal texts amendment proposals underscores her ability to provide technical advice to numerous inter-ministerial committees. She is particularly skilled at the preparation of studies, briefs, and reports to support policy debates and enjoys monitoring the implementation of work plans.

May has organized and attended official meetings, oriented workshops, national conferences, and international seminars related to International Law, including delivering presentations and leading training sessions.

May has been a Legal Officer since 2010 in the Lebanese Council of Ministers. Prior to that, in 2009, she worked as a National Court Administration Advisor for the National Center for the State Courts –USAID project. She holds a PhD degree from PARIS II University (Panthéon–Assas) SORBONNE, and serves as a Law professor in several universities since 2010.