

**LEBANESE AMERICAN UNIVERSITY**

Women's Economic Empowerment and Political Systems:  
The Case Studies of Lebanon, Venezuela, and Iraq

By

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A thesis

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# **DEDICATION**

For my parents, Hussein and Iman, who dedicated their lives to provide me and my siblings with  
the lives we dream of

For Lebanese women who suffer, every day, from unjust laws in a country they continue to fight  
for

# ACKNOWLEDGMENT

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# Women's Economic Empowerment and Political Systems: The Case Studies of Lebanon, Iraq, and Venezuela

Karen Sweid

## **ABSTRACT**

Women and girls are amongst vulnerable social groups that bear disproportionate outcomes of economic crises (Kuran et. al, 2020). As elsewhere, this is the case of women in Lebanon who have been facing exacerbated economic discriminations during Lebanon's multifaceted economic crisis, that is considered as one of the worst in its history (World Bank, 2022). Alongside with Lebanon, Venezuela's economy has also been in a crisis that is labeled as one of the worst in Latin America's modern history (World Bank, 2019). Comparatively, the data indicate that the economic crisis in Venezuela is worse than that of Lebanon. Nevertheless, in comparison with Lebanon, women in Venezuela have better access to economic participation and opportunities (World Economic Forum, 2021). To understand one possible reason behind the variation in the economic status of women in Venezuela and women in Lebanon, this research aims to uncover the impact of the political system on the economic standing of women during crisis, which is the confessional sectarian political system in the case of Lebanon. To understand the impact of sectarian political system on women's economic standing, this study utilizes the case studies of Venezuela and Iraq, alongside with Lebanon. The results of the study indicate that the sectarian political system has a negative impact on women's economic standing as it subordinates women through discriminatory family laws, excludes women from the decision-making process, and does not provide women any form of social protection to women who work in the informal economy.

Keywords: Women's Economic Empowerment, Sectarian Political System, Economic Crisis, Lebanon, Venezuela, Iraq, Confessionalism



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# **CHAPTER ONE**

## **GENDER EQUALITY AND ECONOMIC CRISIS IN LEBANON AND VENEZUELA**

### **Introduction and Literature Review:**

Lebanon has one the biggest gender gaps in the world, according to the Global Gender Gap Index 2021 as it ranked 132 out of 156 countries with respect to gender equality (World Economic Forum, 2021). This ranking reflects the multifaceted discrimination against women on the political, legal, and economic levels due to structural, institutional, and legal factors that continue to treat Lebanese women as second-class citizens (UN Women, 2018). The multifaceted vulnerabilities of Lebanese women were exacerbated by the economic crisis in Lebanon. Particularly, women were at higher risks of unemployment, child marriage, and domestic violence. The following literature review showcases the pre-existing discriminations that Lebanese women face on the legal, political, and economic levels. Moreover, it zooms on the specific case of the Lebanese economic crisis.

### **Legal Discrimination Against Lebanese Women**

The sectarian confessional political system is reflected on the legal level through religious personal status laws that have subjugated women to extensive discriminations when it comes to family affairs (Salameh, 2014). As Lebanon still lacks a unified civil personal status law, every single religious court adopts its own laws; thus, making every single Lebanese person under the jurisdiction of a different personal status law based on her or his sectarian belonging. The steadiness of religious laws, amidst several nation-wide campaigns to abolish them and establish a unified civil personal status law, is justified by the preservation of “sectarian

balances” in the country. Historically speaking, religious authorities were granted the power over personal status laws to preserve the sectarian balance and power sharing arrangements (Human Rights Watch, 2015). Nevertheless, women are the main victims of the “preservation of sectarian balances” on the legal level since all religious personal status laws discriminate against women and children when it comes to marriage, divorce, custody, and inheritance (KAFSA). Another prominent discriminatory legal practice against Lebanese women is their inability to grant their nationality to their children. The reasons behind this are purely political and rotates around the alteration of sectarian balances, the “right to return” to Palestinians, etc. Thus, again, Lebanese women are discriminated against for the sake of the preservation of sectarian balance.

#### **Discrimination on the Political Level:**

On the political level, a study published by the European Institute of the Mediterranean (European Institute of the Mediterranean, 2017) has revealed that the sectarian system and familial ties contribute to diminishing women’s political participation in Lebanon. Another study conducted by Beyond Reform and Development (2017) showed that there are structural barriers that impede women’s political participation in Lebanon, which include the firm political and financial networks that are controlled by men (Beyond Reform and Development, 2017)

#### ***CEDAW Agreement:***

Lebanon’s “devotion” to religious personal status laws and to the preservation of sectarian balances in the country has been reflected in the state’s international commitments. Specifically, Lebanon has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); nevertheless, it has made reservations two articles. The first article is article 9, paragraph 2, article 16, paragraph 1 (c), (d), (f), and (g), and article

29, paragraph 1. Article 9 is related to women's right to grant their nationality to their children. As for article 16, it tackles women's equal rights and responsibilities during marriage (Human Rights Watch, 2020).

### **C. Discrimination on the Economic Level**

Lebanon's sectarian political system is intertwined with a rentier, capitalistic economy that relies heavily on the inflow of financial capital. Moreover, the services-related sector has been the dominant economic sector with minimal investment and growth in the agricultural and industrial sectors. This made the Lebanese economy highly sensitive to internal and external political and geographic shocks. This nature of the Lebanese economy fosters economic inequality. Specifically, research shows that Lebanese women are among the most vulnerable categories to the economic inequality and discrimination in Lebanon (Kassis & Kilzi, 2019). Moreover, women constitute only 24.5% of the Lebanese labour force (World Bank, 2021). Nevertheless, according to the Central Administration of Statistics, women comprise 53% of the total number of enrolled students in universities across Lebanon (Yaacoub & Badr, 2012). Thus, we can infer that the reason behind the low economic participation is not the lack of expertise or technical capacities. The sectarian political system in Lebanon and the continuous need to "preserve sectarian balances and sectarian representation" in fostering discrimination against women on the legal, political, and economic level.

### **Case Study: The Lebanese Economic Crisis**

The previous literature shows that the Lebanese sectarian political system, in a general sense, exacerbates the discrimination against women on the political and legal level and economic level. Moreover, the Lebanese economic crisis that started in 2019 has further

exacerbated women's economic vulnerabilities. In particular, the multidimensional economic crisis in Lebanon is the worst crisis in the history of the state since its independence in 1943 as it has generated adverse outcomes on the Lebanese society. Multidimensional poverty in Lebanon exceeded 80% (ESCWA, 2021). Moreover, inflation rates exceeded 150% which resulted in a skyrocketing increase in the prices of food, and other basic goods (World Bank, 2021).

#### Reasons of the crisis: The Lebanese Political Economy

The multidimensional crisis in Lebanon is not the result of one unilateral cause, but of several economic, political, and policy-related factors. In 1978, Salim Nasr labeled the crisis in Lebanon as the “crisis of Lebanese capitalism”; thus, referring to crony capitalistic nature of the Lebanese economy (Nasr, 1978). Fourty years later, the (World Bank, 2022) has labeled the economic crisis in Lebanon as the “deliberate depression” that was architected by the political class. Thus, the Lebanese post-war political economy is the niche of the crisis, as the latter is not the result of one, unilateral shock, policy, but of the system itself.

#### Impact of the Crisis on Vulnerable Groups

In a general sense, crises do not affect societal groups in the same way as research shows that some groups are more vulnerable to the outcomes of crises. These group are women, children, the elderly, persons with disability, etc. (Kuran, 2020).

Thus, the same applies to the Lebanese context where vulnerable societal groups in Lebanon suffer from harsher consequences of the crisis. For instance, Save the Children (2022) has studied the effect of the economic crisis on children, and their study revealed that 1.2 million children on the Lebanese lands had their education disrupted due to the crisis (Save the

Children, 2023). The International Rescue Committee has also indicated an increase in child labor rates (International Rescue Committee , 2021).

Previous literature has also tackled the effect of the crisis on women in Lebanon. In a publication published by UN Women, titled as “Women on the Verge of an Economic Breakdown”, it is estimated that there was a 63% increase in the rates of unemployment among women. Moreover, the report shows that more girls will be prone to school dropout during the crisis (Salti & Mezher, 2020).

UNHCR, along with its four partners (ABAAD, Care, DRC, and IRC) have conducted a Humanitarian Impact Assessment of the Social Unrest on Women and Girls in 2019. The findings of the assessment showed that 30% of the women participants reported an increased pressure on them which affects their relationship with their kids (UNHCR, 2019). Migrant workers are also bearing a greater consequence of the crisis in Lebanon amidst the lack of any form of legal protection. Particularly, according to Human Rights Watch, migrant domestic workers in Lebanon are experiencing an increase in homelessness rates and abandonment by employers (Human Rights Watch, 2020).

Lebanese women have borne worse consequences of the Lebanese crisis than that borne by Venezuelan women. Thus, the following section digs further into the Venezuelan crisis to understand further its dimensions and its impact on vulnerable groups.

## The Economic Crisis in Venezuela

The economic crisis in Venezuela is one of the deepest economic crises in history. The crisis has driven more than seven million Venezuelans to move from Venezuela as refugees, migrants, asylum seekers to seek for better life standards (UNHCR, 2023). Hyperinflation started in



Venezuela at the end of 2017, and exceeded 2000% in 2020. According to a report published by Keough School of Global Affairs in University of Notre Dame, the following numbers were estimated in 2020: The real growth in the Gross Domestic Product was -19%, Inflation rates reached 2960%, the money supply in the economy reached 639,131,306,715,806 (Iyer & Rodríguez, 2021). These numbers depict the severity of the economic crisis in Venezuela.

According to the World Food Programme, one out of three Venezuelans, which is approximately 32% of the Venezuelan population, are food insecure (United Nations, 2021). According to World Vision, the Covid-19 pandemic have exacerbated the impact of the crisis amidst the closure of borders where some Venezuelan migrants had to return to Venezuela after losing their jobs in destination countries. Nevertheless, they ended up being unemployed in Venezuela and unable to generate income. Moreover, the country experienced a shortage in fuel supply, electricity, and clean water. Moreover, the health system in the country has reached a near collapse amidst the spread of diseases like measles, diphtheria, and malaria (Reid, 2022).

Just like any other economic crisis, the impact of the Venezuelan crisis hasn't been proportionate on all societal groups. Particularly, vulnerable societal groups in Venezuela have been impacted disproportionately by the crisis. The crisis has impeded women's ability to participate in Venezuela's formal economy. Moreover, the crisis has negatively impacted women's reproductive health amidst the collapse of the public health system. Venezuela evidenced a rise in maternal mortality, sexually transmitted diseases such as HIV and AIDS, and unsafe abortions. Moreover, gender-based violence has increased in Venezuela due to the crisis and a 50% increase in female homicides in 2019 (Rendon & Kohan, 2020).

The case of Venezuela shows that women in Venezuela, just like women in Lebanon, are victims of disproportionate impact of the crisis. Nevertheless, regardless of the aforementioned

discriminations that women have been facing in Venezuela, number and data show that women in Lebanon, regardless of the “less severe” crisis, are doing worse than women in Venezuela on different levels.

According to Global Gender Gap Index 2021, Venezuela is doing better than Lebanon with respect to gender equality as Lebanon ranked 132 out of 156, and Venezuela ranks 91 out of 156, worldwide. This shows that the gender gap in Lebanon remains higher than that in Venezuela. Moreover, on the economic level, number shows that Venezuelan women are more economically active than Lebanese women. Particularly, the below figure published by the World Bank shows that women’s participation in the labour force in Venezuela is higher than that of Lebanese women. Particularly, women constitute 34% of the Venezuelan labour force while Lebanese women constitute 21% of the labour force.

Selected Countries and Economies			
Country	Most Recent Year	Most Recent Value	
Lebanon	2021	21	
Venezuela, RB	2021	34	

Figure 1: Women’s Participation in the Labour Force in Lebanon and Venezuela

Other indicators published by UN Women on women’s political participation reveal higher female representation in the Venezuelan national parliament than female participation in Lebanese national parliament.

