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# Women in the Judiciary in Lebanon

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## Guarantees of Gender Equality in the Lebanese Legal Framework

### The Lebanese Constitution

- Paragraph C of the Preamble of the Lebanese Constitution: Lebanon is a Republic based on the respect of ... the equality of all its citizens in terms of rights and duties without discrimination or preference.
- Article 7 of the Lebanese Constitution: All Lebanese are equal before the law. They equally enjoy civil and political rights, and assume obligations and public duties without any distinction among them.
- Article 12 of the Lebanese Constitution: Every Lebanese has the right to public employment, without any distinction, holding the required merits and qualifications.

## Guarantees of Gender Equality in the Lebanese Legal Framework

### International Conventions ratified by Lebanon

- The Universal Declaration of Human Rights (ratified in 1948);
- The International Convention on the Political Rights of Women (ratified in 1955);
- The Convention against Discrimination in Education (ratified in 1964);
- The International Covenant on Economic, Social and Cultural Rights (ratified in 1972);
- The International Covenant on Civil and Political Rights (ratified in 1972);
- The International Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (ratified in 1977);
- The International Convention concerning Discrimination in Respect of Employment and Occupation (ratified in 1977);
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), (ratified in 1997).

## **Guarantees of Gender Equality in the Lebanese Legal Framework**

### **Domestic Laws**

Public Service Law (Decree-Law No. 112/59): every Lebanese has the right to public employment, without any distinction, holding the required merits and qualifications

# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

## A. From denied entry to gender parity

- **Mid-1950s - Early 1960s:** Exclusion of female candidates.
- **1973 - 1977:** Dismissing 27 female candidates.
- **September 1983:** Adoption of Decree-Law No. 150 regulating the judiciary in Lebanon: No distinction between men and women in the judiciary.
- **Post-civil war in 1990 (1991-1992):** A growth in the number of female candidates admitted to the judiciary, almost approaching parity with the number of male candidates. (12 women and 14 men passed in 1991 and 8 women and 11 men passed in 1992).
- **1993-1994:** A concern of the “feminisation of the judiciary”: Exclusion of all female candidates.
- **Since 1994:** Balance between male and female judges.

# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

**Table 1: The gender distribution of candidates admitted to the Institute of Judicial Studies**

Session / year	Male	Female	Total	Percentage of women
1991-1994	14	12	26	46%
1992-1995	11	8	19	42%
<b>1994-1997</b>	<b>18</b>	<b>0</b>	<b>18</b>	<b>0%</b>
1996-1999	16	10	26	38.5%
1997-2000	11	11	22	50%
1998-2001	6	9	15	60%
1999-2002	9	11	20	55%
2000-2003	6	15	21	71%
2001-2004	26	14	40	35%
2002-2005	8	18	26	69%
2003-2006	15	22	37	59.5%
2004-2007	10	18	28	64%
2005-2008	2	6	8	75%
2009-2012	8	5	13	38.5%
2010-2013	10	17	27	63%
2011-2014	3	15	18	83%
<b>2012-2016</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>100%</b>
2014-2017	6	8	14	57%
<b>Total</b>	<b>180</b>	<b>200</b>	<b>380</b>	<b>52.5%</b>

# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

## A. From denied entry to gender parity

- **Since 2009:** Gradual decrease in the number of male judges vs. an increase in female judges' numbers.
- **Since October 2017:** The number of female judges is 248 out of the total of 520 judges.

# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

**Table 2: The increase in numbers of women in the judiciary**

Gender/Year	1993	2003	2004	2009	2010	2017
Female	45	116	127	188	198	248
Male	254	283	306	299	298	272
<b>% of female judges</b>	<b>15%</b>	<b>29%</b>	<b>29.5%</b>	<b>38.5%</b>	<b>40%</b>	<b>47.7%</b>



# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

**Table 3: The gender distribution of current trainee judges at the Institute of Judicial Studies**

Session / Gender	Male	Female	Total	Percentage of women
2016	9	24	33	72.5%
2-2016	16	24	40	60%
Total	25	48	73	65.5%

## **B. Procedures of Selection and Appointment of Judges under the Lebanese Legislation**

### **Law:**

- Absence of discriminatory provisions between male and female candidates
- Absence of any guarantees against gender-based discrimination

### **Practice:**

- Supreme Judicial Council's large discretionary power (right to exclude any candidate without providing any explanations or justifications)
- SJC's decisions are not subject to any form of review or appeal

## **B. Procedures of Selection and Appointment of Judges under the Lebanese Legislation**

### **1. Basic Recruitment Procedure: Admittance exam organized by SJC:**

- Selection of files by the SJC.
- Preliminary linguistic & general knowledge written test.
- First interview before the SJC.
- Written legal test.
- Final oral examination.

