



# INFLUENCING POLICY THROUGH RESEARCH:

## The Case of Sexual Harassment Law in Lebanon

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It is safe to say that policy change and legal reform toward gender equality has been rather slow and partial in Lebanon. For instance, and compared to other countries in the MENA region, Lebanon has undergone hardly any significant reform in the 16 different religious family codes. This is despite the fact that there has been no dearth of sustained advocacy and lobbying on the part of women and feminist organisations throughout the last four decades to bring about reforms in family laws and protections against gender-based violence. However, the last twenty years have nevertheless witnessed an important shift namely by bringing demands for gender equality into the public domain and as part of the prevailing public and political discourse. Another major advance was the fact that women themselves took over the public space and began to speak openly about their own experiences of oppression and discrimination and, in doing so, contributed to influencing public opinion as to the validity of their demands for change.

The endorsement by parliament of the law to protect women and family members from domestic violence (law 293; April 2014) heralded a turning point in pro-women lawmaking in Lebanon. The said law was the culmination of at least two decades of civil society activism, lobbying policy makers and creating spaces for domestic violence survivors to speak out while at the same time engaging with law enforcement on their responsibility to protect all women within both the public and private spheres. That law may not have been perfect and could lend itself to critical improvement, but it was certainly a landmark in breaking, albeit shyly, a main tenet of patriarchy and that is the politically and socially imposed private/public divide. In their riposte to the law, many a clergy have deplored what they perceive as state intrusion in family affairs, a domain thus far solely the responsibility of the male head of household as well as complicit religious institutions.

That important shift brought about by Law 293 has, in our view, served as a wedge to push the boundaries for further legal reforms which seek to protect women from sexual violence in the public domain, zeroing in on sexual harassment.

### **MANY ACTORS AND LIMITED INFLUENCE**

Whilst sexual harassment has long been on the agenda of women and feminist organisations, the efforts of elected or appointed government officials have been few and far between. The first initiative to bring legal reform was from the Lebanese civil society; in 2012, when the Feminist Collective and the Legal Agenda drafted a law addressing sexual harassment in the workplace. This draft law was never presented at the Lebanese Parliament. Two years later, MP Ghassan Moukheiber submitted a law proposal where both sexual and racial harassment would be legally criminalized as forms of discrimination. This 2014 draft law was not brought for parliamentary debate until 2017, during which time the effort toward anti-sexual harassment

protections were ridiculed and quashed from the other MPs. That same year, the newly established Office of the Minister of State for Women's Affairs lead by Minister Jean Ogassepian (supported by Abir Chebarro) submitted a different draft law that was approved by the Lebanese ministerial cabinet on the 8th of March 2017. Again, this law may not have been perfect, but we saw it as a welcome step forward coinciding with International Women's Day that year. Today, and three years after approving Ogassepian's law proposal, Lebanon still does not have a law that criminalizes sexual harassment, but efforts continue. The most recent effort was by MP Inaya Ezzedine, in her role as the chair of Women and Children Committee in the Parliament, where she submitted a draft law that criminalizes sexual harassment. While its earliest drafts made some headway through legislative processes, its formulations were largely lacking in our opinion.

It is within this longstanding and messy landscape that our work has attempted to forge a space for progress. Our initial work started in 2015 through a project called Knowledge is Power (KIP), which we launched at OSB-AUB on gender and sexuality. We did not know at the time, but this would create the Arab precedent of the #METOO movement and localize the narrative around sexual harassment in the experience of Lebanese women and many others in the region.

Amidst this situation marked by too many uncoordinated actors, actions and proposals, the Centre for Inclusive Business and Leadership (CIBL) for Women at the Olayan School of Business (AUB) stepped in within the framework of its foundational KIP Project and honed in on the case of sexual harassment within the private sector. The team at CIBL for Women was armed with analytic tools to engage in a solid analysis of all the previous draft laws, and based on the findings of this analysis, we began to build a multi-stakeholder network of partners interested in working together to advance anti-sexual harassment legislation. In 2019, collaborating with yet another newly established gender machinery CIBL for women (Charlotte Karam and May Ghanem) worked with the Violette Khairallah the new Minister of State for Economic Empowerment of Women and Youth (EEWAY), the Lebanese League for Women in Business, and independent Lawyer activists (Yumna Makhoul and Layal Sakr), ABAAD-affiliated Lawyer (Danielle Houyek) and AUBMC Psychologist (Brigitte Khoury) to revisit the Ogassepian's law proposal. When the government fell, yet again, CIBL partnered with the National Commission of Lebanese Women (Claudine Aoun, Ghada Joumblat, Maya Zaghrini, Randa Abboud, Rita Chemaly) and the World Bank Group's Mashreq Gender Facility (Francis Abouzeid, Rhea Jabbour), who in 2019 were working on yet another independent anti-SH law.