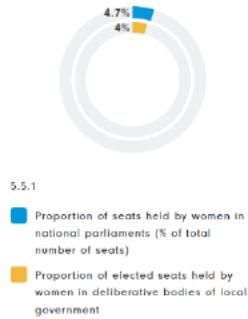


Figure 3: Political Participation of Women in Lebanon

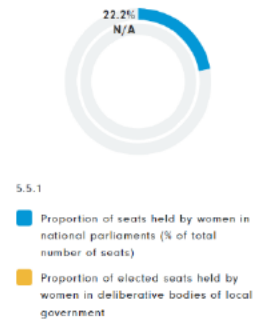


Figure 2: Political Participation of Women in Venezuela

### Gap in the Literature:

The previous literature affirms that women in Lebanon are bearing disproportional outcomes of the crisis. Particularly, the outcomes of the crisis are being intertwined with the pre-existing layers of marginalization, knowing that Lebanon has one of the highest gender gaps in the world.

Nevertheless, the main aim of this study is to uncover the main factors behind the extreme vulnerability of women during the economic crisis through a deep examination of the contextual factors that lead to economic deprivation. The discussed literature highlights the role of the sectarian political system in Lebanon in discriminating against women. Thus, the sectarian political system in Lebanon is the independent variable of this study where it is aimed to relate between the sectarian political system in Lebanon, and the institutional and legal practices that are implemented to sustain it, on women’s exacerbated economic vulnerability in Lebanon.

### Research Question:

In this context, the main research question of this study is: **How does the sectarian political system in Lebanon amplify the vulnerability of Lebanese women in general and during the economic crisis?**

Specifically, this study hypothesizes that: **a male-dominated confessional political system, can negatively implicate women economic well-being manifold compared to other political systems.** In other words, this study argues that the political system in Lebanon is the main reason for women's extreme economic vulnerabilities, and not the crisis solely. Particularly, the crisis is the result of the sectarian political economy; thus, women are the victims of the Lebanese political economy and not only the crisis. Thus, the main argument is that the main cause of vulnerability is the structure of the system and not the "economic instability" solely.

### Research Methods:

The study looks at the different aspects of discrimination that Lebanese women are subject to within the framework of the sectarian political system. Moreover, it zooms in on at the Lebanese economic crisis as the primary case study as it exacerbated the vulnerabilities of Lebanese women. The hypothesis is tested through comparative analysis; particularly, through comparing the status of Lebanese women in the crisis to the status of women in crisis in non-confessional systems. This study also aims at mapping the implications of the crisis on women in Lebanon and linking it to the sectarian political system (Ex: increased child marriage, divorce, etc.).

### Data Collection Method:

The main data collection method is based on secondary data and desk review. The study looks at the discriminations that women experience as a result of the personal status laws, nationality laws, etc. Moreover, it looks at gender equality, economic empowerment, and stability indices in Lebanon and other countries while aiming to draw a correlation between the sectarian system and economic vulnerabilities.

## Theoretical Framework:

The utilized theoretical framework is the feminist political economy approach as this approach aims at explaining the processes that make women prone to inequalities, which is the main research objective of the proposed study. For instance, the feminist political economy approach draws linkages between women's daily experiences and their economic standing. Moreover, the feminist political economy approach looks at the unpaid care work that is often provided by women, which in return, is considered to be detrimental to women's material condition and inequity. This theoretical framework is utilized since the main research objective of the study aims at understanding how does the sectarian political system influence women's experiences, which in return impacts their economic standing. In particular, this paper aims at understanding the root cause behind women's economic vulnerability in Lebanon. Therefore, this paper studies the contextual factors of Lebanese women, which includes the laws that specify their rights and responsibilities, labour laws, and political participation. Feminist political economists have focused throughout the literature on measuring and valuing women's unpaid work, issues within the household, in addition to gendered processes and experiences within the labour market (Macdonald, 1995). In this context, this paper highlights the role of Lebanese women in the informal economy in Lebanon. Moreover, the main focus is on the power distribution within the family household. This is examined by reviewing the family laws that govern family affairs in Lebanon, that include: marriage, divorce, custody and guardianship of children, and inheritance. In this context, this paper aims at uncovering the relationship between women's economic vulnerability in Lebanon through understanding the status of women within the household unit and the power dynamics between the male and the female. Moreover, it uncovers the status of women's overall political participation in Lebanon and in the decision-making process. This

power dynamic within the household is directly linked to the structure of the Lebanese political system, its main characteristics, and its implications on the Lebanese legal system and Lebanese laws in general.

## **CHAPTER TWO**

# **THE SECTARIAN POLITICAL SYSTEM AND WOMEN IN LEBANON**

### **Lebanese Citizenship**

Based on the provisions of Decree No.15 on Lebanese Nationality, issued during the French mandate in 1925, Lebanese women who are married to non-Lebanese men can not grant the Lebanese citizenship to their children and spouses (Decree No15 on Lebanese Nationality, 1925). This law affects several aspects of the spouse and children's life including the residency on Lebanese lands, access to the labour force and employment, education, and social services. On the contrary, Lebanese men who are married to non-Lebanese women are able to pass the Lebanese nationality to their wives and children. This discriminatory act against Lebanese women persists to our day for purely political reasons. Particularly, Maronite and Shiia MPs oppose granting women this right since it will cause create a demographic imbalance to the favor of the Sunni sect (Saifeddine, 2018). Particularly, prior to the 2018 Lebanese elections, Gebran Bassil, former Ministry of Foreign affairs, proposed a bill in Parliament that allows Lebanese women married to non-Lebanese to pass their citizenship to their spouses and children. Nevertheless, this right is applicable to women who are married to Syrians or Palestinians (Hamdan, 2018). In addition to the alteration of the sectarian balance, Bassil argues that allowing all women to pass their nationality to their spouses and children, including those married to Syrians and Palestinians, is a form of nationalization of Syrian refugees, and violates the right of return of Palestinians. Particularly, the Taef agreement has explicitly mentioned in its general principles section, point "ط" the rejection of any form of nationalization, and the whole "general principles" section was added to the constitution under the Constitutional Act issued in

21/9/1990. According to a study published by the ministry of Interior Affairs in 2013, 76003 Lebanese women are married to non-Lebanese spouses where around 4000 Lebanese women are married to Palestinian men (Hamdan, 2018). Thus, Lebanese women are the victims of the sectarian fears in Lebanon, and the sectarian dialect that Lebanese sectarian political leaders use in their discourse.

### Personal Status Laws

The Lebanese legal system is divided into two main sections: civil laws and religious laws. The civil law in Lebanon is applied on every Lebanese citizen regardless of any variable, except for age as the law is not applied on minors. As for religious laws, they are the personal status laws, also known as family laws. Personal status laws are the laws that govern matters of marriage, divorce, custody, guardianship, and inheritance. In Lebanon, there are 15 different personal status laws where there are specific laws for 15 different confessional groups. Thus, every different Lebanese citizen is bound to the provisions of the law of her/his sectarian belonging.

Sectarian laws and courts have governed the family affairs of the members of the communities since the time of the Mutasarrifiyah; thus before the independence of the Lebanese state. Particularly, the Christians were granted the power to govern family affairs since the times of the “Mutasarrifiyah”, and this privilege was protected and supported from “the six” European countries back then (Alawieh, 2022). After the Mutasarrifiyah period, granting power to sectarian communities over personal status laws was codified in the Mandate period “AlEntidab”. The High Commissioner Comte Damien de Martel “*Al Mufawad Al Sami*”, issued decision “60” on March 13, 1936 that acknowledged the historical presence of confessional communities in Lebanon. Moreover the 10<sup>th</sup> article of the decision stated that Lebanese and



Syrians are under the jurisdiction of the personal status laws of their sectarian group )De Marteil(1936 ٤). As mentioned earlier, the Christians were the first to be granted authority over personal status laws. The following sectarian community was the Druze community, where the Druze personal status laws was issued on the 24<sup>th</sup> of February, 1948. On April 2, 1951, a law was issued to specify the authority of the Christian religious authorities. During the presidency of Michel Chamoun, the Sunni group were granted full autonomy in their religious affairs and charitable endowments pursuant to Decree number 18 was issued on January 13, 1955, and which was edited pursuant to Resolution number 5, issued on March 2, 1967. Likewise, the Shiite community were granted the same type of autonomy in religious and charity affairs by decree number 72, issued on December 19, 1967 (Alawieh, 2022)..

Just like personal status laws, civil marriage has also been a debatable topic in Lebanese history and continues to be illegal in Lebanon. The root cause behind this is the refusal of the religious authorities over the years to permit civil marriage in Lebanon. The ability of religious authorities to influence the rejection and dismissal of the bill on civil marriage in Lebanon can be explained by the nature of the political system in Lebanon. As mentioned earlier, the Lebanese sectarian political system acknowledges the historical presence and ensures the representation of 18 sects. Moreover, the Lebanese constitution has codified the power of the religious authorities in article 9 that granted them the power to govern all family affairs through religious courts for every sectarian community.

Historically speaking, French high commissioners proposed the establishment of unified civil personal status laws. Particularly, High Commissioner Maxim Weygand proposed establishing unified personal status laws in 1924 that are applicable to all Lebanese people; nevertheless, this proposal was bluntly rejected by religious authorities. Similarly, Henry de

Jouvenel, Weygand's successor, also decided to assign all family affairs disputes to civil courts, except for marriage. This decision was also rejected from both Christian and Muslims authorities. Henry de Jouvenel was succeeded by Henri Ponsot. Ponsot acknowledged the necessity to establish an "organic statute for Lebanon and Syria in agreement with native authorities" (Bacha, 2019).

It can be concluded that the sectarian political system and the constant demand to preserve the power of religious authorities in the country is the niche that consolidates religious personal status laws and their persistence regardless of rigorous efforts that aim at establishing a unified civil unified personal status code. Therefore, religious personal status laws are one of the main pillars of the sectarian political system in Lebanon. Thus, the sectarian political system, through personal status laws, is discriminatory against women.

### **Sectarian Personal Status Laws: Dimensions of Discrimination Against Women**

The previous section explored the roots behind the persistence of the religious personal status laws in Lebanon. It was concluded that religious personal status law are a pillar of sectarian representation and sectarian autonomy in Lebanon, which is essential for the sectarian political system.

This section explores how does religious personal status laws discriminate against women knowing that religious personal status laws govern marriage, divorce, custody, guardianship. KAFA, which is a Lebanese feminist NGO, has reviewed all religious personal status laws in Lebanon. Thus, the below revision and discussion is based on the information published by KAFA (KAFA, 2016).

## Custody and Guardianship

Starting with the issue of Custody and Guardianship, it is important to differentiate between both terms. Custody refers to the care that is offered daily by a mother or a father for the minors. As for guardianship, we can label it as the “parental authority”, and it provides the parent that has it the right to manage the assets of the minor, his/her education, and his life matters, in a broader manner.

According to Muslim personal status laws, whether Shiites, Sunnis, or Druze, the mother is **never** granted the guardianship of her children. Such a measure weakens the mother’s control over her children’s life and gives absolute power for the father. As for Christian personal status laws the father is also automatically granted the right of guardianship except in the case of the Armenian Orthodox Church where the father and the mother exercise guardianship equally. As for Syriac Orthodox Church, the mother can become the guardian of her children when the father wants to grant her guardianship of her own children.

These three examples were chosen in order to show how the law itself entrenches the patriarchal family structure. For example, Muslim mothers are never given the guardianship of their **own** children even in the case of the father’s death. Hence, this law is giving authority to any **male** from the father’s side over the mother. Such a measure entrenches the patriarchal family structure that discriminates against both daughters and mothers. Second, as mentioned previously, Armenian Orthodox mothers can exercise guardianship equally with the father; however, a Muslim mother (a Sunni, Muslim, or a Druze mother) can never take guardianship of her children. This shows us that religious personal status laws not only discriminate against

women, but also violate Article 7 of the constitution since in this case, the law doesn't protect Lebanese women equally, but based on their sectarian belonging.

As for custody, Assyrian, Syriac Orthodox, and Armenian Orthodox grants custody for the mother until age 7 for males, and until age 9 for children. As for Muslim courts, they never grant mothers custody in case she was from a different religion.