## **B. Procedures of Selection and Appointment of Judges under the Lebanese Legislation**

### **2. Alternate Recruitment Mechanisms:**

#### **a. Holders of a doctorate degree in law:**

- Appointment as trainee judges after receiving the approval of the SJC.
- SJC's decisions is not subject to review or the provision of an explanation

#### **b. Lawyers, employees of the judicial administration, as well as employees in public institutions holding a law degree and having exercised their functions for at least six years:**

- Appointment as tenured judges after receiving the approval of the SJC.
- SJC's decisions is not subject to review or the provision of an explanation.

# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

**Table 4: The gender distribution of judges based on their avenue of admission to the judiciary**

Avenue/Gender	Male	Female	Total	Percentage of women
ISJ Examination	179	201	380	53%
Other avenues	85	27	112	24%
<b>Total</b>	<b>364</b>	<b>228</b>	<b>492</b>	<b>46%</b>

# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

**Table 5: The gender distribution of Ph.D. holders admitted to the ISJ without the written examination**

Session	Male	Female	Total	Percentage of women
1991-2008	10	1	11	9%
2010-2017	10	8	18	44.5%
Total	20	9	29	31%

# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

**Table 6: The gender distribution of lawyers admitted to the judiciary with or without examination**

Session	Male	Female	Total	Percentage of women
1993	13	4	17	23.5%
1996	6	5	11	45.5%
2010	9	7	16	44%
<b>Total</b>	<b>28</b>	<b>16</b>	<b>44</b>	<b>36%</b>

## **C. Impact of Discretionary Policies of Selection and Appointment of Judges**

### **Appointment of women to judicial positions in Beirut compared to other Lebanese regions**

- The prevailing patriarchal and conservative mindset in different regions across the country
- Family considerations.

### **Appointment of women to positions in the criminal field vs. the civil field**

- Stereotypical views regarding women's nature and their psychological capacity to prosecute, investigate, and adjudicate criminal cases
- Improvement in the number of female judges in the criminal field:
  - 2010: 24.5%
  - 2014: 12.5%
  - 2017: 37%



## C. Impact of Discretionary Policies of Selection and Appointment of Judges

### **Appointment of women in senior positions in the judiciary:**

- Stereotypes against women
- Political influence and involvement
- Improvement: all MoJ departments are presided or headed by women:
  - the Director General (Judge Maysam Nueiri),
  - the Head of the Committee of Legislation and Consultations (occupied by Judge Mary-Denise Maoushi until her death in July 2018),
  - the Head of the Committee of Cases (Judge Helena Iskandar), and
  - the President of the ISJ (Judge Nada Dakroub).

## **D. Distribution of women in the judiciary**

### ***1. Distribution of positions in judicial bodies and by judicial category***

#### *Supreme Judicial Council*

- 2006: Appointment of the first female member of the SJC (Ferial Dalloul)
- 2012: Election of the first female member of the SJC (Suheir Harake) among the presidents of the chambers of the Court of Cassation.

#### *Judicial Inspection Authority*

- In 2010: Appointment of the first two female judges.
- In 2014: Appointment of a third female judge in 2014.

## D. Distribution of women in the judiciary

### ***1. Distribution of positions in judicial bodies and by judicial category***

#### *Disciplinary Board of Judges*

- In 2012: Appointment of the first woman (Suheir Harake) as Head of the Disciplinary Board of Judges.