This partnership had proven fruitful and had led to a draft consolidated legal framework. Building on the efforts of all the previous CIBL and NCLW drafted a Consolidated Framework for Anti-Sexual Harassment protections in

Lebanon. This law was reviewed in the Administration and Justice Committee (lead by MP George Adwan). During the review session two different draft laws were brought forward. The consolidated framework presented by the President of the NCLW (Ms Claudine Aoun) and the revised draft law by MP Ezzedine. MP Adwan requested that the two laws be reviewed and further consolidated. The legal teams of CIBL and MP Ezzedine met in a subcommittee chaired by MP Ibrahim Azar and finalized a draft law in the presence of representatives from the Ministry of Justice and Ministry of Labor. Weeks later, the same subcommittee met and edited the draft law in the absence of representatives from CIBL. The outcome of this meeting was the law that past today in Parliament. We acknowledge that it is a step forward, and very much needed, however this anti-sexual harassment law has a number of weaknesses and we have specific and serious reservations. The importance of multistakeholder efforts and work in any advocacy initiative cannot be underestimated, and we look forward to working with the broad community of stakeholders to further debate and amend the law in 2021

At CIBL, we have been trying for years to work with all parties and serve as a platform that brings everyone together to push for this legal reform. Unfortunately, we were not invited to the final sessions and are saddened to see that our recommended amended were not integrated. The aim should be collective efforts that actually protect women in a deliberate and measured manner. A law that is clear enough to be used in courts with no room for disparate and dangerous interpretations. We hope that ensuing discussions and debates will clarify and integrate nuanced protections and reporting mechanisms that can be mandated by the law and can be implemented in our context.

CIBL's effectiveness is grounded in its credibility, and its credibility derives from its focus on evidence-based research and analysis. The work of the center, through its KIP Project and KIP Index Project, had completed in-depth historical tracking or activism, legislative reform efforts, and a tracking of international benchmarks. The center became a key expert on the subject, and a hub generating on-going campaigns to raise awareness on sexual harassment as well as leading workshops, consultations, webinars and conferences. CIBL also organized skill training workshops for HR managers to equip them with the basics of integrating anti-sexual harassment policies within their employee codes of conduct. Given its positionality as an objective, non-politically aligned and highly credible producer of knowledge, CIBL engaged in a rather innovative lobbying strategy vis-à-vis the various actors cited above. The process involved bringing all the actors to the same table along with various stakeholders in a participatory, painstakingly detailed and in depth review of all existing law proposals leading to the development of a consolidated law which has, to date, been received favorably by the many stakeholders involved. As such, the process moderated and led by CIBL is evidence of the importance and possible successful strategy of bringing

together various proposals and actors who may not have shared the same motives or interests but who were equally keen on pushing this project forward.

Notwithstanding the fact that legislative processes may be, yet again, forcibly halted by the current political and economic crisis, the impact of the pandemic, feminist activists and political actors have at their disposal an anti-harassment consolidated framework drawing from both penal and labor code, and based on solid knowledge, a participatory spirit as well as the ownership of multiple stakeholders.

### **BRIDGING ACADEMIA AND POLICY: WHEN RESEARCH IS BOTH POLITICAL AND TRANSFORMATORY**

The movement to bring about a law that penalizes and/or criminalizes sexual harassment in Lebanon is a case in point of how research can be conceptualized to be transformative as well as policy oriented. The research undertaken was based on the political premise that sexual harassment is a violation of women and girls bodily integrity and is condoned and reinforced by patriarchal norms and institutions which reproduce unequal gender relations of power. It was designed and conducted with a clear view that its findings will help inform and shape both mindsets and policies. The end goal of this particular research is to contribute to creating safe spaces for women through policies as well as through awareness raising and influencing patriarchal cultures, a process that we would otherwise refer to as transformatory.

Though changing the letter of the law may be a long and arduous process, however the knowledge that the research has produced and the connections it has encouraged and nurtured have succeeded in galvanising efforts towards change as well as transforming sexual harassment into an issue of public and political debate.



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