### Divorce and Marriage

The contract of marriage and divorce, along with the rights and duties of the husband and the wife vary with respect to the sect. Starting with marriage, not a single adult male in Lebanon, regardless of his sect, needs the authorization of anyone in order to get married. For example, Sunni women need the authorization of her guardian for her to be able to get married even when she is an adult no matter what her age is, but a Druze girl needs her guardian's authorization for marriage until the age of 21.

### Minimum Age for Marriage

Personal status laws in Lebanon also specify the minimum age of marriage for both males and females in any sect. The minimum age of marriages is a clear manifestation of how the law protects males and discriminates against women in general, and how women suffer from different degrees of discriminations based on their sects. First, the minimum age of marriage for males in all the 15 different personal status laws is 18 years old except for the Shiite sect which allows marriage for men when they reach puberty, and Catholics who allow a male to get married at 16. However, when it comes to females, the issue is different. The Shiite sect allows the marriage of girls the moment she reaches puberty which might be at age 9, and the Catholics allow females to get married at 14 years old. As for other the sects that permit marriage for males

at the age of 18 and not before, they permit marriage for girls at a younger age. Specifically, Assyrian, Syriac Orthodox, and Catholics churches allow girls to get married at the age of 14. This example depicts how males are protected by the law more than girls where at some points a girl is able to get married the moment she reaches puberty. Child marriage, defined as getting married before the age of 18, poses extensive physical, psychological, and emotional risks. According to Girls Not Brides, an initiative that combats child marriage, girls who get married at early ages are deprived of their fundamental rights to education and safety. When girls are married at early ages, they are not mentally nor physically ready to reproduce, or even to become wives with extensive responsibilities. In addition to that, on the physical level, girls may face dangerous complications if they get pregnant at early ages, and during childbirth. In addition to that, these girls are also put at a higher risk of domestic violence, sexual, and verbal abuse. Hence, the Lebanese laws expose Lebanese girls to all these risks that have drastic multidimensional effects on the long term.

## Implications

The fact that the Lebanese legal system is divided into two types which are religious and civil laws results in discriminations against women and treats them as second class citizens. This is because the religious personal status laws do not grant the Lebanese citizens the same rights and duties; on the contrary, it distinguishes between them based on their sectarian belonging. The fact that religious authorities rule over family laws, which are laws that every single person passes through entrenches the sectarian identity and dominates it over the national Lebanese identity.

In addition to that, judges in religious courts are the entity to draft and implement the laws. This contradicts the principle of democracy, and part D of the Constitution's preamble. Part D of the preamble of the constitution clearly states that "people are the source of authority", and it also states that "people shall exercise their powers through constitutional institutions". This implies that the people grant authority to the elected members of parliament. In addition to that, article 16 of the constitution vividly grants the "legislative powers" to "a single body, the Chamber of Deputies". Hence, these two articles set two essential premises. First, the Lebanese people are the source of power, and they exercise this right through the constitutional institutions. In other words, people elect the members of parliament based on certain criteria. In addition to that, the **elected** chamber of deputies is the only body that has the power to legislate. However, this isn't the case of religious courts as religious men legislate and apply personal status laws. This violates part D of the preamble since people have never granted power and authority to the religious men through any form of elections. Consequently, people can also not hold anyone accountable (violation of the principle of accountability). In addition to that, article 16 is being violated since the legislative powers are given to a second body, aside from the chamber of deputies, which are the religious men who are not even elected. So, in order to zoom out to a broader frame; we have the following scenario: there is an unelected group of religious people that are granted the right to control the family issues of every single Lebanese citizen in a different way. However, this situation violates articles 7 and 16 of the constitution and part D of its preamble.

In relation to the main research question of this paper relating to the economic empowerment of women, a recent study has drawn an association between the laws and women's economic empowerment. The findings of the study reveal that greater legal equality

between men and women is associated with a smaller gender gap in opportunities and outcomes, first, lower number of female workers who work in vulnerable employment, second, in addition to higher political representation (Hyland, Djankov, & Goldberg, 2021).

## Political Representation

As mentioned earlier, the female political participation in Lebanon is very low as women constitute less than 10% of Parliament. This is due to several political, economic, and structural variables. According to Zaiter and Masry (2018), three variables obstruct women's access to political institutions in Lebanon. These factors are the Lebanese confessional political system, political familism, and clientelism (Zaiter & ElMasry, 2018). These three factors decrease women's political participation in Lebanon since the dominance of three aforementioned factors consolidates the provision of social welfare services through channels of sectarian parties and private actors on the expense of the state's provision of social welfare programmes. Another report published by Euro-Mediterranean Women's Foundation, titled as "Women's Political Participation in Lebanon: Perspectives in Mount Lebanon", argues that the low political participation of Lebanese women in politics is due to three factors. The first factor is the social, economic, and political factors. The social factors include cultural constructs and stereotypical roles of women. As for the economic factors, they include the high costs of electoral campaigns and women's financial dependence on the male member in the society. Finally, the political factor is the political system in the country that's mainly based on tribal, family, and sectarian structures (European Institute of the Mediterranean, 2017). This very brief review of the literature reveals that the sectarian political system, the paper's main independent variable, is a prominent barriers for women's economic participation in Lebanon.

Women's low political participation in Lebanon is a manifestation of the lack of representation in Lebanese institutions, particularly the absence of female representation. Nevertheless, this lack of representation impacts the policy-making and decision-making process. A study that collected and analyzed data from 159 developing countries concluded that all else equal, countries with a higher share of women in parliament tend to pass a greater number of comprehensive laws on sexual harassment, rape, divorce, and domestic violence (Asiedu, Branstette, Gaekwad-Babulal, & Malokele, 2018). Another study by Devlin and Elgie (2008) examined the case of women's political participation in Rwanda in order to validate or disprove the prominent western literature that highlights the positive impact of women's political participation in parliament. The research showed western research on the topic matter is valid in the context of the developing world. In the particular case of Rwanda, women representatives perceived that they have a greater concern with grassroots politics. Moreover, in terms of the policy agenda, they raise women's issues more easily and more often than before, in addition to the strong advocacy of 'international feminism' by many deputies (Devlin & Elgie, 2008).

## State Institutions for Women

### Case Study 1: National Commission for Lebanese Women

The National Commission for Lebanese Women (NCLW) is a state institution, established in 1998, and is affiliated to the Presidency of the Council of Ministers, and its budget is allocated from the presidency of the Council of Ministers (NCLW, 2023). As listed on the official website of the Commission, its main objectives are to implement gender mainstreaming in public administrations, monitor the implementation of the conventions that Lebanon has ratified, develop a knowledge database that allow all relevant stakeholders to monitor the progress and



the challenges that Lebanon face in advancing gender equality and women's rights, in addition to other tasks.

According to Khattab (2010), there is an established “troika” system within NCLW as the wives of the presidents mainly acts as the presidents of the commissions. Khattab (2010) argues that the constant delegation of the wives of presidents as the presidents of the council does not reflect a real commitment to advance women's rights and gender equality in Lebanon, but is rather an act “colonize the commission” and obviate any real prospects for effective civic engagements, that would, in return, question the power that is granted to sectarian leaders in Lebanon (Khattab, 2010). A review of the presidents and the members of the NCLW, published on the website of the commission, reveals the presence of the sectarian parties within it. Starting with the presidents of the commission, the current president is Claudine Aoun, who is Micheal Aoun's daughter, Lebanon's last elected president. According to the Claudine Aoun's biography that is posted on the website, Claudine Aoun is a member of the Party Constitution Board of the Free Patriotic Movement. The former president of the council Is Wafaa Sleiman, who is the wife of Lebanon's former president, Micheal Sleiman. Before Wafaa Sleiman, Andree Lahoud, wife of president Emile Lahoud, was the president of the council. Mona Hrawi, the wife of president Elias Hrawi had also been the president of the council. As for the members of the council, Randa Abboud is an Executive Board Secretary of the Council and a member of the Gender-Based Violence Committee. Aboud had ran for parliamentary elections in 2018 with the Free Patriotic Movement (Fifty Fifty, 2017). Noussaima Al Tabash is the Treasurer of the Council and a member of its executive board. Al Tabash is also a member of the Beirut Families Union, and is affiliated with the Future Movement (Alaaeddine, 2023). Ghada Chreim, former minister of refugees in Hassan Diab's government, is the head of the Committee on Women's Participation

in Politics and Decision Making. Chreim had previously mentioned that she is not affiliated with any political party, but is a friend of President Micheal Aoun (ALJadeed, 2020). Ghada Joumblat is also a member of the Executive Board of the Committee, and she is also a member of the Member of the High Council of the Unitarian Druze sect, and is also a Vice President of the Friends of Kamal Jounblatt Association (Friends of Kamal Joumblatt Association, 2023). Maya Zaghrini is also a member of the Executive Board of the Council, and she is also affiliated with the Lebanese Forces (Lebanese Forces, 2018). Mirvat El Nahhas, the Head of the Committee on Culture and Media in the Commission, is also affiliated with the Future Movement, as mentioned in the biography of her [Twitter account](#). May Naamani Makhzoumi, wife of MP Fouad Makhzoumi and the president of Makhzoumi Foundation, is the Head of the Committee on Gender Based Violence. Mirvat Melhem, a senior official in Azm party (Safir Al Chamal, 2021) which is the political party of Najib Mikati, is also a member of the General Assembly of the Commission. Rima Fakhry, member of the political council of Hezbollah is also a member of the General Assembly of the commission. Fakhry made a controversial statement on women's political participation back in 2018 when she mentioned that women's participation in parliamentary elections would be on the expense of her family (Janoubia, 2018). Farida Al Rayess is also a member of the General Assembly as she is also a member of the board of directors of the Druze Welfare Womens Societies. Martine Najem, another member of the General Assembly, is also affiliated with the Free Patriotic Movement where she is the vice president of Administrative Affairs in FPM (Al Tayyar, 2023). Randa Aoun, who is also affiliated with the Free Patriotic Movement, is also a member of the Commission's General Assembly. This brief research was able to identify the affiliation of all the presidents of the commission, and the political and sectarian affiliations of 12 members out of 23 members of the

General Assembly. Most of the sectarian political parties are represented in the council, some of which publicly state their stances against a equality in the laws and political representation of women (Hezbollah), and passing the nationality law (Free Patriotic Movement). Other sectarian-based political parties are also present in the council such as the Lebanese Forces, Azm Party, Future Movement.

#### The Lebanese Council for Women

The Lebanese Council for women was established in 1952 and it aims at unifying the women's movement in Lebanon as it is an umbrella organization for more than 150 women organizations in Lebanon. A research conducted by Salloukh and Clark (2013) mentions that the majority of member NGOs of the council are sectarian-based. This implies that the sectarian and political parties in Lebanon are strongly present in the LCW through NGOs that are affiliated with these sectarian parties. As the NCLW is an umbrella organization that aims at unifying the women's movement in Lebanon, Salloukh and Clark (2013) argue that the "sectarian penetration" within the commission has a negative impact on the progress achieved by the commission (Salloukh & Clark, 2013). Particularly, the LCW has never discussed or tackled the issue of personal status law as the main argument for giving a blind eye to this topic is the risk that it holds in dividing the umbrella organization (Khattab, 2010).

#### Ministry of Women's Affairs

Lebanon has also established a ministry for women's affairs in 2016, but the ministry's mandate of authority, and financial resources are limited, which limits its influence (Civil Society Knowledge Centre, n.d.). Furthermore, according to KAFA (2020), the mandate of the ministry is unclear and overlaps with the mandate of the National Council for Lebanese Women

(NCLW) (KAFA, 2020). It is worth noting that the ministry was merged during the formation of Hassan Diab's cabinet in 2019 with other ministries to become the "Ministry of State for the Economic Empowerment of Women and Youth". The ministry was completely dissolved in Najib Mikati's cabinet. Moreover, the ministry of women's affairs was considered a ministry that lacks a "*hakibeh*", which links its initiation just to ensuring sectarian and political representation of different parties (Reda, 2018). This demonstrates that the initiation of the ministry of women's affairs in Lebanon was just a ceremonial act amidst the absence of the political will to promote gender equality in the country and to bridge the gap between Lebanese men and women. This was evident as the ministry was dissolved regardless of the exacerbated vulnerabilities of women during the economic crisis.