#### *Court circuits*

- A clear male supremacy in senior judicial positions.
- Senior positions assigned to women include:
  - 1/10 positions of President of the chambers of Court of Cassation (in 2010)
  - 1/6 positions of First President of the Courts of Appeal (in 2010)
  - 1/6 positions of First Investigating Judge (in 2017)
  - 2/6 positions of Public Prosecutor to the Court of Appeal (in 2010)

# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

**Table 7: The increase in numbers of female judges in different judicial positions according to their categories**

Category	Year	Position	2004	2010	2017	Percentage (2017)
			Female/ Total	Female/ Total	Female/ Total	
Major responsibilities		Major responsibilities	0/32	3/33	5/33	15%
Attorneys General & Investigating Judges		Attorneys General (excluding Public Prosecutors)	6/40	7/47	18/56	32%
		Investigating Judges (excluding First Investigating Judges)	0/29	3/32	14/43	32.5%
Presidents of Chambers		Courts of Appeal (without the first President)	5/33	13/41	20/49	41%
		Labor Arbitration Councils	7/12	7/13	7/13	54%
		First Instance	6/17	11/22	15/24	62.5%
Sections		Single Judges	54/104	51/119	85/147	58%
		Real Estate/Subsidiary	3/11	3/13	7/18	47%
Advisors & Members of Chambers		Advisors at the Chambers of the Court of Cassation	10/42	18/34	20/41	49%
		Advisors at the Chambers of the Courts of Appeals	28/84	50/102	59/114	52%
		Members of the First Instance Courts	9/34	30/45	34/48	71%
Judges attached to the Ministry of Justice		Ministry & General Directorate	4/15	1/14	9/47	33.5%
		Committee of Cases	0/5	4/9	5/8	62.5%
		Committee of Legislation and Consultations	3/5	5/7	5/7	71.5%

# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

**Table 8: The gender distribution within the Judicial Public Prosecution Office**

Specialisation \ Year	2004	2010	2017	% of women occupying these positions (2017)
	Female/ Total	Female/ Total	Female/ Total	
Public Prosecution Office of the Court of Cassation	3/9	2/11	5/11	45.5%
Public Prosecution Office of the Court of Appeal	3/32	6/35	9/40	22.5%
Financial Public Prosecution	0/4	0/4	4/7	57%

# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

## 3. Distribution of positions based on function or specialization

**Table 9: The gender distribution of judicial functions according to specialisation (jurisdiction)**

Year		2004	2010	2017
Specialisation	Position	Female/Total	Female/Total	Female/Total
Criminal	Public Prosecution	6/49	8/56	20/65
	Investigating Judges	0/36	3/39	15/50
	Cassation	0/15	5/15	8/22
	Appeal	9/66	31/92	33/97
	Single Judges	12/48	17/60	41/83
	<b>Total</b>	<b>27/214</b>	<b>64/262</b>	<b>117/317</b>
	<b>Percentage</b>	<b>12.5%</b>	<b>24.5%</b>	<b>37%</b>
Civil	Cassation	10/37	14/30	13/30
	Appeal (including Labor Arbitration Councils)	30/69	39/70	54/85
	First Instance	15/51	41/67	49/72
	Single Judges	42/56	34/59	44/64
	Real Estate/Subsidiary	3/11	3/13	8/17
	<b>Total</b>	<b>100/224</b>	<b>131/239</b>	<b>168/268</b>
	<b>Percentage</b>	<b>44.5%</b>	<b>55%</b>	<b>62%</b>

# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

**Table 10: The gender distribution according to specialisation (jurisdiction)  
(judicial vs. military)**

Specialisation \ Year	2004	2010	2017	% of women occupying these positions
	Female/Tota 	Female/Tota 	Female/Tota 	
Military Investigating Judges	0/50	1/6	2/7	28.5%
Judicial Investigating Judges	0/31	2/33	13/43	30.5%
Members of the Military Public Prosecution Office	0/4	0/6	2/7	28.5%
Members of the Judicial Public Prosecution Offices	6/45	8/50	18/58	31%

# STATUS OF WOMEN IN THE LEBANESE JUDICIARY

## 4. Distribution of positions based on geographical location

Table 11: The gender distribution of positions based on their geographical location