## The Lebanese Political Economy

### The Dutch Disease:

The Lebanese political economy is a rentier, capitalistic economy that relies heavily on the inflow of capital and remittances. According to (Shehabi, 2019), sectarianism and inequality in Lebanon can not be isolated from the rentier economic foundation of the Lebanese economy. Salti (2019) argues that the "rentierization" of the Lebanese economy started after the end of the civil war in 1990 as Beirut became a financial centre, which was accompanied by an exponential increase in debt, which increased economic inequalities in the country (Salti, No Country for Poor Men: How Lebanon's Debt Has Exacerbated Inequality, 2019).

Lebanon is one of the countries that suffers from the what-so-called Dutch disease. The Dutch disease refers to an economy that witnesses a rapid increase in one sector of the economy along with a decline in the growth and expansion of other sectors (Corporate Finance Institute, 2022).

Regardless, of the fact that countries that are “diagnosed” with the Dutch disease are usually exporters of natural resources, such as gas and oil, the Lebanese economy can be diagnosed with the “Dutch Disease” as it relies heavily on remittances. Lebanon is highly dependent on remittances where, according to the World Bank, Lebanon received 6.29 billion dollars as remittances in 2020 (Azzi, 2021).

#### Informal Economy and Unemployment:

According to the International Labour Organization, “informal economy” refers to:

*“all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements. Their activities are not included in the law, which means that they are operating outside the formal reach of the law; or they are not covered in practice, which means that – although they are operating within the formal reach of the law, the law is not applied or not enforced; or the law discourages compliance because it is inappropriate, burdensome, or imposes excessive costs.”* (International Labour Organization, n.d.)

According to the latest survey published by the Lebanese Central Administration of Statistics and the International Labour Organization, the employment in the informal sector has increased by 13.1% in 2022, to reach 48.3%. As for informal employment, it increased by 7.5%, to reach 62.4% in 2022. Women constitute 56.4% of the informal economy in Lebanon. This increases the economic vulnerabilities of women as being part of the informal sector poses several risks on the worker (Central Administration of Statistics; International Labour Organization, 2022).

According to interviewed individuals in a report published by GIZ office in Beirut (2019),

companies that don't register all their employees do not provide them with health coverage nor abide by the minimum wage (GIZ, 2019). Thus, according to the World Bank, there is a strong correlation between poverty, unemployment, and informality in Lebanon (Borgne & Jacobs, 2016). Thus, the structure of the Lebanese political economy, which is characterized by informality, also exacerbates women's economic vulnerabilities as women are highly engaged in the informal economy.

Younes (2023) has conducted a study about the situation of women-led households in Lebanon during the crisis. Younes (2023) conducted in-depth interviews with eleven women in Lebanon who are the head of their households, five of whom are refugees and migrant workers. Based on the findings of the interviews, Younes (2023) discusses the challenges of unpaid care work amidst the absence of social security or social assistance for parents as the social protection system in Lebanon is exclusively linked to working in the formal employment. Migrant workers and refugees in Lebanon are also the victims of the economic crisis. Migrant workers in Lebanon work under the Kafala system and are not included in the Lebanese labour law which expose them to exacerbated structural exploitation, precarity, and humiliation (Younes, 2023).

This chapter mapped the impact of the sectarian political system in Lebanon on different aspects that affect women, which are the nationality laws, sectarian family laws, political representation, and economic status. Starting with personal status laws, the sectarian political system in Lebanon grants sectarian communities in the country the right to implement their own family laws. The revision of the laws within the chapter reflects the discrimination that Lebanese women, who belong to different sects, suffer from when it comes to marriage, divorce, custody, guardianship, and inheritance. Moreover, this chapter showcases how the sectarian political system in Lebanon hinders women's political participation as men have an increased access to

financial and communal networks. As for the nationality laws, Lebanese women who are married to non-Lebanese men are denied their right to pass their nationality to their children, and the main reason for this discrimination is the sectarian leaders' fears from the alteration of the sectarian balance in the country. Moreover, at the policy level, the Lebanese ministry of women affairs was established in Lebanon just for the sake of preserving sectarian proportionalities and without a clear mandate. Merging the ministry with other ministries in Hassan Diab's cabinet and dissolving it in Najib Mikati's cabinet reflects that the ministry was not initiated to promote gender equality, rather it was a ceremonial step. On the economic level, women in Lebanon are highly engaged in the informal economy and unpaid care work, which in return, exacerbates their economic vulnerability amidst their exclusion from syndicates. Therefore, this chapter shows that the sectarian political system in Lebanon impacts women's economic standing through subordinating women at the family level, excluding them from the decision making process, and not providing any form of social security to women who work in the informal sector. To further understand the status of women in other political systems and in countries that are passing through economic crisis, the following chapter studies the case of Venezuela as Venezuela is passing through in one of the worst crisis in the history of Latin America and the political system is secular.

# **CHAPTER THREE**

## **THE POLITICAL SYSTEM, ECONOMIC CRISIS, AND STATUS OF WOMEN IN VENEZUELA**

In reference to the main aim of this research study, which is to study the impact of the sectarian political system in Lebanon on women, this chapter looks at the impact of the economic crisis in Venezuela on women amidst a secular political system and a civil legal system. The main aim of studying the case of Venezuela is to compare the situation of women in Venezuela to the situation of women in Lebanon. Particularly, this chapter focuses on the laws that affect women's lives in Venezuela, and the state institutions and programs that have been implemented in the country to support Venezuelan women economically. Afterwards, this chapter links the political system in Venezuela to the efforts that have been made in Venezuela to support women.

### **Political System and Legal System**

The 1999 Constitution of Venezuela states that the “Bolivarian Republic of Venezuela” is a “democratic and social state of law and justice”. The country is a federal republic that consists of 23 states, two federal territories, one federal district, and 72 federal dependencies. Individual state governments govern themselves, but they are under the rule of the National government and are required to comply with the rules and the Constitution of the republic. Venezuela is a democratic state that follows a Republic, and Federal form of democratic governance. The Venezuelan people elect their representatives through direct voting. The main governing bodies of the republic are the executive body, the legislative body, and the judicial body along with a written Constitution. All laws originate from the Constitution, that overrides all laws. There have been 29 constitutions in Venezuela since its independence in 1830 where the 1864 constitution



that established the federal government in Venezuela. The last constitution of Venezuela, ratified in 1999, had some important changes where two governmental branches were added, which are the citizen power and the electoral power. The president is elected for a six-year term and appoints a Council of Ministers and the vice-president (Economist Intelligence, 2021).

### Parliament and Elections

The Venezuelan parliament, named in Venezuelan as “Asamblea Nacional” which translates to “National Assembly” is the legislative body for Venezuela. The National Assembly is a unicameral body that includes members who are elected by “universal, direct, personal, and secret” votes through a proportional state-based voting district. The number of seats in the parliament is 165 seats, which is a constant number that doesn’t change. Members of Parliament serve in parliament for a five-year period. The minimum voting age in Venezuela is 18 years old while the minimum age for running the elections is 21 years old. Every capital district is represented by three seats while three seats are reserved for Venezuela indigenous communities. There is an electoral quota for women in Venezuela where electoral lists in both, majority and proportional representation, should abide by a 50 percent quota and a zebra system which implies that the names of candidates on the list must be an alternation between men and women. Nevertheless, in case of the party’s inability to ensure an electoral list with alternation and parity between women and men, it must ensure that the representation of one gender on the list must be a minimum of 40% and the maximum is 60% (IPU Parline, 2023).

Women representation in Venezuelan parliament has increased over years. Starting with the 1948 parliamentary elections, two women made it to parliament. This number increased during the next elections which took place 18 times. Elections in Venezuela took place during 1958, 1963, 1968, 1973, 1978, 1983, 1988, 1993, 1998, 1999, 2000, 2005, 2006, 2007, 2008, 2010,

2015, 2016. Since the 2000 elections, the number of women deputies has been on the rise and did not decrease to less than 24 (IPU Parline, 2023).

The legal system in Venezuela is based on the civil law code that was initially established during the period of the Spanish colonization of Venezuela. Historically speaking, the legal system in Venezuela has been based on civil laws, even before the official independence of the country. Particularly, the legal system in Venezuela roots from adapting and codifying the laws that Spain introduced to Venezuela during the colonization period (from early 15<sup>th</sup> century till the mid-19<sup>th</sup> century). Apart from the Spanish civil code, the Venezuelan legal system, particularly the first 1861 Civil Code, was also heavily influenced by the French civil code (International Commission of Jurists, 2014).

## Economic Crisis in Venezuela

As mentioned earlier, Venezuela has been experiencing one of the most severe economic crises in history. The crisis has led to second largest migration wave in history where more than 6 million people have left Venezuela either refugees, asylum seekers, or immigrants (United States Institute of Peace, 2022). Data shows that, as of November 2021, there are approximately 4.99 million Venezuelan refugees and migrants in Latin America and the Caribbean and a total approximation of 6.04 million Venezuelan refugees and migrants all over the world (Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, 2021).

As mentioned in the first chapter of this study, numbers show that the economic crisis in Venezuela is deeper than that of Lebanon. Particularly, the real GDP growth rate amounted to negative 19%, inflation rates were estimated at 2960%, and a total money supply in the economy of 639,131,306,715,806 (Iyer & Rodríguez, 2021). This highlights the severity of the

economic crisis in Venezuela, which has also led to widespread food insecurity where one in three people, are food insecure (United Nations, 2021). This crisis was intertwined with the spread of the COVID-19 pandemic resulting in Venezuelan migrants losing their jobs and returning home due to closing borders. Venezuela also suffers from the shortage of fuel, electricity, and clean water, along with a weak healthcare system amidst the spread of diseases such as measles, diphtheria, and malaria (Reid, 2022).

There are several reasons behind the crisis in Venezuela. First, Venezuela is characterized as a petrostate that is deeply reliant on income from natural gas and oil. Moreover, corruption levels are high. These factors are intertwined with United States, United Kingdom, European Union, United Nations, and Canada sanctions on Venezuela.

Therefore, these numbers show that the economic crisis in Venezuela is worse than that of Lebanon; nevertheless, the gender gap in the country is less than that of Lebanon. The latest gender gap index report that included Venezuela is the 2021 Global Gender Gap Report 2021. The term ranked Venezuela as the 91<sup>th</sup> globally where Lebanon ranks 132. As for economic participation, Venezuela ranks 112 and Lebanon ranks 139. Venezuela ranks 43<sup>rd</sup> in terms of the educational attainment of women and Lebanon ranks 113. In terms of the subindex on the political empowerment, Venezuela ranks 77<sup>th</sup> globally and Lebanon ranks 112<sup>th</sup>.

## Gender Equality in Venezuela

This section discusses the status of gender equality in Venezuela in the areas of politics and economics in order to better understand the contextual factors that makes the gender in Venezuela less than that in Lebanon.

## Women's Economic Opportunities:

Women's issues were brought up during the political campaign of Chavez. After reaching power, Chavez took several measures towards the empowerment of women in Venezuela. Chavez established the Banco de la Mujer, which refers to Women's Development Bank, for the first time in the country. This financial institution is a state-sponsored micro-credit institution that provided support for women entrepreneurs. The main aim for this institution is to decrease poverty rates, specifically amongst women in Venezuela. The main aim of this bank was provide women with micro-credit loans in an attempt to assist them in launching or expanding their own businesses and projects (Council of Hemisphere Affairs, 2008). The average amount of the loan is 500,000 and 1,000,000 bolivares, which is equivalent to (260\$ and 520\$). These loans are considered as government-subsidized loans as the Venezuelan government subsidizes them and grants the bank the right to charge 1% interest rate (Wagner, 2005). Nevertheless, this bank does not have branches all over the country. However, this obstacle was overcome through employing women whose main task is to visit rural areas to assist rural women develop loan proposals. Nora Castaneda, the president of the bank, emphasizes that the main aim of the bank is to assist poor women. Nevertheless, she highlights that poor women in different regions of Venezuela are not able to reach the bank and request assistance. The second main goal of the bank is the provision of training for women who reside in rural areas. In particular, aside from the financial assistance that BANMUJER provides women in Venezuela, the staff of the bank provide "non-financial" training to women in rural areas. The training aims at developing different types of skills for Venezuelan women. Particularly, they provided workshops on the development of entrepreneurial ideas, loan management, and business management (In Motion Magazine, n.d.). Aside from business related topics, different workshops were organized and held on broader

topics such as women's overall health, leadership, strategies to prevent domestic violence, in addition to other topics related to politics and the decision-making process in their local communities. For instance, the bank equipped Venezuelan women with the necessary skills to participate in the decision-making processes of their local communities, and to initiate innovative solutions that promote gender equality (Wagner, 2005). Based on the data published on the Bank's official website, the bank was able to train more than 100,000 women in Venezuela. During the first year of operation of Banmujer, the bank suffered from high default rates as 41.6% of the loans that were granted by the bank weren't paid back. Nevertheless, in two years, the default rate of the bank decreased from 41.6% to 26.3%. From an economic perspective, a 26.3% default is considered a failure. Nevertheless, the Women's Development Bank is also not any economic or financial institution; thus, the success of the bank may be measured by other indicators that comply with the main aim of initiating this bank. Particularly, as the main aim of the bank is to empower women and decrease poverty levels amongst them, some numbers indicate that the bank was successful (Wagner, 2005). Banmujer was able to assist 1.3 million citizens in Venezuela through its special programs (McIlroy & Wynter, 2006). For example, one of the programs of was the "Coffee Plan" where this project allowed 18 communities in Venezuela to grow organic coffee. Seventy percent of the participants and beneficiaries in this project were *campesino* women, which is referred to as "peasant women" where this project generated around one thousand jobs. Another governmental initiative, titled as "Mission Guaicaipuro", aimed at empowering indigenous communities in Venezuela. Particularly, this initiative was able to provide assistance to 1520 members on indigenous groups (Gobierno Bolivariano de Venezuela, 2005). Another project titled as "Mission Vuelvan Caras" provided credit to 1200 cooperatives that included more than 25,000 individuals (Wagner, Vuelvan Caras:

Venezuela's Mission for Building Socialism of the 21st Century, 2005). On another level, the beneficiaries of the projects of Banmujer have created approximately 103 solidarity networks across Venezuela. Initiating these networks have had several objectives, some of which were ensuring the correct use of the provided credit, following up on repayments, ensuring that the projects are benefitting the community.

In a nutshell, Banmujer was able to provide 61,100 loans for about 97.5 million dollars, generate 260,000 jobs, create 1280 cooperatives and 11540 small businesses. Moreover, 90,300 women received training on different topics related to gender equality, economy, business administration, and other topics that empower them in different aspects of their lives (McIlroy & Wynter, 2006).

Moreover, on March 9, 2009, Chavez announced the official creation of the "Women and Gender Equality Ministry", known as the *Ministerio del Poder Popular para la Mujer y la Igualdad de Genero*", as an extension to the National Institute of Women "INAMUJER" and appointed the director of INAMUJER as the minister the newly-established ministry. Chavez announced that the ministry will have its own budget and central office (Suggett, 2009). The ministry is still active in Venezuela, regardless of the economic and political crises, and is divided into three vice ministries, which are Vice Ministry of Social Protection of Women, Vice Ministry of Gender Equality and Non-Discrimination, and Vice Ministry of Productive Development of Women. According to the ministry's website (<http://minmujer.gob.ve/>), the ministry works on three focus areas, named as the "public politics" of the ministry. These public policies are productive economic development, protection of women's rights, and gender equality and non-discrimination. Starting with productive economic development, the ministry categorizes the policies for women's economic development as: short, medium, long-term

actions. The main two actors in this key policy area are the Vice Ministry of Productive Development and the Productive Development Bank, Binmujer (discussed thoroughly in the previous section). The ministry has four public policy plans to promote women's productive economic development. These plans are Financing Plan, Entrepreneurship Plan, Land Allocation Plan, and Fisher Women Plan. The main objective of the Financing Plan is to ensure women's right to participate equally in the communal economic system through the provision of training and monitoring of different financing processes for women producers and entrepreneurs. The Entrepreneurship Plan is initiated to ensure the participation of Venezuelan women in the national economy of Venezuela. The Land Allocation Plan is a joint project between Vice Ministry of Productive Development and the National Land Institute that aims at developing policies that target women who work in the land originally, and to increase access of women to land tenure. As for the Fisher Women Plan, it aims at training and supporting women who work in fishing.

### Laws Affecting Women

When Chavez was planning his political campaign in 1998, rewriting the constitution was one of his priority areas. After getting elected in 1998, Chavez conducted a referendum on April 19 that consisted of two questions. The first question was about convening a constitutional assembly to draft a new constitution for Venezuela and whether they accept the procedures set forth by the president. 92% of the participants in the referendum voted "yes" for convoking a constitutional assembly and 86% voted "yes" for accepting the procedures set by the president. Afterwards, the constitutional council was elected where it included three members from the indigenous communities (Wilpert, 2003).

The 1999 constitution included many changes, some of which are changing the official name of the state of Venezuela, enforcing the state of law and justice, commitment to human rights and international treaties, gender inclusivity, right to information, etc.

Starting with gender inclusivity, the 1999 constitution of Venezuela included female and male version of every word referring to any political position, such as “president”, referring to a male president, and “presidenta”, referring to a female president. The use of gender inclusive language in the constitution, which is considered one of the most superior legal document at the level of the state, is a indicator to the state’s commitment to the inclusion and participation of women in high-level politics. Other articles of the constitution also enforces women’s rights and comply with international standards. For instance, the definition of discrimination mentioned in the constitution is in line with the definition mentioned in the CEDAW agreement. Article 21 of the constitution states that acts are considered discriminatory not if they are explicitly discriminatory, but if they create inequality, regardless of whether they are meant to be discriminatory or not. This definition of discrimination complies with the definition of discrimination mentioned in Article 1 of CEDAW, which is: “any distinction, exclusion, or restriction made on the basis of sex, with the purpose or effect of impairing the enjoyment by women of political, economic, social, cultural, or civil human rights on equal footing with men.” (CEDAW, article 1). This implies that the mentioned definition in the Venezuelan constitution complies with the definition mentioned in CEDAW, which is considered as an international standard for gender equality.

This Venezuelan constitution also grants the people of Venezuela a wide range of rights that surpass the general political and civil rights that is usually mentioned in national constitutions. Particularly, the third section of the constitutions includes subsections on Nationality and



Citizenship, Civil Rights, Political Rights and Public Referenda, Social and Family Rights, Cultural and Educational Rights, Economic Rights, Rights of Native People, in addition to Environmental Rights. Starting with Nationality and Citizenship, article 32 of the Constitution grant Venezuelan women the right to grant their children the Venezuelan nationality. The article covers a variety of cases in which any Venezuelan citizen, including women, could pass their nationality to their children. Particularly, the first part of the article asserts that any person born on the Venezuelan land is considered as a Venezuelan citizen. Article 32(3) indicates that any individual who is born in a foreign country and is the child of father **or** a mother who are Venezuelan by birth is considered Venezuelan. Moreover, article 32(4) also mentions that any person who is born outside Venezuela, and who's the child of a Venezuelan mother **or** father, who are the Venezuelan by naturalization, is a Venezuelan citizen, noting that they must have "established their residency within the republic" before the age of 18, and they have announced their intention to obtain the Venezuelan nationality before the age of 25. The fifth section of the constitution discusses the "Social and Family Rights". Starting with article 75, which is the first article within the section, it mentions that the state shall protect families as the "natural association" of the society. The article also clearly states that the relationships within the family are based on equal "rights and duties, solidarity, common effort, and mutual understanding". Moreover, this article emphasizes that the state guarantees the protection of any individual who is acting as the head of the house, who may be the father or the mother or any other person. Thus, this article acknowledges the prominent role of mothers in the household and that they can act as the head of the household. The next article within this section, which is article 76, discusses the state's guarantee to provide assistance and protection for motherhood throughout the whole process, starting from the moment of contraception until the delivery and the puerperal

period. Article 77 tackles marriage and clearly mentions that marriage must be based on “free consent” and “absolute equality of rights and obligations between spouses” where it ensures the protection of the equal rights and obligations of the man and the women. The right to access Social Security as a public service is also discussed in article 86, where maternity is listed as one of the cases where the right to access social security is protected and ensured. Articles 87 and 88 discuss the right to work and employment where article 88 emphasizes the state’s responsibility to guarantee the equal treatment of men and women during exercising their right to work. The second part of article 88 acknowledges house chores, what is also known as “working at home”, as an active economic activity and an added value that results in the production of social welfare and wealth. Moreover, the article entitles housewives to access Social Security. The fifth section of the constitution discusses the economic rights of Venezuelan people, where particularly, it grants every Venezuelan person the right to engage in economic activity, the right to property, and to access quality goods and services. The eighth section of the constitution revolves around the rights of the native people where the state acknowledges their existence, culture, practices, languages, religion, etc. Moreover, the state grants them the right to exercise and promote economic practices, to participate in politics, to access a full health system, and to develop their cultural and ethical identity, in addition to several other rights. The next section in the constitution is particularly about environmental rights as the constitution grants everyone the right to live and enjoy a “safe, healthful, and ecologically balanced life and environment”.

The above quick review of the Venezuelan constitution gives a brief overview of the inclusivity of constitution, and its adoption and respect to human rights in a general sense, and its commitment to the protection of vulnerable communities, in particular. The inclusive language of the constitution, the mention of vulnerable social group such as women, native people,

children shows that the constitution does not leave anyone behind. Moreover, the constitution has been drafted based on a holistic and comprehensive approach to human rights as it did not only mention mainstream rights, such as political, civil, and economic rights. On the contrary, it included sections on environmental rights, housework, etc. This inclusivity and comprehensiveness of the Venezuela constitution can be linked to the council that drafted it. Particularly, as mentioned earlier, the council consisted of members from different background, including five members from indigenous communities in Venezuela. Three members of the assembly that drafted the constitution were members of indigenous communities in Venezuela. Moreover, a quick review of the list of members of the council (listed on Wikipedia) shows that the council included the following female members:

Angela Zalo, Marisabele De Chavez, Reyna Romero Garcia, Desirée Santos Amaral, Victoria Mata, Blacanieve Portocarrero, Haydee De Franco, Sol Musset De Primera, Mirna Teresa Vies de Álvarez, Haydeé Machín, Marelis Pérez Marcano, Antonia Muñoz, Miguel Garranchán Velásquez, Iris Varela, Atala Uriana, María de Queipo, Noelí Pocaterra.

The issues of gender equality were not only reflected at the level of the constitution, but also on the level of the national laws. In 1998, the parliament passed the “Law of Violence Against Women and Families” where it increased the sanctions for domestic violence. This law was followed by the 2007 Organic Law on the “Right of Women to Live Free of Violence”.

### Family Laws:

Family laws in Venezuela govern issues related to marriage, divorce, and sets the minimum age for marriage. It also specifies the rights and duties of the partners in the marriage.

The Venezuelan family code underwent a major reform in 1982 which was marked as a “historic day for Venezuela”, as stated by the president of the Chamber of Deputies Armando Sanchez Bueno. This reform was the result of three years of revision for the laws by the congress and an approximate decade of different proposals to eliminate the discriminations embedded in the code (Dash, 1982). The reform included a wide set of changes that eliminated major discriminatory aspects and enforced the principles of equality within the civil code. The reform was in line with the provisions of article 16 of the Convention to Eliminate Discrimination Against Women (CEDAW), and all of its subsections, (a, b, c, d, e, f, g, h). First, as mentioned earlier, the Venezuelan constitution, in article 77, mentions the full equality between men and women in the marriage, including equal rights and duties. According to the OECD Development Centre’s Social Institutions and Gender Index 2019 report, article 383 of the Venezuelan criminal code lists the abduction of women for marriage as an offence and punishes it for three years of prison. As for the minimum age for marriage, it was raised to become 16 years old for girls in 2016 with parental consent whereas the minimum age without parental consent is 18 years old. The 1982 reform enshrined equality in household responsibilities where the reform diminished the authority of the male counterpart over the female counterpart and established equal rights between the two. Particularly, according to the OECD Gender Index report, Section XI, Part I, Article 140 of the Civil Code clearly mentions that decisions related to family life shall be taken by the spouses, by mutual accord. The Venezuelan Organic Law on the Protection of Children and Adolescents also enforces equality between parents to their children. Article 349 of the law emphasizes the equal rights and duties between parents on their children. In terms of divorce, both spouses are granted the right to initiate divorce. After divorce, the parental authority over the children are shared equally between the mother and the father (Article 360) noting that in

case the children were below the age of 7, they are automatically assigned to the mother where the father is granted the right to visitation (Article 360). Women are also granted equal rights as men in inheritance issues land and non-land assets (Articles 822 and 824 of the civil code) (OECD, 2019).