Year		1993	2004	2009	2010	2017
Regions	Courts	Female/ Total	Female/ Total	Female/ Total	Female/ Total	Female/ Total
Beirut and Mount Lebanon	Beirut	29/164	57/196	86/209	100/229	137/268
	% of judges in Beirut who are women	17.5%	29%	41%	33.5%	51%
	Mount Lebanon	12/75	42/115	63/135	64/147	99/175
	% of judges in Mount Lebanon who are women	16%	36.5%	46.5%	43.5%	56.5%
% of judges in the two who are women		17%	32%	43%	43.5%	53%
Other regions (excluding Beirut and Mount Lebanon)	North	5/35	16/62	20/62	22/63	31/77
	% of judges in the North who are women	14.5%	26%	32%	35%	40%
	Bekaa	0/33	8/45	11/42	13/48	23/55
	% of judges in the Bekaa who are women	0%	17.5%	26%	27%	42%
	South	1/26	10/32	8/31	9/37	16/45
	% of judges in the South who are women	4%	31%	26%	24.5%	35.5%
	Nabatieh	0/21	2/23	2/25	3/28	5/30
	% of judges in Nabatieh who are women	0%	8.5%	8%	10.5%	16.5%
	% judges in these regions who are women	5%	22.5%	25.5%	26.5%	36%
% of judges in center of the governorate who are women		6.5%	23%	30%	29%	39%
% of judges outside the center of the governorate who are women		0%	17%	4%	9.5%	22.5%



## A. Entry to the Judiciary and Motivation

- Social values and challenging social stereotypes
- Career stability
- Financial aspirations
- Social standing
- Aspiring to achieve justice
- Secular environment

## **B. Obstacles in daily work (including interactions with colleagues and users of the judiciary system)**

### **1- Relationships with their male colleagues:**

- Difficulties in some fields (gender-considerations)
- Mutual Respect

### **2- Relationships with lawyers:**

- Serious
- Professional
- Distant

## **B. Obstacles in daily work (including interactions with colleagues and users of the judiciary system)**

### **3- Relationships with litigants or users of the judiciary system:**

- Difficulties: Patriarchal mentality in some regions
- Preference of female judges by some litigants (female survivors of gender-based violence).

### **4- Other Challenges (faced by both genders):**

- Political pressure
- Security issues

## **C. Obstacles to career progression**

- Political interference in the appointment of judges
- Work allocation and case distribution based on gender among judges
- Familial responsibility

## **D. Supporting initiatives and policies**

“Qualitative Renaissance”

## E. Impact of women in the judiciary

### 1- Positive Impact:

- Giving rulings a human touch thanks to women's compassionate nature
- Reduction of corruption thanks to female judges' commitment
- Discipline and organization thanks for being very competent and productive.

### 2- Negative Impact:

- Decrease of productivity due to motherhood and childcare
- Incompatibility of women's "psychological configuration" with a stressful profession.

## *Transparency and fairness*

- Adopt a clear, transparent, non-discriminatory and meritorious process for the selection of judges to all courts based on objective criteria (e.g. the judge's skills and integrity) limiting all sort of intervention, namely political;
- Ensure equal representation in recruitment panels for all positions, including at the most senior levels, and for appointments to judicial bodies;
- Require candidates of both sexes to be featured on short lists, where applicable.

## *Career progression*

- Develop clear, fair, objective, gender-sensitive promotion procedures;
- Promote the appointment of female judges in all judicial positions and functions, namely in senior and sensitive positions;

## *Gender-sensitive workplace*

- Introduce gender-sensitive working arrangements such as flexible working hours, remote working and the provision of childcare facilities allowing female judges to reconcile their professional and familial responsibilities;
- Implement zero-tolerance policies against workplace discrimination, stereotyping and harassment and developing an accountability mechanism in case of violations.

## *Mentorship and networking*

- Allow and encourage women's presence in professional associations, support groups or professional organisations, particularly in leadership positions, that defend the independence of the judiciary and promote gender equality within the sector.

## *National targets and accountability*

- Define a parity target for geographical distribution of judges and appointment to judicial bodies, including the SJC, as well as for women's presence in judicial branches where they are currently underrepresented (including criminal justice, military justice, in presidency roles and in positions of public prosecutors and investigating judges).