#### Domestic Violence – Rape – The Act on Women’s Right to a Life Free of Violence

The Act on Women’s Right to a Life Free of Violence specifically tackles violence against women, in general, and domestic violence, in specific. The Act lists 13 measures to provide protection and security for victims of violence. These measures include the provision of safe shelters to the victims of violence, the removal of the abuser from the house if her/his presence puts the safety of the victim at risk, the restriction on how distant can the perpetrator be from the victim, the request to temporarily arrest the perpetrator, the placement of police at the place of residence of the victim, in addition to the obligation of the perpetrator to provide the victim with financial resources in case economic dependency exists within the relationship between the two (UNHCR, 2007). Safe shelters and services were secured for victims by the government and non-governmental organisations, which were accompanied by the institutes for women at the regional and municipal levels, and their respective offices to protect women from any form of violence. The shelters and the services are supervised and monitored by “INAMUJER Office of Comprehensive Care and Prevention of Violence against Women” noting that these shelters consist of a multidisciplinary team of service providers, that include educators, lawyers, psychologists (CEDAW, 2014).

Both, the 2014 Act on Women’s Right to a Life Free from Violence and the Venezuelan Criminal code address sexual violence and rape. Rape is criminalized and is punishable by five to ten years of prison. The 2014 Act also criminalizes marital rape. The 2007 version of the Act

identifies sexual harassment as a form of violence against women and it specifies harassment in the workplace, education, and other fields where it is punishable by one to three years of prison. Venezuela also has an Act on the Workplace Safety, Conditions and Environment (2005). This act grants workers the right to a healthy, safe, and hygienic environment as a means of preserving a free-of-violence environment. The provision of the Act makes it the responsibility of the employer to ensure the protection of workers against harassment and to establish in-house penalties for sexual harassment (Article 56).

### Labour Rights

Venezuela has ratified the International Labour Organizations' conventions number 100, 111, and 156 (OECD, 2019). The Venezuelan Labour Code's Article 20 requires that employment should not involve discrimination based on gender. This provision applies to various aspects of employment such as job advertisements, recruitment, selection criteria, terms, and conditions. However, the article does not extend to situations like promotions, training, assignments, and termination, as stated in Article 21 of the Labour Code. Women have the right to work during night hours in the same profession as men, without any restrictions or discrimination.

Furthermore, women are not required to seek permission from their husbands or legal guardians when selecting a profession or registering a business. As for the maternity leave, the Venezuelan law grants women the right to a 26-week maternity leave where women have the right to take six of them before the date of birth. Moreover, with the aim to enhance the distribution of the tasks related to childcare and to abolish the stereotypes and expectations of men and women within the family unit, the government in Venezuela has incorporated paternity protection into the Family and Parenthood Act of 2007 to promote responsible behavior and prevent domestic conflicts and violence while raising awareness of the need for equality, tolerance, and mutual respect in

households. According to this act, a father, regardless of his civil status, is entitled to job security for one year following the birth of his child, just like the mother, and cannot be dismissed, transferred, or demoted without reasonable cause (Article 8 of Family and Parenthood Act). Additionally, the father is granted 14 consecutive days of paid paternity leave after the birth of the child to assume equal obligations and responsibilities for care and assistance as the mother (Family and Parenthood Act, Article 9). In case of the child's illness, the paternity leave may be extended to 21 consecutive days. Moreover, if the mother passes away after childbirth, the maternity leave is transferred to the father to safeguard the child and the family, as stated by CEDAW (2014). Within the provision of Article 3 of the Civil Registry Organization Act, men, married women, and unmarried women have equal rights to register the birth of their children.

### Implementation strategies

As for the issue of violence against women, Venezuela ratified the Convention of Belem do Para, also known as the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women. After ratifying the Convention, Venezuela passed a law on the Right of Women to Live Free of Violence. The law included 21 forms of violence against women and was reformed in 2014 to include “femicide” that’s penalized by 25 to 30 years of jail. Moreover, marital rape is criminalized in Venezuela (OAS; MESECVI, 2014). According to the OECD Gender Index Report, the Venezuelan government has pushed for the dissemination of the content of the Law across public servants who work in areas related to violence against women, including public servants who receive judicial proceedings on violence against women. The dissemination of the law was not limited to public servants, but was also disseminated among local communities.

The Venezuelan state did not limit the enforcement of gender equality to the laws, but the government also developed strategies to implement the laws. “The second governmental plan for Gender Equality and Equity (2013 – 2019)”, also known as “Mama Rosa” was initiated to set the framework of implementing the laws (Mama Rosa, 2013-2019) (UNESCO, 2018). Another established institution is the “National Council for Depatriarchalizing the State”. The main aim of establishing the council is the provision of training for government officials on “systematic education, training, and awareness” (OECD, 2019). Moreover, the national feminist training plan was established and named after the Afro-Venezuelan feminist activist “Argelia Laya”. The training plan targeted government officials and aimed at promoting awareness and knowledge on gender equality and gender equity, in addition to the prevention of violence against women. Another training plan was the “Community Defenders Training Plan” which was launched to enhance the peaceful coexistence of men and women by “promoting violence-free territories” (OAS, 2014).

## Women Representation in Governmental Bodies

Out of the 167 seats in the National Assembly, 37 are held by women, which accounts for 22% of the total representation (IDEA, 2023). As for the female representation in ministerial cabinet positions, it amounted for 34% of the total seats, according to the Gender Equality Observatory for Latin American and the Caribbean.

To ensure gender equality and prevent discrimination against women, the government has established the National Gender Justice Commission (NGJC) in compliance with international treaties and the Act on Women's Right to a Life Free from Violence (OECD, 2014). The NGJC is responsible for developing and designing judicial policies to improve the gender justice



system, coordinating courts with jurisdiction over crimes of violence against women, establishing courts with jurisdiction over violence against women, administering the circuit court system dealing with gender violence, and overseeing court functions, including the appointment and removal of judges and other court personnel. However, the NGJC does not have the authority to monitor national laws' compliance with international human rights standards.

## Discussion and Analysis

The case study of Venezuela was selected in order to contribute to the attempt to answer the main research question of this paper which is: How does the male-dominated sectarian political system in Lebanon contribute to women's economic vulnerability? Venezuela was particularly selected since the data reveal that women in Venezuela are more economically empowered than women in Lebanon, knowing that the economic crisis in Venezuela is worse than the economic crisis in Lebanon.

This chapter indicated that the political system of Venezuela is a federal democratic republic system. Unlike the Lebanese political system, in Venezuela the political system does not grant any form of power for religious figures or authorities. Moreover, the representation in parliament and the division of seats is not restricted, except for districts, which is applicable to all federal republics. Moreover, elected Members of Parliament constitute the legislative body that drafts the laws and passes bills that become effective laws in the country.

**Political Representation:** in the case of Lebanon, studies reveal that the sectarian political system in Lebanon is a barrier to women's representation in parliament due to the interlocked sectarian system that is dominated by men, which also requires huge financial resources and capital. This is not the case of Venezuela as candidates are not bound by any restrictions. On the contrary, the Venezuelan law incentivizes women representation through the zebra system that

requires parties to nominate men and women equally on their lists. Moreover, in case this is not doable, the law requires these parties maintain a 40-60 percent gender balance.

The political participation of women in Venezuela has contributed to women's economic empowerment. For instance, Binmujer was founded with a primary objective was to empower women economically through financial and technical support. Binmujer was managed by a woman. Moreover, Venezuela established a ministry for gender with its own budget. Lebanon lacks such initiatives that promotes women's economic empowerment since, as mentioned earlier, women's issues are not mainstreamed and prioritized, which is one outcome of the low political participation of women. Lebanon has also established a ministry for women's affairs in 2016, but the ministry's mandate of authority, and financial resources are limited, which limits its influence.

**Laws:** This study has reviewed family and nationality laws in both Venezuela and Lebanon (chapter 2). This review of these laws reveals the difference between the legal rights in the family unit between Venezuela and Lebanon. Starting with nationality laws, Lebanese women are not allowed, in any circumstance, to pass their nationality to their children. On the other hand, Venezuelan women are granted the right to pass their Venezuelan nationality to their children in all circumstances.

As for family laws, in the case of Venezuela, the elected parliament is only governmental body that draft laws. Regardless of the numerous campaigns in Lebanon to have a unified civil personal status laws or reform religious personal status laws, this demand was never implemented. In the case of Venezuela, family affairs laws underwent a major reform in 1984 where most of laws complied with Article 16 of the CEDAW agreement, which is the same article that Lebanon has put reservations on. Therefore, this is reflected in the rights and

responsibilities of men and women in marriage and divorce in Lebanon, where men are superior in the marriage. This is not the case of Venezuela as men and women have equal rights and obligations in marriage, and the Venezuelan law acknowledges women as head of households. As for the minimum age of marriage, in Lebanon the minimum age of marriage varies between different sects; nevertheless, some sects allow the marriage of girls at the age of 9, and all sects allow the marriage of girls under the of 18. In Venezuela, the minimum age of marriage is 16 with parents' consent, and 18 without parents' consent. Regardless of the fact that Venezuela does not comply with international standards when it comes to the minimum age of marriage, women are relatively more protected from early marriage than Lebanon.

Moreover, within the family unit, Venezuelan are economically empowered as the Venezuelan constitution, which is the most superior legal framework in Venezuela acknowledges the contribution of housework to the economy. The constitution also grants Housewives access to social security, which is not the case of Lebanon as housework or any type of work in the informal economy does not grant access to any form of social security. As for maternity leave, women in Lebanon are granted a 10-week maternity leave while women in Venezuela are granted a 26-week maternity leave.

This comparison between the labour laws and family laws in Lebanon and Venezuela contributes to proving the hypothesis of the study that considers the sectarian political system a root cause behind women's exacerbated economic vulnerability. The discussion shows that the sectarian political system is the niche that empowers sectarian authorities Lebanon, where the latter discriminate against women in religious courts. Moreover, the sectarian political system hinders women's political participation and enshrines the power of men in decision-making processes; thus, leaving women's issues as secondary issues or non-existent on the agenda at all. All these

factors contribute to subordinating women in the family unit and ostracizing them from the decision-making process at the policy level, which in return contributes to their economic vulnerability, which was exacerbated during the crisis. On the other hand, this is not the case of Venezuela, as the legal system in Venezuela is civil without any religious or cultural restrictions that discriminate against women in marriage, divorce, custody, inheritance. Moreover, in Venezuela, women's economic empowerment has been on the table which was reflected in several state programs.

In order to consolidate the findings of this study, the following chapter studies the case of Iraq. The case study of Iraq was selected since Iraq has passed through a transitional period that transformed the political system in Iraq from a parliamentary system that is mainly ruled by the president, Saddam Hussein (Bahgat, 2005), to a sectarian "muhasasa" system after 2003 (al-Shadeedi & van Veen, 2020). Thus, understanding how the changes that happened to the status of women in post-2003 Iraq would uncover the impact of confessional sectarian women on the status of women.

## **CHAPTER FOUR**

# **THE SECTARIAN POLITICAL SYSTEM AND GENDER EQUALITY IN IRAQ**

The main aim of this paper is to understand the relationship between the sectarian political system in Lebanon and the exacerbated economic vulnerability of women during the economic crisis. Therefore, this chapter examines the case study of Iraq as Iraq has passed through a political transition in 2003, where the political system has become sectarian after overthrowing Saddam Hussein. Thus, this section compares the laws that affect women before 2003 and after 2003, the impact of the sectarian system on women's economic and political participation.

According to the World Bank's data set: "Women, Business, and the Law", Iraq scored a total of 45 out of 100 (World Bank, 2022), which is, according to the dataset, less than the average of the Middle East and North Africa region, which is 53 out of 100. This dataset is calculated through answering 35 questions related to national laws, that are later categorized across 8 indicators. The indicators that are related to the workplace in Iraq score 100 out of 100; however, across the Global Gender Gap index (2021), Iraq ranks 154 out of 156 in the world in terms of gender equality, and ranks 155 out of 156 in terms of economic participation and opportunity for women. This shows that, regardless of the presence of non-discriminatory laws related to women's economic activity and the workplace, women in Iraq continue to face barriers that impede their access to the workplace. In line with the main hypothesis of this study, this study hypothesizes that, just as the case of Lebanon, the discrimination that women face at the level of the family and the household, subordinates women and hinders their economic empowerment. This is evident across other indicators in the dataset that cover women's legal

status in marriage, parenthood, assets, pension, and pay. Starting with the “marriage” indicator, that assesses the legal constraints related to marriage, Iraq scores 0 out of 100 on marriage rights. As for the “parenthood” indicator, that examines the laws that affect women’s work after having children, Iraq 20 out of 100. Iraq scores 40 out of 100 on the “assets” indicator that considers the gender differences in property and inheritance. This indicates that, regardless of the presence of equitable laws on women’s economic activity, women face other challenges at the level of the household and the family. In this context, this chapter examines deeply the contextual and the structural factors that lead to the discrimination of women at the family level.

## Political System in Iraq

350 Iraqi opposition leaders came together in 14 and 15 December 2002 in a conference in London to discuss the transitional period after the overthrow of Saddam Hussein. The main aim of this conference was to decide how will Iraq be governed after overthrowing Saddam Hussein. Thus, in this conference, particularly, the sectarian, “*muhasasa*” system, and ethno-sectarian appointments were agreed on (AlKhudary, 2020) Since then, the sectarian, muhasasa system has been adopted and implemented in Iraq, and sectarian appointments has been institutionalized.

### Constitution:

The Iraqi constitutions, that was adopted in 2005, mentions that all Iraqi citizens are equal before the law, and article 14 of the constitutions prohibits discrimination on the basis of “gender, race, ethnicity, nationality, origin, color, sect, religion, belief or opinion, or economic or social status”. Nevertheless, article 2 of the constitution clearly mentions that Islam is the “official religion of the state” and is the main foundation for the laws and the legislation. Article 2 of the constitution

also mentions that laws that contradicts the provisions of Islam and the principles of democracy could be enacted. Moreover, article 41 of the Iraqi constitution grants Iraqis the right and the freedom to “commit” to any personal status law according to their religion, sect, or belief.

## Sectarianism and Personal Status Laws

As mentioned earlier, article 41 of the Iraq constitutions grants religious groups the right to implement its own personal status laws. This issue makes the status and situation of Iraqi women dependent on the implementation of Islamic laws, in the first place, and the methods of interpretation of the laws and the priorities of male-dominated religious authorities. Moreover, the right granted for every sectarian group to adopt its own personal status laws potentially deepens the roots of the sectarian strife in Iraq (Ahmed, 2010).

The post-Saddam leadership in Iraq aimed at establishing a just democratic political system in the country. Nevertheless, as mentioned earlier, the main foundation of the “new” political establishment in the country was based on the confessional, ethno-sectarian “muhasasa” system, which granted religious authorities and figures in the country extensive powers. This power was reflected in different instances, that affected women’s rights. For instance, many lawmakers that participated in drafting the 2005 Iraqi constitution were religious Sunni or Shiite men. The participation of these men in drafting the constitution was reflected in article 2 of the constitution that prohibited passing any law that contradicts Islamic laws. According to Ahmed (2010), this article paves the way for discrimination against women that originates from conservative interpretations of the Shar’ia. Moreover, in December 2003, after ousting Saddam Hussein’s regime, the governing council in Iraq proposed Resolution 137 that repealed the 1959 personal status law and granted religious authorities the right to govern family affairs in article

41 of the constitution. The 1959 personal status law had criminalized child marriage, forced marriage, and polygamy. Moreover, the law granted women and men the equal right to divorce and inheritance. However, this has changed after adopting religious laws.

Moreover, some contradiction is witnessed in this constitution as article 41 of the constitution conflicts with article 14. Article 14 grants all Iraqi citizens equality before the law; nevertheless, article 41 of the same constitution grants religious authorities to establish and implement the laws on marriage, divorce, custody, inheritance, and other family-related issues. These two issues are quite similar to the case of Lebanon, whose political system and governance is founded on the basis of “muhasasa” and sectarian politics. Particularly, just like the Iraqi constitution, article 9 of the Lebanese constitution grants every religious community the right to draft and implement its own personal status laws. Moreover, as the case of Iraq, article 7 of the Lebanese constitution also mentions that all Lebanese citizens are equal before the law. Therefore, this contradiction is found in the two cases of Lebanon and Iraq, where the political systems in the two countries are sectarian, male-dominated, founded on the principle of “muhasasa” and sectarian appointments, and grants powers for religious authorities.

The law obliges the Iraqi man to support his wife financially and obliges the wife to “obey” her husband, as long as this does not conflict with Islam. Moreover, there are no laws in Iraq to tackle marital rape as the law considers it as a private familial matter. Moreover, the first part of the 1969 penal code also considers that a husband punishing his wife is also a private “right”. According to Ahmed (2010), this issue might be consistent with the provisions of the Sharia, but it clearly contradicts Article 29 of the Iraqi constitution that forbids any form of violence in the family. The Iraqi law also permits “polygamy”, which refers to a man marrying more than one women at the same time, in case the man is able to support the two wives financially. However,



in the 1959 personal status law, polygamy was prohibited, except with the authorization of a judge (American Bar Association).

Moreover, the Iraqi law considers rape as a “private” offense where the law does not sanction in the case of rape except in the case of the consent of the complainant or the legal guardian. As for the charges of rape, the minimum sanction for sexual assault is a five-year imprisonment and the maximum sanction ranges from 7 to 15 years of jail, depending on the nature of the offense and the age of the victim. Paragraph 398 of the Iraqi penal code excuses the defendant in case he marries the victim of his rape or sexual assault offense (Ahmed, 2010). Nevertheless, he will be prosecuted again in case he divorces “his wife” within three years of their marriage without any legal basis for the divorce. This is one of the most controversial laws in Iraq as it makes the victim the wife of her rapist. This same law was implemented in Lebanon; nevertheless, it was abolished under the pressure of several public campaigns to abolish it.

As for inheritance rights, the 1959 personal status laws granted women equal rights to inheritances as males. Nevertheless, amendments were made afterwards to the law to comply with Shiite-based rules. These rules grant women half of what male family members receive. This concrete example shows that in the post-2003 period, where Iraq’s political system became founded on sectarianism, which granted sectarian authorities the power and the influence, the sectarian leaders influenced family laws to subordinate women. This example is a depiction of how women’s rights are affected when religious authorities intervene at the level of politics.

## **Nationality Laws:**

Iraq is considered to have one of the most progressive nationality laws in the Arab region.

Particularly, the second part of Article 18 of the constitution grants Iraqi men and women the right to pass their Iraqi nationality to their children. Nevertheless, when it comes to actual practice, the law imposes some gender-based restrictions that hinder gender equality fully.

Particularly, some conditions are imposed on children who are born outside Iraq for an Iraqi mother and an unknown father, or a father without nationality. However, these conditions are not there in the case of an Iraqi father (Ahmed, 2010).

## **Other Laws:**

Other laws in Iraq also discriminate against women. Particularly, laws related to rape, honor killings, and personal status laws continue to be discriminatory against women. Article 409 of the Iraqi penal code sets a maximum of 3-year imprisonment for a man who kills his wife, close female relative if they found them committing adultery, which is also identified as an honor killing. Moreover, Article 130 of the penal code permits sanctions that are as little as a 6-month imprisonment for a man that kills their wife or female cousins for “honor-related” reasons. The Kurdish government nullified the laws that sets mitigated sanctions and sentences for honor-related crimes in 2000 and sanctioned such acts with a 15-year sentence in prison. Nevertheless, this amendment was limited to the area governed by the Kurdish government and was not applied in different areas of Iraq (American Bar Association, 2005). In 2008, Narmin Othman, who served as the minister of environment and the minister of women’s affairs in Iraq initiated a campaign to sanction honor killings with a life sentence or the death penalty. This campaign was supported by many parliamentarians in Iraq’ nevertheless, it was opposed by religious blocs in parliament. Particularly, the parliamentarian blocs that opposed this proposal were the United

Iraqi Alliance, which is a Shiite-led bloc, and the Iraqi Accord Front, which is Sunni-led bloc (Moles, n.d.) .

In this case again, religious authorities in Iraq, that are granted powers as per the provisions of the sectarian political system, also obstruct efforts to promote gender equality in Iraq, which is similar to the case of Lebanon where religious authorities obstruct civil marriage, for example. Iraqi women also face discrimination in courts; particularly, as several court rules are derived from the Shar'ia, the courts requires women to get two female witnesses, for the court to consider their testimonies. This does not apply to men as they need one witness for his testimony to be considered (Ahmed, 2010).

### Economic Rights and Participation:

Iraqi women were impacted in different ways during different periods of Iraq's political history. The 1970 Iraqi constitution encouraged women's engagement in economic activities; moreover, the 2005 constitution grants all Iraqis the right to work (article 22). Nevertheless, the Iraqi government have considered Iraqi women as an "auxiliary force" that supply the labor needs during crises and conflicts, and would return back to their homes when the crises, conflict, or emergency is over (Ahmed, 2010). This was evident during Iraq's war with Iran where Saddam Hussein urged Iraqi women to work in the educational, health, industrial, and military sectors "to fill men's places". However, the percentage of working women decreased in Iraq during the 1990s as the men who were involved in the war; thus, women had to hand over job opportunities for returning soldiers from the war.

The economic status of Iraqi women has diminished since 2003 as they constitute half of the total Iraqi population, and out of every 10 Iraqi households, a woman is the head of one

household. However, 80% of female head of households are either widows, divorced, separated, or taking care of sick partners (UNDP, n.d.). According to a study conducted by the International Organization for Migration (IOM), only 2% of the interviewed female-headed households are actually employed and earn a regular salary. Moreover, the data reveal that unemployment rates among women in ISIS-affected areas surpass the unemployment rate in other regions and areas in Iraq. Particularly, the unemployment rate in ISIS-affected areas was 21.6% and 11.2% in other areas (World Bank, 2022).

Just like the case of Lebanon, women in Iraq are highly engaged in unpaid care work that is often unremunerated. In a study published by the Overseas Development Institute, women allocate 10.5 weeks per day more than men for unpaid and unremunerated work (Samman, Melamed, Jones, & Bhatkal, 2016). The unpaid care performed by women is also affected by conflict and displacement. Moreover, unpaid care work increased in times of displacement in Iraq, from approximately one to three hours per day to “most of the day” (Dietrich & Carter, 2017).

As mentioned earlier, the political system in Iraq in the post-Saddam was founded on sectarianism and confessional divisions and appointments. Therefore, in this period also, women were economically impacted by this structure of the political system. Particularly, in the post-2003 area, women aimed at participating economically in Iraq. Nevertheless, these aims and aspirations were obstructed with the division of government ministries on a sectarian and confessional basis. Thus, this division favored the employment of men, and conditioned the employment of women to several criteria, some of which was the belonging to a certain political party, sectarian belonging, or wearing hijab (Ahmed, 2010). As for maternity leaves, the Iraqi law entitles Iraqi women who are working in the public sector for a 6-month paid maternity leave

(Maternal Law, 1971). As for private sector employees, they are entitled to a 72-day paid maternity leave. Moreover, as per the provisions of Article 82 of the 1987 Labor code, Iraqi are protected against getting assigned extra work hours. However, women who work in the informal sector, which is predominantly the agricultural sector, do not benefit from this legal protection. This shows that women who work in the public sector in Iraq are more protected than women who work in the private sector. The same applies to women who work in the informal sector in Iraq.

This section shows that, in the case of Iraq, women's economic standing was greatly impacted by Iraq's political situation, and the political system. This shows that women's economic standing, which may also be reflected as vulnerabilities, is not only determined by women's income, employment opportunities, educational standings, or acquired skills. Nevertheless, there are structural and circumstantial factors that determine women's economic standing. Moreover, just like the case of Lebanon, women who work in the informal economy are even more vulnerable from women who work in the public and private sector.

### Political Participation

There is a 25% quota for women representation in Iraqi parliament. However, the 25% quota was moved from the "Duties and Rights" chapter of the constitution to the "Transitional Laws" chapter (Vilardo & Bittar, 2018). This implies that the 25% quota could be easily removed. At the level of judiciary and the national government, women remain underrepresented. Particularly, at the level of the government, there are currently two female ministers in the cabinet of Prime Minister Mohammad Al Sudani, out of 23 members. Hiyam AlYasseri is the minister of telecommunications and Ivan Yaacoub is the minister of Migration. The previous cabinet of Iraq, which was headed by Mustapha Al Kadhimi, also included two

women only. Just like the case of Lebanon, Iraq had established a Ministry of Women's Affairs in 2003. Nevertheless, not enough funds were allocated for the ministry, which diminished its actual impact on the status of women in Iraq. Nawal AlSamrani was the last minister of women's affairs in Iraq where she resigned due to the insufficient resources of the ministry that could not allow AlSamrani to implement her planned projects. Samarani mentioned that: "I don't have a ministry, but a an office that does not possess the needed resources and has limited authority. The ministry does not have branches in any province, and the allocated budget is not enough to organize conferences, invite experts, conduct studies, and implement programs. How can I work to serve women in such conditions?" (The New Humanitarian, 2009). This concrete example about the ministry of women in Iraq resembles the same experience of the ministry of women in Lebanon. In both countries, the authorities of the ministry were extremely limited, the allocated funds were always kept to the minimal, which made the ministry a ceremonial step for women's rights and gender equality.

#### **CEDAW:**

The CEDAW agreement is a foundational human rights instrument on gender equality. Iraq has ratified the convention in 1986; nevertheless, Iraq has made reservations on some of the articles of the convention. In particular. Iraq has made reservations on articles 2, 9, and 16. Iraq has reserved on paragraphs (f) and (g) of Article 2 of the convention. Paragraph (f) mentions that the state shall take appropriate measures, which include modifying and abolishing existing laws, practices, and customs that include any discriminations against women. As for paragraph (g) of the article, it mentions that the state shall repeal "all national penal provisions which constitute discrimination against women". As for article 9 of the convention which Iraq has placed reservations on, it mentions that the state shall grant women with equal rights as men to acquire,

change, and retain their nationality. The second part of the article also mentions that the states shall grant women the same rights that are granted to men, in relation to the nationality of their children. Moreover, Iraq, just like Lebanon, has reserved on article 16 of the convention. This article grants women equal family rights as men when it comes to family affairs. Particularly, this article mentions that the state shall take the appropriate measures to ensure that men and women have equal rights to enter into marriage, to freely choose a spouse, and grants them equal rights and responsibilities as parents, the same guardianship, in addition to the same personal rights.

## CHAPTER FIVE

### CONCLUSION

The main aim of this research is to understand the contextual factors that have led to the exacerbated economic vulnerabilities of Lebanese women, in general, and during the Lebanese economic crisis in specific. Therefore, this study hypothesizes that the economic status of women in Lebanon is negatively impacted by the sectarian political system in Lebanon. The main research question that it aimed to answer is: **How does the sectarian political system in Lebanon amplify the vulnerability of Lebanese women in general and during the economic crisis?** Specifically, this study hypothesizes that: **a male-dominated confessional political system, can negatively implicate women economic well-being manifold compared to a secular political system.** In other words, this study hypothesizes that the male-dominated sectarian political system in Lebanon exacerbates women's economic vulnerability. Thus, this study mapped the impact of the sectarian political system on women in different aspects. The findings of the study revealed that, on the legal level, the sectarian political system in Lebanon is reflected at the level of personal status laws where every sectarian group is granted the right to govern its family affairs. Personal status laws include marriage, divorce, custody, guardianship, and inheritance. The revision of the law has revealed that Lebanese women are discriminated against at the family level. In particular, all religious personal status laws allow early marriage, discriminate against women when it comes to inheritance, and grants the father custody and guardianship of the children. Moreover, Lebanese women are not granted the right to pass their nationality to their children. The main reason behind that is "fear" of the sudden exponential growth in the Muslim community as most Lebanese women are married to Muslim non-Lebanese men. Moreover, the sectarian political system in Lebanon impedes women's political



participation as it grants men increased access to political and financial networks. According to the World Bank (2021), the percentage of Lebanese women in parliament has not exceeded 5% (maximum percentage) since 1997 where it amounted at sometimes to 2% (1997 till 2004) and 3% (2009 till 2017). In a general sense, women's political representation in the decision-making process contributes to drafting and initiating inclusive and gender sensitive laws, initiatives, projects. Therefore, in the case of Lebanon, as mentioned earlier, the sectarian political system hinders women's political participation, which in return contributes to the sustainability and continuity of discriminatory laws (discussed in chapter 2). Moreover, it hinders the initiation of inclusive and gender sensitive laws, programs, initiatives, etc. The decreased participation of women in decision making processes in Lebanon also does not bring up women's issues to the table. Therefore, issues of women continue to be "secondary" and not mainstreamed. For instance, if we go back to the ministerial declaration of Lebanese cabinets, women empowerment and gender equality is discussed in one sentence that is isolated from all other areas and not mainstreamed within other areas.

At the level of the economy, the sectarian political system in Lebanon is accompanied by a rentier economy that engages women in unpaid work, mostly in the informal economy. This exacerbates the economic vulnerability of women as it hinders their access to social and economic protection as social protection is mainly linked to formal employment.

Thus, the sectarian political system in Lebanon discriminates against women at the level of personal status laws, nationality laws, and excludes them from political participation. This, in return, hinders the initiation of state institutions and the implementation of state-led programs that aim at empowering women as gender equality does not become a policy priority for policymakers. This was exemplified in the case of the ministry of women's affairs that was

initiated in Lebanon, and was merged with other ministries at a later stage, and finally dissolved in the current cabinet. Moreover, sectarian political parties have hijacked key institutions that aim at promoting women's right, which are NCLW and LCW, which hindered achieving real progress in women's issues. Moreover, Lebanese women are highly engaged in the informal economy, which hinders their access to social protection, which exacerbates their economic vulnerability. This shows that, Lebanese women are excluded from the table of the decision-making process, lack state institutions that support them, are subordinated at the level of the family, are highly engaged in the informal economy that does not provide them with social protection. These factors, combined, contribute to exacerbating women's economic vulnerabilities during the economic crisis. As mentioned earlier, these factors are the outcomes of the sectarian political system. To further understand the impact of the male-dominated confessional sectarian political system on women, this study has examined the case study of Venezuela.

The economic crisis in Venezuela is labeled to be one of the worst in the world; nevertheless, according to the Global Gender Gap report (2021), women in Venezuela are more economically empowered than women in Lebanon, noting that the economic crisis in Venezuela is deeper than the economic crisis in Lebanon. Just like the chapter on Lebanon, this study has examined the political system in Venezuela, which is completely civil, does not divide sectarian representation across sectarian lines and does not grant any form of power or autonomy to religious figures and community. This has been reflected positively on personal status and family laws in Venezuela where men and women have equal marriage, divorce, and inheritance rights. At the level of political participation, women in Venezuela have participated in drafting the 1999 constitution, which is considered to be a gender-sensitive constitution that acknowledges

women's work at the level of the house and their role as the head of households. Moreover, the constitution provides women who are house-hold workers with access to social protection.

Several state-led initiatives have been implemented to enhance women's economic activity and empowerment. For instance, Banco De La Mujer was initiated to provide financial and non-financial support for women. Moreover, the ministry of women's affairs in Venezuela is still functioning and providing different types of support to Venezuelan women, regardless of the crisis, which is not the case of Lebanon.

Thus, the nature of the political system in Venezuela does not restrict women's political participation where the rate of the political participation of women in the country is higher than the of Lebanon. Women in Venezuela have participated in major political events in the country, such as drafting the 1999 constitution. Both the participation of women and the democratic and progressive nature of the political system contributed to drafting a gender sensitive and inclusive constitution that grants Venezuelan women equal rights and acknowledges their contributions to the economy through housework.

Moreover, in Venezuela parental authority is equal between the mother and the father over children and women are automatically granted custody for children under the age of 7, which is not the case of Lebanon as per the provisions of religious laws that grant the father guardianship for the children. The same applies for inheritance where in Venezuela women have equal inheritance rights as men which is never the case in Lebanon.

This study has also examined the case study of Iraq as the political system in Iraq in the post-2003 period has become based on "muhasasa" and sectarian appointments, and the political transition in Iraq was also reflected at the level of the family laws. Particularly, in the pre-2003 era, the personal status laws in Iraq were based on the unified civil code that was drafted in the

1950s. Nevertheless, after 2003, every confessional group in Iraq was granted the right to govern its family affairs, which had affected women negatively. Moreover, just like the case of Lebanon, the state in Iraq has not initiated state institutions that aimed at enhancing women's economic empowerment. Particularly, both Lebanon and Iraq have initiated ministries for women's issues; nevertheless, in both countries the ministry has been dissolved, which reflects that gender equality is not considered to be, in any sort, an area of priority at the policy level in both Iraq and Lebanon.

The findings of the study is tabulated in the below table:

<b>Country</b>	<b>Lebanon</b>	<b>Venezuela</b>	<b>Iraq</b>
<b>Political System</b>	Sectarian	Civil/Secular	Sectarian
<b>Personal Status Laws</b>	Sectarian – mentioned in the constitution	Civil	Civil before 2003 Sectarian after 2003 (after constitutional amendments)
<b>Minimum Age for Marriage</b>	Not specified (could be as low as 9 in some sects)	16	Not specified – up to every sect
<b>Inheritance</b>	Favors men	Equal inheritance for men and women	Favors men
<b>Marriage and divorce</b>	Favors men	Equal rights	Favors men
<b>Custody and Guardianship</b>	Favors men	Equal parental rights	Favors men

<b>Nationality Laws</b>	Women can not pass their nationality	Equal Rights	Equal Rights
<b>Constitution</b>	Mentions equality among Lebanese citizens, regardless of gender or other belongings	Gender-sensitive	Mentions equality among Iraqi citizens, regardless of gender or other belongings
<b>Political Representation</b>	One of the lowest in the world – hindered by the sectarian political system	Zebra system in candidate list for parliamentary elections - Full equality not achieved yet	There is a 25% quota on parliamentary representation
<b>Ministry of Women's Affairs</b>	Dissolved	Functional	Dissolved
<b>CEDAW</b>	Ratified – reservation on article 16	Ratified	Ratified – reservation on article 16
<b>Recognition of care and unpaid work</b>	No	Yes (in constitution)	No
<b>Access to social protection for women who are not employed formally</b>	No	Yes (in constitution)	No

## Women, Business, and Law Index



Figure 4: Women, Business, and Law Index in Venezuela



Figure 5: Women, Business, and Law Index in Lebanon



Figure 6: Women, Business, and Law Index in Iraq

These figures from the Women, Business, and the Law Index (2022) show that Venezuela scores the highest total score, compared to Lebanon and Iraq, amidst having the worst economic crisis.

Moreover, the three countries have scored 100 out of 100 on the “workplace” indicator.

However, Lebanon and Iraq have scored way less than Venezuela on the “Marriage”,

“Parenthood”, and “Assets”, knowing that these three indicators are governed by sectarian personal status laws in both Lebanon and Iraq, on the contrary to Venezuela where they are governed by civil personal status laws. This shows that the economic participation of women in both Lebanon and Iraq is affected by the status of women at the level of the family, where women continue to be subordinated to men, within the sectarian political system.

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